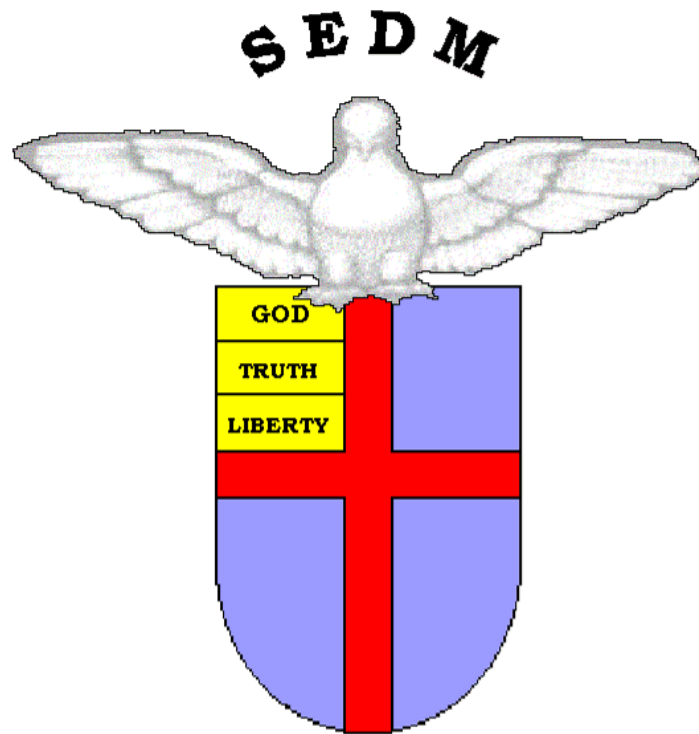


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JURISDICTION OVER FEDERAL
AREAS WITHIN THE STATES

REPORT OF THE
INTERDEPARTMENTAL COMMITTEE
FOR THE STUDY OF
JURISDICTION OVER FEDERAL AREAS
WITHIN THE STATES

—————
PART II

A Text of the Law of Legislative Jurisdiction

—————

Submitted to the Attorney General and transmitted to the President

June 1957

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1957

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LETTER OF ACKNOWLEDGMENT

THE WHITE HOUSE,
Washington, July 8, 1957.

DEAR MR. ATTORNEY GENERAL: I have taken note of the final report (Part II) which you transmitted to me, rendered by the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States. It is my understanding that the report is to be published and distributed, for the purpose of making available to Federal administrators of real property, Federal and State legislators, the legal profession, and others, this text of the law of legislative jurisdiction in these areas.

In view of the fact that the work of the Committee is completed, and since other departments and agencies of the Government now have clear direction for turning this work into permanent gains in improved Federal-State relations, the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States is hereby dissolved.

Chairman Perry W. Morton and the members of this Committee have my congratulations and sincere appreciation of their service to our country in bringing to light the facts and law in this much neglected field. This monumental work, culminating three years of exhaustive effort, lays an excellent foundation for allocating to the States some of the functions which under our Federal-State system should properly be performed by State governments.

Sincerely,



THE HONORABLE HERBERT BROWNELL, JR.,
The Attorney General,
Washington, D. C.

LETTER OF TRANSMITTAL

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 28, 1957.

DEAR MR. PRESIDENT: The Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States now has submitted the second, and final, part of its report, a text of the law of legislative jurisdiction over such areas.

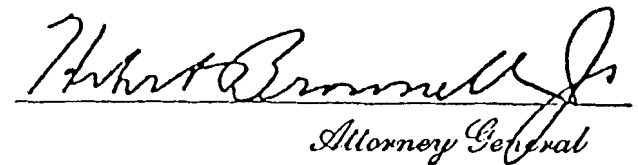
This exhaustive and analytical exposition of the law in this hitherto little explored field is a valuable supplement to the first part of the report, the compilation of facts, with recommendations, which received your commendation in April 1956, and constitutes a major addition to legal bibliography.

Together, the two parts of this Committee's report and the full implementation of its recommendations will provide a basis for reversing in many areas the swing of "the pendulum of power * * * from our states to the central government" to which you referred in your address to the Conference of State Governors on June 25, 1957.

The excellence of the work of the Committee reflects great credit upon its Chairman and members. Also especially noteworthy is the splendid assistance which the Committee received from the attorneys general of the several States, the general counsels of Federal agencies, and other State and Federal officials.

With the submission of this second part of its report the Committee has completed its work and recommends that it be dissolved. Since the Departments and other permanent agencies of the Federal Government now can carry out directions which you have issued based upon the work of the Committee, I join in this recommendation.

Respectfully,


Attorney General

THE PRESIDENT,
THE WHITE HOUSE.

LETTER OF SUBMISSION

INTERDEPARTMENTAL COMMITTEE FOR THE STUDY OF JURISDICTION OVER FEDERAL AREAS WITHIN THE STATES

June 17, 1957.

DEAR MR. ATTORNEY GENERAL: With the encouragement of the President, the understanding aid of you and the heads of the other Federal agencies represented on the Committee, and the invaluable assistance of the Attorneys General of the several States and of the principal law officers of nearly all Federal agencies, the Committee now has completed, and herewith submits, the final portion of its report, subtitled "Part II, A Text of the Law of Legislative Jurisdiction."

This "Part II" supplements the portion of the Committee's report which you transmitted to the President on April 27, 1956. With its submission the work assigned to the Committee has been completed, and it is recommended that the Committee be dissolved.

Respectfully submitted,

PERRY W. MORTON,
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General Counsel, Department of Defense (Vice Chairman).

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PARKE M. BANTA,
General Counsel, Department of Health, Education, and Welfare.

GUY H. BIRDSALL,
General Counsel, Veterans' Administration.

Preface

The Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States was formed on December 15, 1954, on the recommendation of the Attorney General approved by the President and the Cabinet. The basic purpose for which the Committee was founded was to find means for resolving the problems arising out of jurisdictional status of Federal lands. Addressing itself to this purpose, the Committee, with assistance from all Federal agencies interested in the problems (a total of 33 agencies), from State Attorneys General, and from numerous other sources, prepared a report entitled *Jurisdiction over Federal Areas within the States—Part I, The Facts and Committee Recommendations*.¹ This report, approved by the President on April 27, 1956, set out the findings of the Committee and recommended changes in Federal and State law, and in Federal agencies' practices, designed to eliminate existing problems arising out of legislative jurisdiction. It included two appendices.

The Committee's research involved a general survey of the jurisdictional status of all federally owned real property in the 48 States, and a detailed survey of the status of individual such properties in the States of Virginia, Kansas, and California. These three named States were selected as containing Federal real properties representative of such properties in all the States. Information was procured concerning the practices and problems related to legislative jurisdiction of the 23 Federal agencies controlling real property, and of the advantages and disadvantages of the several legislative jurisdictional statuses for the various purposes for which federally owned land is used. This information is reflected and ana-

¹ Government Printing Office, April 1956.

STAFF

III

INTERDEPARTMENTAL COMMITTEE FOR THE STUDY OF
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lyzed in the several chapters of part I of the report, and is summarized in *appendix A* of the same part.

The Committee's study included a review of the policies, practices, and problems of the 48 States related to legislative jurisdiction. Information concerning these matters similarly is reflected and analyzed in various portions of part I of the report, with chapter V of the part being entirely devoted to the laws and problems of States related to legislative jurisdiction. Also, the texts of State (and Federal) constitutional provisions and statutes related to jurisdiction in effect as of December 31, 1955, are gathered in *appendix B* of part I.

The major conclusions of the Committee, set out in part I of the report, which, of course, are applicable only to the 48 States to which the Committee's study extended, and do not apply to present Territories or the District of Columbia, are to the effect that in the usual case the Federal Government should not receive or retain any of the States' legislative jurisdiction within federally owned areas, that in some special cases (where general law enforcement by Federal authorities is indicated) the Federal Government should receive or retain legislative jurisdiction only concurrently with the States, and that in any case the Federal Government should not receive or retain any of the States' legislative jurisdiction with respect to taxation, marriage, divorce, descent and distribution of property, and a variety of other matters, specified in the report, which are ordinarily the subject of State control.

The conclusions reached by the Committee were, of course, made only after an appraisal of the facts adduced during the study in the light of applicable law, including the great body of decisions handed down by courts and opinions rendered by governmental legal officers, Federal and State, interpretative of situations affected by legislative jurisdiction.

Recommendations made by the Committee, based on the conclusions indicated above and on certain subsidiary findings, now constitute the policy of the Executive branch of the Federal Government, and are being implemented by Federal agen-

cies to the extent possible under existing law. However, full implementation of these recommendations must await the enactment of certain suggested Federal and State legislation.

In the course of its study the Committee ascertained the existence of a serious lack of legal bibliography on the subject-matter of its interest. With the concurrence of the Attorney General of the United States and the encouragement of the President, it has proceeded with the publication of this part II of its report, a compilation of the court decisions and legal opinions it weighed in the course of its study of the subject of legislative jurisdiction.

Contents

	Page.
COMMITTEE AND STAFF MEMBERSHIP.....	II
PRESIDENT'S LETTER OF ACKNOWLEDGMENT.....	IV
ATTORNEY GENERAL'S LETTER OF TRANSMITTAL.....	V
COMMITTEE'S LETTER OF SUBMISSION.....	VI
PREFACE.....	VII
CASES CITED.....	XIX

Chapter I

OUTLINE OF LEGISLATIVE JURISDICTION

FEDERAL REAL PROPERTIES	
Holdings extensive.....	1
Activities thereon varied.....	1
Legal problems many.....	2
FEDERAL POSSESSION OF EXCLUSIVE JURISDICTION	
By constitutional consent.....	2
By Federal reservation or State cession.....	3
Governmental power merged in Federal Government.....	3
EXERCISE OF EXCLUSIVE FEDERAL JURISDICTION	
Legislative authority little exercised.....	4
Exercise as to crimes.....	5
Exercise as to civil matters.....	5
RULE OF INTERNATIONAL LAW	
Extended by courts to provide civil law.....	6
Problems arising under rule.....	6
ACTION TO MITIGATE HARDSHIPS INCIDENT TO EXCLUSIVE JURISDICTION	
By Federal—State arrangement.....	7
Federal efforts limited; State efforts restricted.....	7
By State statute or informal action, and State reservations.....	8
RESERVATION OF JURISDICTION BY STATES	
Development of reservations.....	8
Early requirement, of R. S. 355, for exclusive Federal jurisdiction.....	9
Present variety of jurisdictional situations.....	10
JURISDICTIONAL STATUSES DEFINED	
Exclusive legislative jurisdiction.....	10
Concurrent legislative jurisdiction.....	11
Partial legislative jurisdiction.....	11
Proprietorial interest only.....	11

OTHER FEDERAL RIGHTS IN FEDERALLY OWNED AREAS	Page
To carry out constitutional duties.....	11
To make needful rules, and necessary and proper laws, and effect of Federal supremacy clause.....	12
GENERAL BOUNDARIES OF THE WORK.....	13
Chapter II	
ORIGIN AND DEVELOPMENT OF LEGISLATIVE JURISDICTION	
ORIGIN OF ARTICLE I, SECTION 8, CLAUSE 17, OF THE CONSTITUTION	
Harassment of the Continental Congress.....	15
Debates in Constitutional Convention concerning clause 17.....	18
Debates in State ratifying conventions.....	22
Federal legislation prior to 1885.....	28
Early court decisions.....	37
Chapter III	
ACQUISITION OF LEGISLATIVE JURISDICTION	
THREE METHODS FOR FEDERAL ACQUISITION OF JURISDICTION	
Constitutional consent.....	41
State cession.....	42
Federal reservation.....	43
No Federal legislative jurisdiction without consent, cession, or reservation.....	45
NECESSITY OF STATE ASSENT TO TRANSFER OF JURISDICTION TO FED- ERAL GOVERNMENT	
Constitutional consent.....	40
State cession or Federal reservation.....	47
NECESSITY OF FEDERAL ASSENT	
Express consent required by R. S. 355.....	48
Former presumption of Federal acquiescence in absence of dissent.....	49
Presumption in transfers by cession.....	50
Presumption in transfers by constitutional consent.....	51
What constitutes dissent.....	53
NECESSITY OF STATE ASSENT TO RETRANSFER OF JURISDICTION TO STATE	
In general.....	54
Exception.....	50
DEVELOPMENT OF RESERVATIONS IN CONSENT AND CESSION STATUTES	
Former Federal requirement (R. S. 355) for exclusive jurisdiction.....	57
Earlier theory that no reservations by State possible.....	50
State authority to make reservations in cession statutes recognized.....	60

DEVELOPMENT OF RESERVATIONS IN CONSENT AND CESSION STATUTES	
—continued	
State authority to make reservations in consent statutes recog- nized.....	62
Retention by Federal Government of less than exclusive juria- diction on admission of State.....	64
Non-interference with Federal use now sole limitation on reserva- tions by States.....	64
Specific reservations approved.....	65
LIMITATIONS ON AREAS OVER WHICH JURISDICTION MAY BE ACQUIRED BY CONSENT OF STATE UNDER CLAUSE 17	
In general.....	66
Area required to be "purchased" by Federal Government.....	67
Term "needful Buildings" construed.....	70
LIMITATIONS ON AREAS OVER WHICH JURISDICTION MAY BE ACQUIRED BY CESSION OF STATE	
Early view.....	73
Present view.....	74
Specific purposes for which cessions approved.....	78
LIMITATIONS ON AREAS OVER WHICH JURISDICTION MAY BE RETAINED BY FEDERAL RESERVATION.....	79
PROCEDURAL PROVISIONS IN STATE CONSENT OR CESSION STATUTES...	79
JUDICIAL NOTICE OF FEDERAL EXCLUSIVE JURISDICTION	
Conflict of decisions.....	80

Chapter IV**TERMINATION OF LEGISLATIVE JURISDICTION**

UNILATERAL RETROCESSION OR RECAPTURE OF JURISDICTION	
Retrocession.....	83
Recapture.....	83
MEANS OF TERMINATION OF FEDERAL JURISDICTION	
In general.....	84
FEDERAL STATUTORY RETROCESSION OF JURISDICTION	
In general.....	84
Right to retrocede not early apparent.....	85
Right to retrocede established.....	87
Construction of retrocession statutes.....	88
SUMMARY OF RETROCESSION STATUTES	
Retrocessions few.....	89
Statutes enacted to afford civil rights to inhabitants of Federal enclaves.....	90
Statutes enacted to give State or local governments authority for policing highways.....	93
Miscellaneous statutes retroceding jurisdiction.....	95

REVERSION OF JURISDICTION UNDER TERMS OF STATE CESSION STATUTE	Page
In general.....	96
Leading cases.....	96
REVERSION OF JURISDICTION BY TERMINATION OF FEDERAL USE OF PROPERTY	
Doctrine announced.....	99
Discussion of doctrine.....	99
Chapter V	
CRIMINAL JURISDICTION	
RIGHT OF DEFINING AND PUNISHING FOR CRIMES	
Exclusive Federal jurisdiction.....	105
Concurrent Federal and State criminal jurisdiction.....	109
Law enforcement on areas of exclusive or concurrent jurisdiction.....	111
Partial jurisdiction.....	113
State criminal jurisdiction retained.....	114
Acts committed partly in area under State jurisdiction.....	115
Retrial on change in jurisdiction.....	116
SERVICE OF STATE CRIMINAL PROCESS	
In general.....	116
Right by Federal grant.....	117
Right by State reservation.....	117
Reservations to serve process not inconsistent with exclusive jurisdiction.....	118
Warrant of arrest deemed process.....	121
Arrest without warrant not deemed service of process.....	122
Coroner's inquest.....	122
Writ of habeas corpus.....	123
FEDERAL CRIMES ACT OF 1790	
Effects limited.....	124
ASSIMILATIVE CRIMES STATUTES	
Assimilative Crimes Act of 1825.....	126
Assimilative Crimes Act of 1806.....	128
Re-enactments of Assimilative Crimes Act, 1898-1940.....	128
Assimilative Crimes Act of 1948.....	131
INTERPRETATIONS OF ASSIMILATIVE CRIMES ACT	
Adopts State law.....	132
Operates only when offense is not otherwise defined.....	132
Includes common law.....	134
Excludes statute of limitations.....	134
Excludes law on sufficiency of indictments.....	134
Offenses included.....	135
Offenses not included.....	135
UNITED STATES COMMISSIONERS ACT OF 1940.....	142

Chapter VI

CIVIL JURISDICTION

RIGHT OF DEFINING CIVIL LAW LOBOED IN FEDERAL GOVERNMENT	Page
In general.....	145
State reservations of authority.....	147
Congressional exercise of right—statute relating to death or injury by wrongful act.....	148
Early apparent absence of civil law.....	155
INTERNATIONAL LAW RULE	
Adopted for areas under Federal legislative jurisdiction.....	156
Federalizes State civil law, including common law.....	158
Only laws existing at time of jurisdictional transfer federalized.....	158
CIRCUMSTANCES WHEREIN FORMER STATE LAWS INOPERATIVE	
By action of the Federal Government.....	159
Where activity by State officials required.....	161
Inconsistency with Federal law.....	163
INTERNATIONAL LAW RULE IN RETROCESSION OF CONCURRENT JURISDICTION.....	164
STATE AND FEDERAL VENUE DISCUSSED.....	165
FEDERAL STATUTES AUTHORIZING APPLICATION OF STATE LAW.....	167

Chapter VII

RELATION OF STATES TO FEDERAL ENCLAVES

EXCLUSIVE FEDERAL JURISDICTION	
States basically without authority.....	169
Exclusion of State authority illustrated.....	169
Authority to tax excluded.....	177
Other authority excluded.....	180
Status of State and municipal services.....	186
Service of process.....	187
STATE RESERVATIONS OF JURISDICTION	
In general.....	188
Reservations construed.....	188
AUTHORITY OF THE STATES UNDER FEDERAL STATUTES	
In general.....	190
Lea Act.....	190
Huck Act.....	192
Military Lending Act of 1947.....	203
Workmen's compensation.....	207
Unemployment compensation.....	211

Chapter VIII

RESIDENTS OF FEDERAL ENCLAVES

	Page
EFFECTS OF TRANSFERS OF LEGISLATIVE JURISDICTION	
In general.....	215
Education.....	216
Voting and office holding.....	219
Divorce.....	225
Probate and lunacy proceedings generally.....	230
Miscellaneous rights and privileges.....	236
CONCEPTS AFFECTING STATUS OF RESIDENTS	
Doctrin of extraterritoriality.....	238
Contrary view of extraterritoriality.....	239
Theory of incompatibility.....	243
Weaknesses in incompatibility theory.....	243
Former exclusivity of Federal jurisdiction.....	244
Present lack of Federal exclusivity.....	244
Rejection of past concepts.....	245
Interpretations of Federal grants of power as retrocessions.....	245
Summary of contradictory theories on rights of residents.....	247

Chapter IX

AREAS NOT UNDER LEGISLATIVE JURISDICTION

FEDERAL OPERATIONS FREE FROM INTERFERENCE	
In general.....	249
Real property.....	251
FREEDOM OF USE OF REAL PROPERTY ILLUSTRATED	
Taxation.....	259
Special assessments.....	269
Condemnation of Federal land.....	271
FEDERAL ACQUISITION AND DISPOSITION OF REAL PROPERTY	
Acquisition.....	272
Disposition.....	273
PROTECTION OF PROPERTY AND OPERATIONS OF THE FEDERAL GOVERNMENT	
Property.....	277
Operations.....	280
AGENCY RULES AND REGULATIONS	281
CONTROL OVER FEDERAL CONSTRUCTION	
Building codes and zoning.....	284
Contractor licensing.....	288

Chapter X

FEDERAL OPERATIONS NOT RELATED TO LAND

	Page
STATE LAWS AND REGULATIONS RELATING TO MOTOR VEHICLES	
Federally owned and operated vehicles.....	293
Vehicles operated under Federal contract.....	299
STATE LICENSE, INSPECTION AND RECORDING REQUIREMENTS	
Licensing of Federal activities.....	301
Applicability of inspection laws to Federal functions.....	302
Recording requirements.....	304
APPLICABILITY OF STATE CRIMINAL LAWS TO FEDERAL EMPLOYEES AND FUNCTIONS	
Immunity of Federal employees.....	308
Obstruction of Federal functions.....	311
Liability of employees acting beyond scope of employment.....	312
LIABILITY OF FEDERAL CONTRACTORS TO STATE TAXATION	
Original immunity of Federal contractors.....	313
Later view of contractors' liability.....	314
Immunity of Federal property in possession of a contractor.....	316
Economic burden of State taxation on the United States.....	318
Legislative exemption of Federal instrumentalities.....	319
INDEX	323

Cases Cited

	Page
<i>Ableman v. Booth</i> , 21 How. 500 (1859).....	123, 312
<i>Adams v. Londree</i> , 139 W. Va. 748, 83 S. E. 2d 127 (1954).....	219, 224, 245, 248
<i>Adams v. United States</i> , 310 U. S. 312 (1943).....	48, 107
<i>Air Terminal Services, Inc. v. Rentzel</i> , 81 F. Supp. 611 (E. D. Va., 1949).....	135, 138, 182
<i>Alabama v. King & Boozer</i> , 314 U. S. 1 (1941).....	315, 319
<i>Alaska Packers Assn. v. Comm'n.</i> , 294 U. S. 532 (1935).....	210
<i>Alexander v. Movieltoneus, Inc.</i> , 273 N. Y. 511, 6 N. E. 2d 604 (1937), cert den., 301 U. S. 702.....	209
<i>Allen v. Industrial Accident Com.</i> , 3 Cal. 2d 214, 43 P. 2d 787 (1935).....	81, 210
<i>Alward v. Johnson</i> , 282 U. S. 509 (1931).....	299
<i>American Automobile Ins. Co., et al., v. Struwe</i> , 218 S. W. 534 (Tex., 1920).....	294
<i>American Boiler Works, Inc., Bankrupt, In the Matter of</i> , 220 F. 2d 319 (C. A. 3, 1955).....	304
<i>American Insurance Company v. Canter</i> , 1 Pet. 511 (1828).....	157
<i>American Motors Corp. v. City of Kenosha</i> , 274 Wis. 315, 80 N. W. 2d 363 (1957).....	317
<i>Anderson v. Chicago and Northwestern R. R.</i> , 102 Neb. 578, 168 N. W. 196 (1918).....	160
<i>Anderson v. Elliott</i> , 101 Fed. 609 (C. A. 4, 1900), app. dism., 22 S. Ct. 930, 46 L. Ed. 1262 (1902).....	311
<i>Andrews v. Auditor</i> , 69 Va. 115 (1877).....	283
<i>Antelope, The</i> , 10 Wheat. 66 (1825).....	108
<i>Application for the Removal of Names from Registry List</i> , 133 Misc. 38, 231 N. Y. Supp. 396 (1928).....	221
<i>Arapajolu v. McMenemy</i> , 113 Cal. App. 2d 824, 249 P. 2d 318 (1952).....	66, 219, 222, 224, 225, 245, 248
<i>Arizona v. California</i> , 283 U. S. 423 (1931).....	286
<i>Arledge v. Mabry</i> , 52 N. M. 303, 197 P. 2d 884 (1948).....	68, 92, 221, 223, 226, 228, 239, 247
<i>Arlington Hotel Co. v. Fant</i> , 278 U. S. 439 (1929).....	65, 75, 77, 103, 104, 146, 159, 165
<i>Armstrong v. Foote</i> , 11 Abb. Pr. 384 (Brooklyn City Ct., 1860).....	166
<i>Ashwander v. Tennessee Valley Authority</i> , 297 U. S. 288 (1936).....	276
<i>Atkinson v. State Tax Commission</i> , 303 U. S. 20 (1938).....	48, 54, 158, 179, 247
<i>Atkinson v. State Tax Commission</i> , 156 Ore. 461, 62 P. 2d 13 (1936).....	179

CASES CITED

	Page
<i>Bagnell v. Broderick</i> , 13 Pet. 436 (1839).....	274
<i>Bailey v. Smith</i> , 40 F. 2d 958 (S. D. Iowa, 1928).....	185
<i>Baker v. State</i> , 47 Tex. Cr. App. 482, 83 S. W. 1122 (1904).....	52, 80, 105
<i>Baltimore & A. R. R. v. Lichtenberg</i> , 170 Md. 383, 4 A. 2d 734 (1939), app. dism., 308 U. S. 525.....	300
<i>Baltimore Shipbuilding and Dry Dock Co. v. Baltimore</i> , 195 U. S. 375 (1904).....	89, 200
<i>Bank v. Supervisors</i> , 7 Wall. 26 (1869).....	307
<i>Bank of Phocbus v. Byrum</i> , 110 Va. 708, 07 S. E. 349 (1910).....	237
<i>Bancroft Inv. Corporation v. Jacksonville</i> , 157 Fla. 540, 27 So. 2d 162 (1946).....	100
<i>Bannon v. Burnes</i> , 39 Fed. 892 (C. C. W. D. Mo., 1889).....	70
<i>Barber v. Barber</i> , 21 How. 582 (1858).....	229
<i>Barrett v. Palmer</i> , 135 N. Y. 336, 31 N. E. 1017 (1892), aff'd., 162 U. S. 399.....	97, 224
<i>Barron v. Baltimore</i> , 7 Pet. 243 (1833).....	110
<i>Battle v. United States</i> , 209 U. S. 36 (1908).....	43, 70, 105
<i>Beaufort County v. Jasper County</i> , 220 S. C. 469, 08 S. E. 2d 421 (1951).....	40
<i>Beechwood, In re</i> , 142 Misc. 400, 254 N. Y. Supp. 473 (1931).....	234
<i>Bennett v. Ahrens</i> , 57 F. 2d 948 (C. A. 7, 1932).....	122
<i>Bennett v. Seattle</i> , 22 Wash. 2d 455, 156 P. 2d 085 (1945).....	298
<i>Benson v. United States</i> , 146 U. S. 325 (1892).....	43, 50, 72, 75, 102, 103, 104
<i>Birmingham v. Thompson</i> , 200 F. 2d 505 (C. A. 5, 1952).....	139, 140, 184, 189
<i>Bliiss v. Bliiss</i> , 133 Md. 61, 104 Atl. 467 (1918).....	231, 234
<i>Bowen v. Johnston</i> , 306 U. S. 19 (1939).....	43, 78, 105, 114
<i>Bowen v. United States</i> , 134 F. 2d 845 (C. A. 5, 1943), cert. den., 319 U. S. 764.....	105
<i>Bowers v. Oklahoma Tax Commission</i> , 51 F. Supp. 652 (W. D. Okla., 1943).....	202
<i>Bradley, In re</i> , 90 Fed. 989 (C. C. S. D. Cal., 1898).....	123
<i>Bragg Development Co. v. Braxton</i> , 239 N. C. 427, 79 S. E. 2d 918 (1954).....	204
<i>Bragg Investment Co. v. Cumberland County</i> , 245 N. C. 492, 90 S. E. 2d 341 (1957).....	205
<i>Breeding v. Tennessee Valley Authority</i> , 243 Ala. 240, 9 So. 2d 6 (1942).....	210
<i>Brooke v. State</i> , 155 Ala. 78, 46 So. 491 (1908).....	114
<i>Brookley Manor v. State</i> , 90 So. 2d 161 (Ala., 1956).....	205
<i>Brooks Hardware Co. v. Greer</i> , 111 Me. 78, 87 Atl. 889 (1911).....	52, 69, 71, 147
<i>Brown v. Cain</i> , 56 F. Supp. 56 (E. D. Pa., 1914).....	310
<i>Brown v. United States</i> , 257 Fed. 46 (C. A. 5, 1919), rev'd., 250 U. S. 335 (1921).....	70, 78, 80, 81
<i>Buckstaff Bath House Co. v. McKinley</i> , 308 U. S. 358 (1939).....	75, 189, 211
<i>Burford v. Houtz</i> , 133 U. S. 320 (1890).....	283
<i>Burgess v. Territory of Montana</i> , 8 Mont. 57, 19 Pac. 558 (1888).....	45
<i>Burns v. United States</i> , 274 U. S. 328 (1927).....	135
<i>Burrus, In re</i> , 136 U. S. 586 (1890).....	229, 230
<i>Buttery v. Robbins</i> , 177 Va. 368, 14 S. E. 2d 544 (1941).....	65, 80, 81, 83, 160
<i>California v. Mouse</i> , 278 U. S. 614, 662 (1928).....	68
<i>Cullen v. Wilson</i> , 127 U. S. 510 (1889).....	248

CASES CITED

	Page
<i>Camden v. Harris</i> , 109 F. Supp. 311 (W. D. Ark., 1953).....	147
<i>Camfield v. United States</i> , 107 U. S. 518 (1897).....	256, 258, 259
<i>Capetola v. Barclay White Co.</i> , 139 F. 2d 556 (C. A. 3, 1943), cert. den., 321 U. S. 799.....	210
<i>Carlton, In re</i> , 7 Cow. 471 (N. Y., 1827).....	123
<i>Carnegie-Illinois Steel Corp. v. Alderson</i> , 127 W. Va. 807, 34 S. E. 2d 737 (1945), cert. den., 326 U. S. 704.....	202
<i>Carson v. Roane-Anderson Company</i> , 342 U. S. 232 (1952).....	200, 320
<i>Castle v. Lewis</i> , 254 Fed. 917 (C. A. 8, 1918).....	310
<i>Chalk v. United States</i> , 114 F. 2d 207 (C. A. 4, 1940), cert. den., 312 U. S. 679.....	184
<i>Chaney v. Chuney</i> , 53 N. M. 66, 201 P. 2d 782 (1940).....	68,
92, 225, 220, 227, 228, 230	
<i>Chavez, et al., In Re</i> , 149 Fed. 73 (C. A. 8, 1906).....	157
<i>Chicago, R. I. & P. Ry. v. Davenport</i> , 51 Iowa 451, 1 N. W. 720 (1879).....	263
<i>Chicago, R. I. & P. Ry. v. McGlinn</i> , 114 U. S. 542 (1885).....	75,
103, 146, 150, 157, 159, 160, 163, 165	
<i>Chicago, R. I. & P. Ry. v. Satterfield</i> , 135 Okla. 183, 185, 275 Pac. 303, 305, 306 (1929).....	65
<i>Choate v. Trapp</i> , 224 U. S. 665 (1912).....	307
<i>Clay v. State</i> , 4 Kan. 49 (1806).....	44, 114
<i>Cleveland v. United States</i> , 323 U. S. 329 (1945).....	268
<i>Cockburn v. Willman</i> , 301 Mo. 575, 257 S. W. 458 (1923).....	116, 121
<i>Coffman v. Cleveland Wrecking Co.</i> , 24 F. Supp. 581 (W. D. Mo., 1938).....	158,
165	
<i>Cohens v. Virginia</i> , 6 Wheat. 264 (1821).....	38, 107
<i>Coleman Bras. Corp. v. City of Franklin</i> , 58 F. Supp. 551 (D. N. H., 1945), aff'd., 152 F. 2d 527 (C. A. 1, 1945), cert. den., 328 U. S. 844.....	180
<i>Collins v. Yosemite Park Co.</i> , 304 U. S. 518 (1938).....	43,
60, 75, 77, 139, 140, 161, 182, 189	
<i>Colorado v. Symes</i> , 280 U. S. 510 (1932).....	308
<i>Colorado v. Toll</i> , 208 U. S. 228 (1925).....	81, 137, 145, 284
<i>Columbia River Packers' Ass'n. v. United States</i> , 29 F. 2d 91 (C. A. 9, 1928).....	51
<i>Commissioner of Internal Revenue v. Clark</i> , 202 F. 2d 94 (C. A. 7, 1953).....	137
<i>Commonwealth v. Cain</i> , 1 Legal Op. (Seig & Morgan, Harrisburg, Pa.) 25 (Cl. of Quarter Sessions, Cumberland County, Pa., 1870).....	114
<i>Commonwealth v. Clary</i> , 8 Mass. 72 (1811).....	39,
52, 117, 118, 119, 178, 185, 237, 238, 241, 243	
<i>Commonwealth v. Closson</i> , 229 Mass. 329, 118 N. E. 653 (1918).....	293,
295, 297	
<i>Commonwealth v. Cushing</i> , 11 Mass. 67 (1814).....	123
<i>Commonwealth v. Dana</i> , 2 Mete. 329 (Mass., 1841).....	109
<i>Commonwealth v. Hutchinson</i> , 2 Parsons Eq. Cas. 384 (Pa., 1848).....	114
<i>Commonwealth v. King</i> , 252 Ky. 699, 68 S. W. 2d 45 (1934).....	52,
61, 74, 103, 104, 105	
<i>Commonwealth v. Rohrer</i> , 37 Pa. D. and C. 410 (1937).....	116, 171
<i>Commonwealth v. Trott</i> , 311 Mass. 191, 120 N. E. 2d 280 (1954).....	114

	Page
<i>Commonwealth v. Vaughn</i> , 64 Pa. D. and C. 320 (1948).....	118
<i>Commonwealth v. Young</i> , 1 Journ. Juris. (Hall's, Phila.) 47 (Pa., 1818).....	60, 259
<i>Concessions Co. v. Morris</i> , 109 Wash. 46, 180 Pac. 655 (1919).....	74, 179
<i>Conley Housing Corp. v. Coleman</i> , 211 Ga. 835, 89 S. E. 2d 482 (1955).....	204
<i>Consolidated Milk Producers v. Parker</i> , 19 Cal. 2d 815, 123 P. 2d 440 (1912).....	171
<i>Cory v. Spencer</i> , 67 Kan. 648, 73 Pac. 920 (1903).....	221
<i>Cotton v. United States</i> , 11 How. 229 (1850).....	270
<i>County of Allegheny v. McClung</i> , 53 Pa. 482 (1867).....	105, 122, 181
<i>County of Cherry v. Thacher</i> , 32 Neb. 350, 49 N. W. 351 (1891).....	118, 179
<i>County of Norfolk v. Portsmouth</i> , 186 Va. 1032, 45 S. E. 2d 136 (1947).....	201, 241
<i>County of Prince William v. Thomason Park</i> , 197 Va. 861, 91 S. E. 2d 441 (1956).....	204
<i>Covell v. Heyman</i> , 111 U. S. 176 (1884).....	312
<i>Covington & C. Bridge Co. v. Kentucky</i> , 154 U. S. 204 (1894).....	288
<i>Craig v. Craig</i> , 143 Kan. 624, 56 P. 2d 404 (1936), clarification denied, 144 Kan. 155, 58 P. 2d 1101 (1956).....	158, 227
<i>Crater Lake Nat. Park Co. v. Oregon Liquor Control Comm'n</i> , 26 F. Supp. 363 (D. Oreg., 1939).....	139, 140
<i>Crook, Horner & Co. v. Old Point Comfort Hotel Co.</i> , 54 Fed. 604 (C. C. E. D. Va., 1893).....	61, 97, 157, 224
<i>Cross v. North Carolina</i> , 132 U. S. 131 (1889).....	110
<i>Crowder v. Virginia</i> , 197 Va. 96, 87 S. E. 2d 745 (1955), app. dism., 350 U. S. 957.....	300
<i>Crownover v. Crownover</i> , 58 N. M. 597, 274 P. 2d 127 (1954).....	228
<i>Curry v. State</i> , 111 Tex. Cr. App. 264, 12 S. W. 2d 796 (1928).....	52,
	61, 73, 74, 114
<i>Curry v. United States</i> , 314 U. S. 14 (1941).....	316
<i>Curtis v. Toledo Metropolitan Housing Authority, et al.</i> , 36 Ohio Ops. 423, 78 N. E. 2d 676 (1947).....	285
<i>Custis v. Lane</i> , 17 Va. 579 (1813).....	219
<i>Daniels v. Chanute Air Force Base Exchange</i> , 127 F. Supp. 920 (E. D. Ill., 1955).....	198
<i>Danielson v. Donmopray</i> , 57 F. 2d 565 (D. Wyo., 1932).....	157, 185
<i>Darbie v. Darbie</i> , 195 Ga. 769, 25 S. E. 2d 685 (1943).....	227, 228
<i>Dastervignes v. United States</i> , 122 Fed. 30 (C. A. 9, 1903).....	283
<i>Davis v. Howard</i> , 306 Ky. 149, 206 S. W. 2d 467 (1947).....	56, 202, 246
<i>Dayton Development Fort Hamilton Corp. v. Boyland</i> , 133 N. Y. S. 2d 831 (Sup. Ct., 1954), aff'd., 1 App. Div. 2d 979, 151 N. Y. S. 2d 928, app. pending, 137 N. E. 2d 457 (1956).....	204
<i>De La Rama v. De La Rama</i> , 201 U. S. 303 (1906).....	229
<i>Delamater v. Folz</i> , 50 Hun 528, 3 N. Y. Supp. 711 (Sup. Ct., 1889).....	116
<i>De Luz Homes, Inc. v. County of San Diego</i> , 45 Cal. 2d 540, 290 P. 2d 544 (1955).....	204
<i>DeNicola v. DeNicola</i> , 132 Conn. 185, 43 A. 2d 71 (1945).....	229
<i>Dent v. United States</i> , 8 Ariz. 138, 71 Pac. 920 (1903), rev'd., 8 Ariz. 413, 76 Pac. 455.....	283

	Page
<i>Dibble v. Clapp</i> , 31 How. Pr. 420 (Buffalo (N. Y.) Super. Ct., 1866).....	70,
	187, 221
<i>Dicks v. Dicks</i> , 177 Ga. 379, 170 S. E. 245 (1933).....	158, 226, 227
<i>Dickson, Ex parte</i> , 14 F. 2d 609 (N. D. N. Y., 1927).....	310
<i>Divine v. Unaka National Bank</i> , 125 Tenn. 98, 140 S. W. 747 (1911).....	230,
	232, 236
<i>Dunaway v. United States</i> , 170 F. 2d 11 (C. A. 10, 1948).....	135
<i>Edberg v. Johnson</i> , 149 Minn. 395, 184 N. W. 12 (1921).....	298
<i>Edelstein v. South Post Officers Club</i> , 118 F. Supp. 40 (E. D. Va., 1951).....	198
<i>Ellis v. Davis</i> , 109 U. S. 485 (1883).....	238
<i>El Toro Dev. Co. v. County of Orange</i> , 45 Cal. 2d 586, 290 P. 2d 560 (1955).....	204
<i>Employers' Liability Assur. Corp. v. DiLeo</i> , 298 Mass. 401, 10 N. E. 2d 251 (1937).....	154, 158, 159, 210
<i>England v. United States</i> , 174 F. 2d 466 (C. A. 5, 1949).....	105
<i>Esso Standard Oil Co. v. Evans</i> , 345 U. S. 495 (1953).....	317
<i>Exum v. State</i> , 90 Tenn. 501, 17 S. W. 107 (1891).....	105
<i>Fagan v. Chicago</i> , 84 Ill. 227 (1876).....	70, 263
<i>Fair, In re</i> , 100 Fed. 149 (C. C. D. Neb., 1900).....	310
<i>Fairfield Gardens v. County of Solano</i> , 45 Cal. 2d 575, 290 P. 2d 562 (1955).....	204
<i>Faleni v. United States</i> , 125 F. Supp. 630 (E. D. N. Y., 1949).....	198
<i>Falls City Brewing Co. v. Reeves</i> , 40 F. Supp. 35 (W. D. Ky., 1941).....	198
<i>Farley v. Mayor, etc., of New York City</i> , 152 N. Y. 222, 46 N. E. 506 (1897).....	297
<i>Farley v. Scherno</i> , 208 N. Y. 269, 101 N. E. 891 (1913).....	181
<i>Farrell v. O'Brien</i> , 199 U. S. 89 (1905).....	236
<i>Fay v. Locke</i> , 201 Mass. 387, 87 N. E. 753 (1909).....	99
<i>Federal Land Bank of New Orleans v. Crosland</i> , 261 U. S. 374 (1923).....	306, 320
<i>Federal Land Bank of St. Paul v. Bismarck Lumber Co.</i> , 314 U. S. 95 (1941).....	319, 320
<i>Federal Power Commission v. Idaho Power Co.</i> , 344 U. S. 17 (1952).....	275
<i>Federal Power Commission v. Oregon</i> , 349 U. S. 435 (1955).....	275
<i>Federal Trust Co. v. Allen</i> , 110 Kan. 484, 204 Pac. 747 (1922).....	234
<i>Field v. Clark</i> , 143 U. S. 649 (1892).....	282
<i>First Iowa Coop. v. Power Comm'n.</i> , 328 U. S. 152 (1946).....	275
<i>Foley v. Shriver</i> , 81 Va. 568 (1886).....	62, 69, 71, 118, 119, 147, 237, 241
<i>Fort Dix Apartments Corp. v. Borough of Wrightstown</i> , 225 F. 2d 473 (C. A. 3, 1955), cert. den., 351 U. S. 962.....	205
<i>Fort Leavenworth R. R. v. Lowe</i> , 114 U. S. 525 (1885).....	39,
	42, 43, 48, 50, 52, 53, 54, 55, 56, 60, 61, 64, 66, 67, 73, 74, 75, 83,
	88, 98, 99, 103, 104, 117, 137, 145, 156, 178, 189, 251, 259, 273
<i>Franklin v. United States</i> , 1 Colo. 35 (1867).....	45, 125
<i>Franklin v. United States</i> , 216 U. S. 559 (1910), writ of error dism., 220 U. S. 624.....	128
<i>French v. Bankhead</i> , 52 Va. 136 (1854).....	67

	Page
<i>Gallagher v. Gallagher</i> , 214 S. W. 516 (Tex. Civ. App., 1919).....	220
<i>Garrison v. State</i> , 22 Ala. App. 444, 116 So. 706 (1928).....	114
<i>Guy v. Jemison</i> , 52 So. 2d 137 (Fla., 1951).....	204
<i>Gearing v. Gearing</i> , 90 Pa. Super. Ct. 192 (1927).....	229
<i>Gibson v. Chouteau</i> , 13 Wall. 92 (1872).....	273
<i>Gill v. State</i> , 141 Tenn. 379, 210 S. W. 637 (1919).....	40, 80, 81, 114
<i>Gillis v. Keystone Mut. Casualty Co.</i> , 172 F. 2d 826 (C. A. 6, 1949), cert. den., 338 U. S. 822.....	111
<i>Goldberger Const. Corp. v. Rappoli Co., Inc.</i> , 169 Misc. 40, 0 N. Y. S. 2d 472 (1938), aff'd., 255 App. Div. 769, 7 N. Y. S. 2d 571 (1938).....	166
<i>Gonsky's Estate, In re</i> , 79 N. D. 123, 55 N. W. 2d 60 (1952).....	235
<i>Gould v. Hayes</i> , 19 Ala. 438 (1851).....	111
<i>Grafton v. United States</i> , 206 U. S. 333 (1907).....	109
<i>Grant, Matter of</i> , 83 Misc. 257, 144 N. Y. Supp. 567 (Sur. Ct., 1913), aff'd., 166 App. Div. 921, 151 N. Y. Supp. 1119 (1915).....	179, 233
<i>Graves v. New York ex rel. O'Keefe</i> , 300 U. S. 466 (1939).....	307
<i>Graves v. Texas Company</i> , 298 U. S. 393 (1936).....	313, 315
<i>Grayburg Oil Co. v. State</i> , 286 S. W. 489 (Ct. Civ. App., Tex., 1920), aff'd., 3 S. W. 2d 427, rev'd., 278 U. S. 582.....	242
<i>Grays Harbor Const. Co. v. Dept. of Labor & Industries</i> , 167 Wash. 507, 10 P. 2d 213 (1932).....	79, 80, 158
<i>Haddock v. Haddock</i> , 201 U. S. 562 (1906).....	229
<i>Hagood v. State</i> , 23 Ala. App. 138, 122 So. 299 (1929).....	114
<i>Hall v. Commonwealth</i> , 129 Va. 738, 105 S. E. 551 (1921).....	295
<i>Hamburg American Steamship Co. v. Grube</i> , 196 U. S. 467 (1905).....	71, 79
<i>Hammond v. Brinkman</i> , 173 Kan. 406, 246 P. 2d 345 (1952).....	222
<i>Hand v. Apartment Engineering & Construction Co., Inc.</i> , 246 App. Div. 874, 285 N. Y. Supp. 67 (1936).....	210
<i>Hankey v. Bowman</i> , 82 Minn. 328, 81 N. W. 1002 (1901).....	222
<i>Hardin County Board of Supervisors v. Kentucky Limousines</i> , 293 S. W. 2d 239 (Ky., 1956).....	179
<i>Harris v. Harris</i> , 205 Iowa 108, 215 N. W. 661 (1927).....	229
<i>Hart, Ex parte</i> , 157 Fed. 130 (D. Ore., 1907).....	133
<i>Hathcote v. State</i> , 55 Ark. 183, 17 S. W. 721 (1891).....	313
<i>Hebard, Ex parte</i> , 11 Fed. Cas. 1010, No. 6312 (C. C. D. Kan. 1877).....	39, 40, 50, 67, 73
<i>Hebert v. Louisiana</i> , 272 U. S. 312 (1926).....	110
<i>Hendrix' Estate, In re</i> , 77 Cal. App. 2d 647, 170 P. 2d 398 (1947).....	235
<i>Henry v. Edde</i> , 148 Kan. 70, 79 P. 2d 888 (1938).....	234
<i>Henry Bickel Co. v. Wright's Administratrix</i> , 180 Ky. 181, 202 S. W. 672 (1918).....	71, 81, 158, 159
<i>Hercules Powder Co. v. Ruben</i> , 158 Va. 694, 51 S. E. 2d 149 (1949).....	147
<i>Herken v. Glynn</i> , 151 Kan. 855, 101 P. 2d 946 (1940).....	49, 221, 240
<i>Hill v. King Construction Co., et al.</i> , 19 F. Supp. 434 (W. D. Mo., 1937).....	163
<i>Hoffman, et al. v. Leavenworth Light, Heat & Power Co.</i> , 91 Kan. 450, 138 Pac. 632 (1914).....	158
<i>Hollister v. United States</i> , 115 Fed. 773 (C. A. 8, 1906).....	107

	Page
<i>Holt v. United States</i> , 218 U. S. 245 (1910).....	50, 68, 81
<i>Houston & Texas Ry. v. United States (Shreveport Case)</i> , 234 U. S. 342 (1914).....	307
<i>Howard v. Commissioners</i> , 344 U. S. 624 (1953).....	169, 200, 241, 242, 243, 248
<i>Hubert v. Granzow</i> , 131 Minn. 361, 155 N. W. 204 (1915).....	297
<i>Hudspeth v. United States</i> , 223 F. 2d 848 (C. A. 5, 1955).....	81
<i>Hufford v. Herrold</i> , 189 Iowa 853, 179 N. W. 53 (1920).....	217
<i>Hughes Transp., Inc. v. United States</i> , 128 C. Cls. 221, 121 F. Supp. 212 (1954), reh. granted, 132 C. Cls. 804 (1955).....	180, 241 255, 259
<i>Hunt v. United States</i> , 278 U. S. 96 (1928).....	130
<i>Hurd v. Hodge</i> , 331 U. S. 24 (1948).....	271
<i>Illinois Central R. R. v. Chicago, B. & N. R. R.</i> , 26 Fed. 477 (C.C.N.D. Ill., 1886).....	271
<i>Independent School Dist. v. Central Education Agency</i> , 247 S. W. 2d 597 (1952), aff'd., 152 Tex. 56, 254 S. W. 2d 357 (1953).....	218
<i>International Business Machines Corp. v. Ott</i> , 230 La. 666, 89 So. 2d 193 (1956).....	53
<i>International Ry. v. Davidson</i> , 257 U. S. 506 (1922).....	137, 138
<i>Irvine v. Marshall, et al.</i> , 20 How. 558 (1858).....	274
<i>Jacobson v. Massachusetts</i> , 197 U. S. 11 (1905).....	122
<i>James v. Dravo Contracting Co.</i> , 302 U. S. 134 (1937).....	62, 64, 65, 66, 68, 71, 72, 73, 118, 137, 189, 196, 314, 310, 318, 320
<i>Jenkins, Ex parte</i> , 13 Fed. Cas. 445, No. 7, 259 (C. C. E. D. Pa., 1853).....	311
<i>Jewell v. Cleveland Wrecking Co.</i> , 28 F. Supp. 364 (W. D. Mo., 1938).....	105, 166
<i>Jewell v. Cleveland Wrecking Co. of Cincinnati, et al.</i> , 28 F. Supp. 366 (W. D. Mo., 1938), rev'd., 111 F. 2d 305 (C. A. 8, 1940).....	165
<i>Johnson v. Eisentrager</i> , 339 U. S. 763 (1950).....	123
<i>Johnson v. Keating</i> , 17 F. 2d 50 (C. A. 1, 1920).....	138
<i>Johnson v. Maryland</i> , 254 U. S. 51 (1920).....	122, 293, 294, 297
<i>Johnson v. Morrill</i> , 20 Cal. 2d 446, 126 P. 2d 873 (1942).....	222
<i>Johnson v. Yellow Cab Transit Co.</i> , 321 U. S. 383 (1944).....	116, 136, 139, 140, 183
<i>Jolley v. United States</i> , 232 F. 2d 83 (C. A. 5, 1956).....	110
<i>Kansas v. Colorado</i> , 206 U. S. 46 (1907).....	276, 277, 278
<i>Kaufman v. Hopper</i> , 220 N. Y. 184, 115 N. E. 470 (1917); see also 151 App. Div. 28, 135 N. Y. S. 363 (1912), aff'd., 163 App. Div. 863, 146 N. Y. S. 1096 (1914).....	153, 159
<i>Keim v. United States</i> , 177 U. S. 290 (1900).....	294
<i>Kelly v. Georgia</i> , 68 Fed. 652 (S. D. Ga., 1895).....	311
<i>Kelly v. United States</i> , 27 Fed. 616 (C. C. D. Me., 1885).....	62, 69, 105
<i>Kelly, In re</i> , 71 Fed. 545 (C. C. E. D. Wis., 1895).....	70, 71, 107, 189
<i>Kemp v. Heebner</i> , 77 Col. 177, 231 Pac. 1068 (1925).....	221
<i>Kernan, In re</i> , 217 App. Div. 664, 288 N. Y. Supp. 329, aff'd., 272 N. Y. 560, 4 N. E. 2d 737 (1936).....	123, 230, 236
<i>Kern-Limerick, Inc. v. Scurlock</i> , 347 U. S. 110 (1954).....	318
<i>Kiker v. Philadelphia</i> , 346 Pa. 624, 31 A. 2d 289 (1943), cert. den., 320 U. S. 741.....	203, 246, 248
<i>King v. Edward Hines Lumber Co.</i> , 68 F. Supp. 1019 (D. Ore., 1940).....	209

	Page
<i>Kitchens v. Duffield</i> , 83 Ohio App. 41, 76 N. E. 2d 101 (1947), aff'd., 149 Ohio St. 500, 79 N. E. 2d 906 (1948).....	91, 148, 153, 155
<i>Kniffen v. Hercules Powder Co.</i> , 164 Kan. 196, 188 P. 2d 980 (1948).....	158
<i>Knott Corporation v. Furman</i> , 163 F. 2d 199 (C. A. 4, 1947), cert. den., 322 U. S. 826.....	147, 160
<i>Knowlton v. Knowlton</i> , 155 Ill. 158, 39 N. E. 595 (1895).....	229
<i>Kohl v. United States</i> , 91 U. S. 367 (1876).....	63, 273
<i>Krill v. Arma Corporation</i> , 76 F. Supp. 14 (E. D. N. Y., 1918).....	138
<i>Krull v. United States</i> , 240 F. 2d 122 (C. A. 5, 1957).....	81
<i>Ladd, In re</i> , 74 Fed. 31 (C. C. D. Neb., 1896).....	55, 83, 106, 118, 158, 180
<i>La Duke v. Melin</i> , 45 N. D. 349, 177 N. W. 673 (1920).....	50, 99, 222
<i>Ladwig v. Nance</i> , 223 Ark. 559, 267 S. W. 2d 314 (1954).....	184
<i>Laing, In re</i> , 127 Fed. 213 (C. C. S. D. W. Va., 1903).....	311
<i>Langford v. Monteith</i> , 102 U. S. 145 (1880).....	44
<i>Lankford v. Gebhart</i> , 130 Mo. 621, 32 S. W. 1127 (1895).....	221
<i>Lasher v. State</i> , 30 Tex. Cr. App. 387, 17 S. W. 1064 (1891).....	80, 106, 119
<i>Lawrence v. Shaw</i> , 300 U. S. 245 (1937).....	307
<i>Lee v. Osceola & Little River Road Improvement District</i> , 268 U. S. 643 (1925).....	270
<i>Lee, In re</i> , 46 Fed. 59 (D. Miss., 1891), rev'd., 47 Fed. 645.....	311
<i>Leslie Miller, Inc. v. Arkansas</i> , 352 U. S. 187 (1956).....	288, 291
<i>Lewis, In re</i> , 83 Fed. 159 (D. Wash., 1897).....	312
<i>Light v. United States</i> , 220 U. S. 523 (1911).....	258, 277
<i>Lilly v. West Virginia</i> , 29 F. 2d 61 (C. A. 4, 1928).....	296
<i>Lima v. Lawler</i> , 63 F. Supp. 446 (E. D. Va., 1945).....	122
<i>Loney v. State Industrial Accident Board</i> , 87 Mont. 191, 286 Pac. 408 (1930).....	209
<i>Lotterle v. Murphy</i> , 67 Hun 76, 21 N. Y. Supp. 1120 (Sup. Ct., 1893).....	97, 167
<i>Louisville v. Sebrree</i> , 308 Ky. 420, 214 S. W. 2d 248 (1948).....	202
<i>Louwein v. Moody</i> , 12 S. W. 2d 989 (Tex., 1929).....	300
<i>Lowe v. Lowe</i> , 150 Md. 592, 133 Atl. 729 (1926).....	50, 225, 220, 227, 230, 235
<i>Lynch v. Hammock</i> , 204 Ark. 911, 165 S. W. 2d 369 (1942).....	72, 184
<i>Lynch's Case</i> , 281 Mass. 454, 183 N. E. 834 (1933).....	209
<i>Madden v. Arnold</i> , 22 App. Div. 240, 47 N. Y. Supp. 757 (1897), aff'd., 162 N. Y. 638, 57 N. E. 1116.....	166
<i>Mail v. Maxwell</i> , 107 Ill. 554 (1883).....	110
<i>Manhattan Co. v. Commissioner</i> , 297 U. S. 129 (1936).....	137, 138
<i>Manlove v. McDermott</i> , 308 Pa. 384, 162 Atl. 278 (1932).....	121
<i>Mannix v. United States</i> , 140 F. 2d 250 (C. A. 4, 1944).....	105
<i>Markham v. United States</i> , 215 F. 2d 56 (C. A. 4, 1954), cert. den., 348 U. S. 939.....	48
<i>Marshall, Ex parte</i> , 75 Fla. 97, 77 So. 869 (1918).....	300, 301
<i>Martin v. Clinton Const. Co.</i> , 41 Cal. App. 2d 35, 105 P. 2d 1029 (1940).....	154
<i>Martin v. House</i> , 39 Fed. 694 (C. C. E. D. Ark., 1888).....	62, 70, 107
<i>Martin v. Hunter</i> , 1 Wheat. 301 (1816).....	309
<i>Maryland v. Soper</i> , 270 U. S. 9 (1926).....	308

	Page
<i>Mason Co. v. Tax Comm'n</i> , 302 U. S. 186 (1937).....	46, 48, 49, 52, 53, 68, 71, 77, 82, 118
<i>Mater v. Holley</i> , 200 F. 2d 123 (C. A. 5, 1952).....	165
<i>Maurice v. Worden</i> , 52 Md. 283 (1879).....	148
<i>Maynard & Child, Inc. v. Shearer</i> , 200 S. W. 2d 790 (Ky., 1956).....	183, 198, 202
<i>Mayo v. United States</i> , 319 U. S. 441 (1943).....	303
<i>Mayor and City Council of Baltimore v. Linthicum</i> , 170 Md. 245, 183 Atl. 531 (1930).....	67, 287
<i>McCarthy v. R. G. Packard Co.</i> , 105 App. Div. 436, 94 N. Y. Supp. 203 (1905), aff'd., 182 N. Y. 555, 75 N. E. 1130.....	159, 166
<i>McCConnell v. Wilcox</i> , 2 Ill. 344 (1837).....	46
<i>McCoy v. Pescor</i> , 145 F. 2d 260 (C. A. 8, 1944), cert. den., 324 U. S. 808 (1945).....	134
<i>McDonnell & Murphy v. Lunday</i> , 191 Okla. 611, 132 P. 2d 322 (1942).....	54, 55, 210
<i>McGwinn v. Board of Education</i> , 33 Ohio Op. 433, 69 N. E. 2d 391 (1945), aff'd., 78 Ohio App. 405, 69 N. E. 2d 381 (1946), app. dism., 147 Ohio St. 259, 70 N. E. 2d 776.....	218
<i>McKelvey v. United States</i> , 260 U. S. 353 (1922).....	110, 250, 258, 259
<i>McKesson & Robbins v. Collins</i> , 18 Cal. App. 2d 648, 64 P. 2d 469 (1937).....	183, 242
<i>McLaughlin v. Bank of Potomac</i> , 48 Va. 68 (1850).....	167
<i>McMahon v. Polk</i> , 10 S. D. 296, 73 N. W. 77 (1897).....	221
<i>M'Culloch v. Maryland</i> , 4 Wheat. 316 (1819).....	249, 259, 265, 285, 307
<i>Meade Heights v. State Tax Commission</i> , 202 Md. 20, 95 A. 2d 280 (1953).....	204
<i>Merchant Mariners Documents, In re</i> , 91 F. Supp. 426 (N. D. Cal., 1949).....	138
<i>Merrill v. Shearston</i> , 73 Col. 230, 214 Pac. 540 (1923).....	221
<i>Metcalf & Eddy v. Mitchell</i> , 269 U. S. 514 (1926).....	299, 314
<i>Middleton v. La Compagnie Generale Transatlantique</i> , 100 Fed. 866 (C. A. 2, 1900), cert. den., 177 U. S. 649.....	71
<i>Milk Control Board v. Gosselin's Dairy, Inc.</i> , 301 Mass. 174, 16 N. E. 2d 641 (1938).....	172
<i>Miller v. Hickory Grove School Bd.</i> , 162 Kan. 528, 178 P. 2d 214 (1947).....	218
<i>Mills v. Mills</i> , 153 Fla. 746, 15 So. 2d 763 (1943).....	227
<i>Minnesota v. Keeley</i> , 126 F. 2d 863 (C. A. 8, 1942).....	191
<i>Minnesota v. Ristline</i> , 36 F. Supp. 3 (D. Minn., 1940).....	191
<i>Minnesota v. United States</i> , 305 U. S. 382 (1939).....	272
<i>Misner v. Cleveland Wrecking Company of Cincinnati, et al.</i> , 25 F. Supp. 763 (W. D. Mo., 1938).....	148, 165
<i>Mississippi River Fuel Corporation v. Fontenot</i> , 234 F. 2d 898 (C. A. 5, 1956), cert. den., 352 U. S. 916.....	69, 177
<i>Mitchell v. Tibbets</i> , 17 Pick. 298 (Mass., 1836).....	116, 119, 178, 180, 237, 238
<i>Moline Water Power Co. v. Cox</i> , 252 Ill. 348, 96 N. E. 1044 (1911).....	179
<i>Moore v. Illinois</i> , 14 How. 13 (1852).....	110

	Page
<i>Motor Transport Co. v. McCutless</i> , 182 Tenn. 659, 189 S. W. 2d 200 (1945).....	181, 242
<i>Mullen Benevolent Corp. v. United States</i> , 290 U. S. 89 (1933).....	269
<i>Murphy Corp. v. Fontenot</i> , 225 La. 379, 73 So. 2d 180 (1954), cert. den., 348 U. S. 831.....	177
<i>Murray v. Gerrick & Co.</i> , 291 U. S. 315 (1934).....	153, 154, 162, 209
<i>Nash v. Air Terminal Services, Inc.</i> , 85 F. Supp. 545 (E. D. Va., 1949).....	136, 138, 182
<i>Nathan v. Louisiana</i> , 8 How. 73 (1850).....	263
<i>Neagle, In re</i> , 135 U. S. 1 (1890).....	294, 308
<i>Neidig v. Century Sprinkler Corp.</i> , 60 Dauph. 535 (Pa. C. P., 1950).....	147
<i>Newcomb v. Rockport</i> , 183 Mass. 74, 66 N. E. 587 (1903).....	70, 78, 217
<i>New Jersey Tel. Co. v. Tax Board</i> , 280 U. S. 338 (1930).....	300
<i>New Orleans v. United States</i> , 10 Pet. 662 (1836).....	70
<i>Nikis v. Commonwealth</i> , 144 Va. 618, 131 S. E. 236 (1926).....	72, 81, 114
<i>Norfolk & P. B. L. R. v. Parker</i> , 152 Va. 484, 147 S. E. 461 (1929).....	158, 160
<i>Norman Lumber Co. v. United States</i> , 223 F. 2d 868 (C. A. 4, 1955).....	304
<i>North Carolina v. Kirkpatrick</i> , 42 Fed. 689 (C. C. W. D. N. C., 1890).....	311
<i>Northwestern Cas. & Sur. Co. v. Conaway</i> , 210 Iowa 126, 230 N. W. 548 (1930).....	118
<i>O'Connor, In re</i> , 37 Wis. 379, 19 Am. Rep. 765 (1875).....	49, 69, 70, 71, 74, 105
<i>O'Donoghue v. United States</i> , 289 U. S. 516 (1933).....	248
<i>Offutt Housing Company v. Sarpy County</i> , 351 U. S. 253 (1956).....	5, 88, 89, 205, 206, 236, 238, 243, 247
<i>Ohio v. Helvering</i> , 292 U. S. 360 (1934).....	268
<i>Ohio v. Thomas</i> , 173 U. S. 276 (1899).....	252, 259, 294
<i>Ohio River Contract Co. v. Gordon</i> , 244 U. S. 68 (1917).....	71, 147, 165, 166
<i>Oklahoma v. Atkinson Co.</i> , 313 U. S. 508 (1941).....	273
<i>Oklahoma v. Willingham</i> , 143 F. Supp. 445 (E. D. Okla., 1956).....	290
<i>Oklahoma City v. Sanders</i> , 94 F. 2d 323 (C. A. 10, 1938).....	88, 184, 285
<i>Oldham v. State</i> , 37 Ala. App. 251, 67 So. 2d 52 (1953), cert. den., 259 Ala. 507, 67 So. 2d 55.....	114
<i>Olsen v. McPartlin</i> , 105 F. Supp. 561 (D. Minn., 1952).....	105
<i>Omaechevarria v. Idaho</i> , 246 U. S. 343 (1918).....	252
<i>Opinion of the Justices</i> , 1 Metc. 580 (Mass., 1841).....	40, 61, 119, 179, 216, 219, 221, 236, 238, 243
<i>O'Pry Heating & Plumbing Co. v. State</i> , 241 Ala. 507, 3 So. 2d 316 (1941).....	49, 179
<i>Oscar Daniels Co. v. Sault Ste. Marie</i> , 208 Mich. 363, 175 N. W. 160 (1919).....	71, 74, 189
<i>Ottinger Bros. v. Clark</i> , 191 Okla. 488, 131 P. 2d 94 (1942).....	46, 54, 55, 210
<i>Pacific Coast Dairy, Inc. v. Department of Agriculture of California</i> , 318 U. S. 285 (1943), reh. den., 318 U. S. 801.....	115, 169, 173, 174, 175, 176, 177
<i>Palmer v. Barrett</i> , 162 U. S. 399 (1896).....	97, 224
<i>Pan American Petroleum Corp. v. Alabama</i> , 67 F. 2d 500 (C. A. 5, 1933).....	170, 198

	Page
<i>Panhandle Oil Co. v. Knox (Mississippi)</i> , 277 U. S. 218 (1928).....	300, 313, 315
<i>Paterson Milk & Cream Co., Inc. v. Milk Control Board</i> , 118 N. J. L. 383, 192 Atl. 838 (1937).....	172
<i>Pendleton v. Pendleton</i> , 109 Kan. 600, 201 Pac. 62 (1921).....	226, 227, 229, 233
<i>Penn Dairies, Inc., et al. v. Milk Control Commission of Pennsylvania</i> , 318 U. S. 261 (1943).....	115, 160, 171, 172, 173, 174, 175, 176, 177, 199, 290
<i>People v. Austin</i> , 47 Cal. 353 (1874).....	263
<i>People v. Bondman</i> , 161 Misc. Rep. 145, 291 N. Y. Supp. 213 (1936).....	67, 114
<i>People v. Brown</i> , 69 Cal. App. 2d 602, 159 P. 2d 686 (1945).....	48, 81
<i>People v. Burke</i> , 161 Mich. 397, 126 N. W. 446 (1910).....	114
<i>People v. Collins</i> , 105 Cal. 501, 39 Pac. 16 (1895).....	68, 80
<i>People v. Commonwealth Sanitation Co.</i> , 107 N. Y. S. 2d 982 (1951).....	115
<i>People v. Godfrey</i> , 17 Johns. 225 (N. Y., 1819).....	47, 81, 189
<i>People v. Hammond</i> , 1 Ill. 2d 65, 115 N. E. 2d 331 (1953), cert. den., 346 U. S. 910.....	114
<i>People v. Hillman</i> , 216 N. Y. 467, 159 N. E. 400 (1927).....	81, 105, 118, 120
<i>People v. Kobryn</i> , 294 N. Y. 192, 61 N. E. 2d 441 (1945).....	81, 114
<i>People v. Kraus</i> , 212 App. Div. 397, 207 N. Y. Supp. 87 (1924).....	105, 118, 119
<i>People v. Lane</i> , 1 Edmonds' Select Cases 116 (N. Y., 1834-53).....	114
<i>People v. Lent</i> , 2 Wheel. 548 (N. Y., 1819).....	30, 49, 156
<i>People v. Marra</i> , 4 N. Y. Cr. Rep. 304 (1886).....	70, 106
<i>People v. McCreey</i> , 34 Cal. 432 (1868).....	263
<i>People v. Morrison</i> , 22 Cal. 73 (1863).....	260
<i>People v. Mouse</i> , 203 Cal. 782, 265 Pac. 944 (1928), app. dism., 278 U. S. 662.....	50, 63, 79, 105, 110
<i>People v. Shearer</i> , 30 Cal. 615 (1866).....	260
<i>People v. United States</i> , 93 Ill. 30 (1879).....	263
<i>People v. Vendome Service, Inc.</i> , 12 N. Y. S. 2d 183, aff'd., 284 N. Y. 738, 31 N. E. 2d 508 (1910).....	71, 80, 97
<i>People of the State of California v. United States</i> , 235 F. 2d 647 (C. A. 9, 1956).....	188
<i>Peoples Bank v. Eccles</i> , 161 F. 2d 636 (App. D. C., 1947), rev'd., 333 U. S. 426.....	138
<i>Petersen v. United States</i> , 191 F. 2d 154 (C. A. 9, 1951), cert. den., 342 U. S. 885.....	75, 106, 139, 140, 146, 163, 182
<i>Pettibone v. United States</i> , 148 U. S. 197 (1893).....	110
<i>Philadelphia v. Cline</i> , 158 Pa. Super. Ct. 179, 44 A. 2d 610 (1945), cert. den., 328 U. S. 848.....	203
<i>Phillips v. Payne</i> , 92 U. S. 130 (1876).....	103, 104
<i>Pittman v. Home Owners' Loan Corp.</i> , 308 U. S. 21 (1939).....	306, 320, 321
<i>Pollard v. Hagan</i> , 3 How. 212 (1845).....	37, 169, 253, 277
<i>Popovici v. Ayler</i> , 280 U. S. 379 (1930).....	229
<i>Poscy v. Tennessee Valley Authority</i> , 93 F. 2d 726 (C. A. 5, 1937).....	210
<i>Pothier v. Rudman</i> , 285 Fed. 632 (D. R. I., 1923), 291 Fed. 311 (C. A. 1, 1923), rev'd., 261 U. S. 399.....	69, 80, 107
<i>Pound v. Gauding</i> , 237 Ala. 387, 187 So. 468 (1939).....	50, 153, 154

	Page
<i>Public Housing Administration v. Bristol Township</i> , 146 F. Supp. 859 (E. D. Pa., 1950).....	285
<i>Puerto Rico v. Shell Co.</i> , 302 U. S. 253 (1937).....	130, 132
<i>Puleo v. H. E. Moss & Co.</i> , 159 F. 2d 842 (C. A. 2, 1947).....	148
<i>Pundt v. Pendleton</i> , 167 Fed. 997 (N. D. Ga., 1909).....	185
<i>Radford v. Radford</i> , 26 Ky. L. 652, 82 S. W. 391 (1904).....	229
<i>Railroad Company v. Peniston</i> , 18 Wall. 5 (1873).....	299
<i>Ranier Nat. Park Co. v. Martin</i> , 18 F. Supp. 481 (W. D. Wash., 1937), aff'd., 23 F. Supp. 60, aff'd., 302 U. S. 661.....	85, 189
<i>Randolph v. Commonwealth</i> , 145 Va. 883, 134 S. E. 544 (1926).....	121
<i>Read-York, Inc., In re</i> , 152 F. 2d 313 (C. A. 7, 1945).....	304
<i>Reddall v. Bryan</i> , 14 Md. 444 (1859), app. dism., 24 How. 420.....	58
<i>Reilly v. Lamar, Beall and Smith</i> , 2 Cranch 341 (1805).....	221
<i>Renner v. Bennett</i> , 21 Ohio St. 431 (1871).....	40, 54, 55, 56, 87, 222
<i>Reno Quartermaster Depot, In re Annexation of</i> , 160 Okla. 274, 69 P. 2d 659 (1937).....	218
<i>Reynolds v. People</i> , 1 Colo. 179 (1869).....	45
<i>Roach v. Philadelphia County</i> , see 117 U. S., at 175-176 (1849).....	260, 261, 269
<i>Robbins v. United States</i> , 284 Fed. 39 (C. A. 8, 1922).....	50, 78, 79, 137, 284
<i>Roberts v. Federal Land Bank of New Orleans</i> , 189 Miss. 898, 196 So. 763 (1940).....	301
<i>Robinson, Ex parte</i> , 20 Fed. Cas. 965, No. 11,934 (C. C. S. D. Ohio, 1856).....	312
<i>Robinson, Ex parte</i> , 20 Fed. Cas. 969, No. 11,935 (C. C. S. D. Ohio, 1855).....	111
<i>Rockwell v. Independent School District</i> , 48 S. D. 137, 202 N. W. 478 (1925).....	217
<i>Rodman v. Pothier</i> , 264 U. S. 399 (1924).....	124
<i>Roger v. Elrod</i> , 125 F. Supp. 62 (D. Alaska, 1954).....	198
<i>Rogers v. Squier</i> , 157 F. 2d 948 (C. A. 9, 1946), cert. den., 330 U. S. 840, 83, 120	218
<i>Rolland v. School District</i> , 132 Neb. 281, 271 N. W. 805 (1937).....	218
<i>Royall, Ex Parte</i> , 117 U. S. 241 (1886).....	124
<i>Ruddy v. Rossi</i> , 248 U. S. 104 (1918).....	275
<i>Ryan v. State</i> , 188 Wash. 115, 61 P. 2d 1276 (1936) aff'd. sub nom. <i>Mason Co. v. Tax Comm'n.</i> , 302 U. S. 186.....	189, 237
<i>Sandel v. State</i> , 158 Tex. Cr. R. 101, 253 S. W. 2d 283 (1952).....	107
<i>Sanders v. Oklahoma Tax Commission</i> , 197 Okla. 285, 189 P. 2d 748 (1946), cert. den., 329 U. S. 780.....	191
<i>St. Louis-San Francisco Ry. v. Satterfield</i> , 27 F. 2d 586 (C. A. 8, 1928).....	46,
	56, 65, 67
<i>St. Louis-San Francisco Ry. v. United States</i> , 187 F. 2d 925 (C. A. 5, 1951).....	158
<i>Sauer v. Steinbauer</i> , 14 Wis. 70 (1861).....	78, 147
<i>Schlaffer, Ex parte</i> , 154 Fed. 921 (S. D. Fla., 1907).....	313
<i>School Dist. No. 20 v. Steele</i> , 40 S. D. 589, 195 N. W. 418 (1923).....	71, 159, 217
<i>Schultz, et al. v. Lewallen, et al.</i> , 128 Tenn. 206, 217 S. W. 2d 944 (1948).....	221

	Page
<i>Schwartz v. O'Hara Township School Dist.</i> , 375 Pa. 440, 100 A. 2d 621 (1953).....	218, 239, 246, 247
<i>Scott v. United States</i> , 1 Wyo. 40 (1871).....	46
<i>Scribner v. Wikstrom</i> , 93 N. H. 17, 34 A. 2d 658 (1943).....	70, 71
<i>Searight v. Stokes</i> , 3 How. 151 (1844).....	300
<i>Seerman v. Lustig & Weil, Inc.</i> , 252 App. Div. 900, 299 N. Y. Supp. 920 (1937).....	54, 157, 209
<i>Sexton v. California</i> , 189 U. S. 319 (1903).....	110
<i>Shannon v. United States</i> , 160 Fed. 870 (C. A. 9, 1908).....	278
<i>Sharon v. Hill</i> , 24 Fed. 726 (C. C. D. Cal., 1885), app. dism., 131 U. S. 438.....	70
<i>Shaw v. Gibson-Zahniser Oil Corp.</i> , 276 U. S. 575 (1928).....	304
<i>Shea v. Gehan</i> , 70 Ga. App. 229, 28 S. E. 2d 181 (1943).....	231, 236
<i>Shreveport Case (Houston & Texas Ry. v. United States)</i> , 234 U. S. 342 (1914).....	307
<i>Simms v. Simms</i> , 175 U. S. 162 (1899).....	229
<i>Simonson v. Thompson</i> , 25 Minn. 450 (1879).....	271
<i>Sinks v. Reese</i> , 10 Ohio St. 306 (1869).....	33,
	54, 68, 71, 85, 178, 220, 221, 238, 241
<i>Six Cos., Inc. v. De Vinney</i> , 2 F. Supp. 693 (D. Nev., 1933).....	67, 80, 189
<i>Sloan, Ex parte</i> , 22 Fed. Cas. 324, No. 12,044 (D. Nev., 1877).....	107, 114
<i>Smith v. Kansas City Title Co.</i> , 255 U. S. 180 (1921).....	307, 320
<i>Sollitt & Sons Construction Company v. Commonwealth</i> , 161 Va. 854, 172 S. E. 290 (1934), app. dism., 292 U. S. 599.....	180
<i>South Carolina v. United States</i> , 199 U. S. 437 (1905).....	268
<i>Springfield v. Kenney</i> , 62 Ohio L. Abst. 123, 104 N. E. 2d 65 (1951).....	46
<i>Springfield v. United States</i> , 99 F. 2d 800 (C. A. 1, 1938), cert. den., 306 U. S. 650.....	104
<i>Squantum Gardens v. Assessors of Quincy</i> , 140 N. E. 2d 482 (Mass., 1957).....	204
<i>S. R. A., Inc. v. Minnesota</i> , 327 U. S. 558 (1946).....	89,
	99, 101, 102, 206, 224, 247, 258
<i>Standard Oil Co. v. Johnson</i> , 316 U. S. 481 (1942).....	192, 198
<i>Standard Oil Co. of California v. Johnson</i> , 10 Cal. 2d 758, 76 P. 2d 1184 (1938).....	189
<i>Standard Oil Company of California v. California</i> , 291 U. S. 242 (1934).....	43,
	178, 101, 246
<i>State v. Allman</i> , 167 Tenn. 240, 68 S. W. 2d 478 (1934) cert. den., sub nom. <i>Van Deventer v. Tennessee</i> , 293 U. S. 581.....	53
<i>State v. Blair</i> , 238 Ala. 377, 191 So. 237 (1930).....	53, 179
<i>State v. Burton</i> , 41 R. I. 303, 103 Atl. 962 (1918).....	298
<i>State v. Chin Ping</i> , 91 Ore. 593, 176 Pac. 188 (1918).....	67, 107
<i>State v. Cobough</i> , 78 Me. 401 6 Atl. 4 (1886).....	110, 119, 183
<i>State v. DeBerry</i> , 221 N. C. 834, 32 S. E. 2d 617 (1945).....	71, 105
<i>State v. Denoyer</i> , 6 N. D. 586, 72 N. W. 1014 (1897).....	222
<i>State v. Dimick</i> , 12 N. H. 194 (1841).....	123
<i>State v. Gorham</i> , 110 Wash. 330, 188 P. 457 (1920).....	297

	Page
<i>State v. Intoxicating Liquors</i> , 78 Mo. 401, 6 Atl. 4 (1886).....	68, 71
<i>State v. Kelly</i> , 76 Mo. 331 (1884).....	62, 105, 115, 241
<i>State v. Lohnes</i> , 69 N. W. 2d 508 (Sup. Ct. N. Dak., 1955).....	101
<i>State v. Mendez</i> , 57 Nev. 192, 61 P. 2d 300 (1936).....	80, 81, 189
<i>State v. Mimms</i> , 43 N. M. 318, 92 P. 2d 993 (1939), cert. den., 308 U. S. 626 (1940).....	182, 237
<i>State v. Morris</i> , 76 N. J. L. 222, 68 Atl. 1103 (1908).....	106
<i>State v. Mountrail County</i> , 28 N. D. 389, 149 N. W. 120 (1914).....	222
<i>State v. Oliver</i> , 162 Tenn. 100, 35 S. W. 2d 396 (1931).....	104
<i>State v. Rainier National Park Co.</i> , 192 Wash. 592, 74 P. 2d 464 (1937).....	80, 153, 154, 158, 159, 215
<i>State v. Seymour</i> , 78 Miss. 134, 28 So. 799 (1900).....	50, 119
<i>State v. Shepard</i> , 239 Wis. 345, 300 N. W. 905 (1911).....	46
<i>State v. Tully</i> , 31 Mont. 365, 78 Pac. 760 (1904).....	105, 108
<i>State v. Wiles</i> , 116 Wash. 387, 199 P. 749 (1921).....	301
<i>State v. Yellowstone Park Co.</i> , 57 Wyo. 502, 121 P. 2d 170 (1942), cert. den., 316 U. S. 689.....	191
<i>State ex rel. Board of Commissioners v. Bruce</i> , 104 Mont. 500, 69 P. 2d 97 (1937); 106 Mont. 322, 77 P. 2d 403 (1938), aff'd., 305 U. S. 577.....	65, 69, 71, 72, 80, 83, 103, 179, 189
<i>State ex rel. Bussell v. Callvert</i> , 33 Wash. 380, 74 Pac. 573 (1903).....	68
<i>State ex rel. Cashman v. Board of Commissioners of Grant County</i> , 153 Ind. 302, 54 N. E. 809 (1899).....	88, 222
<i>State ex rel. Grays Harbor Const. Co. v. Dept. of Labor & Industries</i> , 167 Wash. 507, 10 P. 2d 213 (1932).....	79, 80, 158
<i>State ex rel. Jones v. Mack</i> , 23 Nev. 359, 47 Pac. 763 (1897).....	52, 70, 74, 78, 119, 120
<i>State ex rel. Lyle v. Willett</i> , 117 Tenn. 334, 97 S. W. 299 (1906).....	68, 71, 221
<i>State ex rel. Moore v. Board of Education of Euclid City School Dist.</i> , 41 Ohio Abs. 161, 57 N. E. 2d 118 (1944).....	218
<i>State ex rel. Parker v. Corcoran</i> , 155 Kan. 714, 128 P. 2d 999 (1942).....	221, 222
<i>State ex rel. Wendt v. Smith</i> , 63 Ohio Abs. 31, 103 N. E. 2d 822 (1951).....	221
<i>Stearns v. Minnesota</i> , 179 U. S. 223 (1900).....	277
<i>Steele v. Halligan</i> , 229 Fed. 1011 (W. D. Wash., 1916).....	46, 50, 71, 79, 80, 103, 157, 159, 165
<i>Steinmetz v. Snead & Co.</i> , 123 N. J. L. 497, 9 A. 2d 801 (1939), aff'd., 311 U. S. 605.....	210
<i>Stephens v. Nacey</i> , 49 Mont. 230, 141 Pac. 649 (1914).....	222
<i>Stewart & Co. v. Sadrakula</i> , 309 U. S. 94 (1940).....	148, 157, 159, 161, 162, 289
<i>Storaasli v. Minnesota</i> , 283 U. S. 57 (1931).....	185
<i>Stoutenburgh v. Hennick</i> , 129 U. S. 141 (1889).....	106
<i>Sunbeam Corp. v. Central Housekeeping Mart, Inc.</i> , 2 Ill. App. 2d 543, 120 N. E. 2d 362 (1954).....	181
<i>Sunbeam Corp. v. Horn</i> , 149 F. Supp. 423 (S. D. Ohio, 1955).....	181
<i>Superior Bath House Co. v. McCarroll</i> , 312 U. S. 176 (1941).....	75, 189
<i>Surplus Trading Co. v. Cook</i> , 281 U. S. 647 (1930).....	61, 71, 178
<i>Sutton v. English</i> , 210 U. S. 199 (1918).....	230
<i>Tagge v. Gutzow</i> , 132 Neb. 276, 271 N. W. 803 (1937).....	60, 70, 217

	Page
<i>Tampa Bay Garden Apartments v. Gay</i> , 55 So. 2d 739 (Fla., 1951).....	204
<i>Tarble's Case</i> , 13 Wall. 397 (1872).....	123, 312
<i>Tatem, Ex parte</i> , 23 Fed. Cas. 708, No. 13,769 (E. D. Va., 1877).....	39, 71, 79, 105, 123
<i>Taylor v. Fort Wayne</i> , 47 Ind. 274 (1874).....	111
<i>Tennessee v. Davis</i> , 100 U. S. 257 (1880).....	309
<i>Texas Co. v. Siefried</i> , 60 Wyo. 142, 147 P. 2d 837 (1944), reh. den., 60 Wyo. 142, 150 P. 2d 99.....	191
<i>Thompson, Ex Parte</i> , 23 Fed. Cas. 1015, No. 13,934 (W. D. Tenn., 1876).....	124
<i>Thomson v. Pacific R. R.</i> , 9 Wall. 579 (1870).....	320
<i>Tim v. City of Long Branch</i> , 135 N. J. L. 549, 53 A. 2d 164 (1947).....	285, 287
<i>Toucey v. New York Life Insurance Co.</i> , 314 U. S. 118 (1941).....	111
<i>Town of Highlands, In re</i> , 48 N. Y. St. Rept. 795, 22 N. Y. Supp. 137 (Sup. Ct., 1892).....	107, 221
<i>Trotter v. Tennessee</i> , 290 U. S. 354 (1933).....	307
<i>Tubbs v. Tukey</i> , 3 Cushing (Mass.) 438, 50 Am. Dec. 744 (1849).....	121
<i>Turner, In re</i> , 119 Fed. 231 (C. C. S. D. Iowa, 1902).....	253
<i>Underhill v. State</i> , 31 Okla. Crim. App. 149, 237 P. 628 (1925).....	119
<i>Union Pacific Ry. v. Burlington & M. R. R.</i> , 3 Fed. 106 (C. C. D. Neb., 1880).....	271
<i>United Services Automobile Ass'n. v. Harman</i> , 151 S. W. 2d 609 (Tex., 1941), cert. den., 315 U. S. 807.....	147
<i>United States v. Alabama</i> , 313 U. S. 274 (1941).....	264
<i>United States v. Alford</i> , 274 U. S. 264 (1927).....	256, 280
<i>United States v. Allegheny County</i> , 322 U. S. 174 (1944).....	305, 316, 317
<i>United States v. Amers</i> , 24 Fed. Cas. 784, No. 14,441 (C. C. D. Mass., 1845).....	106, 140, 279
<i>United States v. Andem</i> , 158 Fed. 996 (D. N. J., 1908).....	66, 70, 74, 78, 134
<i>United States v. Anderson Cottonwood Irr. Dist.</i> , 19 F. Supp. 740 (N. D. Cal., 1937).....	269
<i>United States v. Bale</i> , 156 Fed. 687 (D. S. D., 1907).....	283
<i>United States v. Barney</i> , 24 Fed. Cas. 1011, No. 14,524 (C. C. S. D. N. Y., 1866).....	70, 128
<i>United States v. Barney</i> , 24 Fed. Cas. 1014, No. 14,525 (D. Md., circa 1810).....	301
<i>United States v. Bateman</i> , 34 Fed. 86 (C. C. N. D. Cal., 1888).....	107
<i>United States v. Bevans</i> , 3 Wheat. 336 (1818).....	37, 70
<i>United States v. Blasingame</i> , 116 Fed. 654 (S. D. Cal., 1900).....	283
<i>United States v. Briggs</i> , 9 How. 351 (1850).....	279
<i>United States v. Bright</i> , 24 Fed. Cas. 1232, No. 14,617 (C. C. D. Pa., 1803).....	311
<i>United States v. Buffalo</i> , 54 F. 2d 471 (C. A. 2, 1931), cert. den., 285 U. S. 550.....	71
<i>United States v. Carnack</i> , 329 U. S. 230 (1946).....	273
<i>United States v. Carr</i> , 25 Fed. Cas. 300, No. 14,732 (C. C. S. D. Ga., 1872).....	81

	Page
<i>United States v. Carter</i> , 84 Fed. 622 (C. C. S. D. N. Y., 1897).....	71
<i>United States v. Chicago</i> , 7 How. 185 (1849).....	271
<i>United States v. Chicago, R. I. & P. Ry.</i> , 171 F. 2d 377 (C. A. 10, 1948).....	158
<i>United States v. City of Chester</i> , 144 F. 2d 415 (C. A. 3, 1944).....	284, 287
<i>United States v. Clarksville</i> , 224 F. 2d 712 (C. A. 4, 1955).....	273
<i>United States v. Cordy</i> , 58 F. 2d 1013 (D. Md., 1932).....	179, 237
<i>United States v. Cornell</i> , 25 Fed. Cas. 646, No. 14,867 (C. C. D. R. I., 1819).....	37, 38, 51, 59, 61, 118, 119, 178, 247, 241
<i>United States v. Crary</i> , 1 F. Supp. 406 (W. D. Va., 1932).....	40
<i>United States v. Davis</i> , 25 Fed. Cas. 781, No. 14,930 (C. C. D. Mass., 1829).....	38, 62, 73, 118, 127
<i>United States v. Deguirro</i> , 152 Fed. 568 (N. D. Cal., 1900).....	283
<i>United States v. Dolan</i> , 25 Fed. Cas. 887, No. 14,978 (C. C. E. D. N. Y., 1865).....	132
<i>United States v. Domingo</i> , 152 Fed. 566 (D. Idaho, 1907).....	283
<i>United States v. Essex Trust Co.</i> , 44 F. Supp. 476 (D. Mass., 1942)....	285
<i>United States v. Fullhart</i> , 47 Fed. 802 (C. C. W. D. Pa., 1891).....	311
<i>United States v. Gallagher</i> , 97 F. Supp. 1014 (S. D. Cal., 1951).....	235
<i>United States v. Gear</i> , 3 How. 120 (1845).....	279
<i>United States v. Gerlach Live Stock Co.</i> , 339 U. S. 725 (1950).....	276
<i>United States v. Gilbert</i> , 58 F. 2d 1031 (M. D. Pa., 1932).....	263
<i>United States v. Gill</i> , 204 F. 2d 704 (C. A. 7, 1953).....	135
<i>United States v. Gratiot</i> , 14 Pet. 526 (1840).....	275
<i>United States v. Grimaud</i> , 220 U. S. 506 (1911).....	258, 282, 283
<i>United States v. Hanson</i> , 167 Fed. 881 (C. A. 9, 1909).....	270
<i>United States v. Hart</i> , 26 Fed. Cas. 193, No. 15,316 (C. C. D. Pa., 1817).....	293, 295, 297
<i>United States v. Harvey</i> , 26 Fed. Cas. 206, No. 15,320 (C. C. D. Md., 1845).....	311
<i>United States v. Holt</i> , 168 Fed. 141 (C. C. W. D. Wash., 1909), aff'd., sub nom. <i>Holt v. United States</i> , 218 U. S. 245.....	50, 103, 105
<i>United States v. Hopkins</i> , 26 Fed. Cas. 371, No. 15,387a (C. C. D. Ga., 1830).....	29, 38, 107
<i>United States v. Hudson and Goodwin</i> , 7 Cran. 32 (1812).....	126
<i>United States v. Johnston</i> , 58 F. Supp. 208 (1944), aff'd., 146 F. 2d 268, cert. den., 324 U. S. 876.....	50
<i>United States v. King</i> , 34 Fed. 302 (C. C. E. D. N. Y., 1888).....	126
<i>United States v. Kirby</i> , 7 Wall. 482 (1868).....	312
<i>United States v. Knapp</i> , 26 Fed. Cas. 792, No. 15,538 (S. D. N. Y., 1849).....	38, 118
<i>United States v. Lanza</i> , 260 U. S. 377 (1922).....	110
<i>United States v. Lewis</i> , 111 Fed. 630 (C. C. W. D., Tex., 1901).....	126
<i>United States v. Lewis</i> , 129 Fed. 823 (C. C. W. D. Pa., 1904), aff'd., 200 U. S. 1 (1906).....	311
<i>United States v. Lewis</i> , 253 Fed. 469 (S. D. Cal., 1918).....	107
<i>United States v. Lipsell</i> , 156 Fed. 65 (W. D. Mich., 1907).....	311

	Page
<i>United States v. Mason</i> , 213 U. S. 115 (1909).....	110
<i>United States v. Matthews</i> , 146 Fed. 306 (E. D. Wash., 1906).....	283
<i>United States v. Mayor and Council of City of Hoboken</i> , 29 F. 2d 932 (D. N. J., 1928).....	46, 71
<i>United States v. McIntosh</i> , 57 F. 2d 573, 2 F. Supp. 244 (E. D. Va., 1932), app. dism., 70 F. 2d 507 (C. A. 4, 1934), cert. den., 293 U. S. 586.....	167
<i>United States v. Meagher</i> , 37 Fed. 875 (C. C. W. D. Texas, 1888)....	118, 119
<i>United States v. Midwest Oil Co.</i> , 236 U. S. 459 (1915).....	279
<i>United States v. Montana</i> , 134 F. 2d 194 (C. A. 9, 1943).....	273
<i>United States v. Murray</i> , 61 F. Supp. 415 (E. D. Mo., 1945).....	301
<i>United States v. Paul</i> , 6 Pet. 141 (1832).....	38, 127, 128
<i>United States v. Penn</i> , 48 Fed. 669 (C. C. E. D. Va., 1880).....	68, 107
<i>United States v. Philadelphia</i> , 56 F. Supp. 862 (E. D. Pa., 1944), aff'd., 147 F. 2d 291 (C. A. 3, 1945), cert. den., 325 U. S. 870.....	285, 287
<i>United States v. Pierce County</i> , 193 Fed. 529 (W. D. Wash., 1912).....	70
<i>United States v. Portland</i> , see 117 U. S., at 175 (1849).....	260, 261
<i>United States v. Press Publishing Company</i> , 219 U. S. 1 (1911).....	129, 132
<i>United States v. Prince William County</i> , 9 F. Supp. 219 (E. D. Va., 1934), aff'd., 79 F. 2d 1007 (C. A. 4, 1935), cert. den., 297 U. S. 714..	68
<i>United States v. Public Utilities Commission of Cal.</i> , 141 F. Supp. 168 (N. D. Cal., 1956).....	181
<i>United States v. Query</i> , 37 F. Supp. 972 (E. D. S. C., 1941), aff'd., 121 F. 2d 631 (C. A. 4, 1941), cert. den., 314 U. S. 685.....	198
<i>United States v. Railroad Bridge Co.</i> , 27 Fed. Cas. 686, No. 16,114 (C. C. N. D. Ill., 1855).....	41, 250, 271
<i>United States v. Rizzinelli</i> , 182 Fed. 675 (D. Idaho, 1910).....	283
<i>United States v. San Francisco</i> , 310 U. S. 16 (1940).....	275
<i>United States v. San Francisco Bridge Co.</i> , 88 Fed. 891 (N. D. Cal., 1898).....	107
<i>United States v. Schwalby</i> , 8 Tex. Civ. App. 670, 29 S. W. 90 (1894), writ of error refused, 87 Tex. 604, 30 S. W. 435, rev'd., 162 U. S. 255..	68
<i>United States v. Shannon</i> , 151 Fed. 803 (C. C. D. Mont., 1907), aff'd., 160 Fed. 870 (C. A. 9, 1908).....	283
<i>United States v. Sharpnack</i> , probable juris. noted by Sup. Ct., Jan. 14, 1957, 352 U. S. 962 (1957).....	132
<i>United States v. Snyder</i> , 149 U. S. 210 (1893).....	305
<i>United States v. Sosseur</i> , 181 F. 2d 873 (C. A. 7, 1950).....	135, 138
<i>United States v. Stahl</i> , 27 Fed. Cas. 1288, No. 16,373 (C. C. D. Kan., 1868).....	39
<i>United States v. Stevens</i> , 302 U. S. 623 (1938).....	235
<i>United States v. Thompson</i> , 41 F. Supp. 13 (E. D. Wash., 1941).....	284
<i>United States v. Tierney</i> , 28 Fed. Cas. 159, No. 16,517 (C. C. S. D. Ohio, 1864).....	39, 67
<i>United States v. Titus</i> , 64 F. Supp. 55 (D. N. J., 1946).....	135
<i>United States v. Travers</i> , 28 Fed. Cas. 204, No. 16,537 (C. C. D. Mass., 1814).....	37, 118

	Page
<i>United States v. Trinidad Coal and Coking Co.</i> , 137 U. S. 160 (1890)---	278
<i>United States v. Tucker</i> , 122 Fed. 518 (W. D. Ky., 1903)-----	46,
50, 52, 63, 71, 74, 105, 127	127
<i>United States v. Tully</i> , 140 Fed. 899 (C. C. D. Mont., 1905)---	82, 107, 114
<i>United States v. Unzcuta</i> , 281 U. S. 138 (1930)-----	51,
61, 65, 66, 67, 75, 83, 103, 105, 106, 127	127
<i>United States v. Watkins</i> , 22 F. 2d 437 (N. D. Cal., 1927)-----	50, 58,
80, 105, 120	120
<i>United States v. Watson</i> , 80 F. Supp. 649 (E. D. Va., 1948)-----	135
<i>United States v. Wayne County</i> , 53 C. Cls. 417 (1918), aff'd., 252 U. S. 574-----	273
<i>United States v. Weise</i> , 28 Fed. Cas. 518, No. 10,659 (C. C. E. D. Pa., 1851)-----	260
<i>United States v. William R. Trigg Co.</i> , 115 Va. 272, 78 S. E. 542 (1912).-	305
<i>United States v. Woodworth</i> , 170 F. 2d 1019 (C. A. 2, 1948)-----	264
<i>United States v. Wright</i> , 28 Fed. Cas. 791, No. 16,774 (D. Mass., 1871).-	38, 134
<i>United States v. Wurtzbarger</i> , 276 Fed. 753 (D. Oreg., 1921)-----	71
<i>United States ex rel. Toth v. Quarles</i> , 350 U. S. 11 (1955)-----	111
<i>United States (Farm Credit Administration) v. Board of Tax Appeals</i> , 145 Ohio St. 257, 61 N. E. 2d 481 (1945)-----	268
<i>United States Housing Authority, In re</i> , 26 Ohio Op. 133, 39 Ohio Abs. 371 (1943)-----	73
<i>U. P. Ry. v. B. & M. R. R.</i> , 3 Fed. 106 (C. C. D. Nebr., 1880)-----	271
<i>Utah Power & Light Co. v. United States</i> , 243 U. S. 389 (1917)-----	251,
253, 250, 258, 259, 271, 278	278
<i>Utley v. Phelan</i> , 168 Okla. 411, 33 P. 2d 498 (1934)-----	154
<i>Utley v. State Industrial Comm.</i> , 176 Okla. 255, 55 P. 2d 762, 176 Okla. 257, 55 P. 2d 764 (1936)-----	154, 159
<i>Valley County v. Thomas</i> , 109 Mont. 345, 97 P. 2d 345 (1939)-----	05,
67, 70, 71, 72, 80, 83, 103, 179, 185, 189	189
<i>Valverde v. Valverde</i> , 121 Fla. 576, 164 So. 287 (1935)-----	65, 220
<i>Van Brocklin v. Tennessee</i> , 117 U. S. 151 (1886)-----	251,
261, 264, 266, 267, 270, 271, 278	278
<i>Vandell v. United States</i> , 6 F. 2d 188 (C. A. 2, 1925)-----	110
<i>Van Deventer v. Tennessee</i> , 293 U. S. 581 (1934)-----	53
<i>Van Dyke, In re</i> , 276 Mich. 32, 267 N. W. 778 (1936), cert. den., 209 U. S. 608-----	114
<i>Van Lear v. Eisele</i> , 126 Fed. 823 (C. C. E. D. Ark., 1903)-----	279
<i>Van Ness v. Bank of the United States</i> , 13 Pet. 17 (1839)-----	167
<i>Via v. State Commission on Conservation, etc.</i> , 9 F. Supp. 556 (W. D. Va., 1935), aff'd., 296 U. S. 549-----	79
<i>Victor Valley Housing Corp. v. County of San Bernardino</i> , 45 Cal. 2d 580, 290 P. 2d 565 (1955)-----	204
<i>Virginia v. Stiff</i> , 144 F. Supp. 169 (W. D. Va., 1956)-----	294
<i>Wabash Railroad v. Adelbert College</i> , 208 U. S. 38 (1908)-----	111
<i>Waite, In re</i> , 81 Fed. 359 (N. D. Iowa, 1897), app. dism., 180 U. S. 635-----	312

	Page
<i>Walsh v. Apartment Engineering & Contracting Co.</i> , 267 N. Y. Supp. 872 (App. Div., 3d Dept., 1933)-----	209
<i>Waltrip v. Commonwealth</i> , 189 Va. 365, 53 S. E. 2d 14 (1949)-----	114
<i>Warner, Ex parte</i> , 21 F. 2d 542 (N. D. Okla., 1927)-----	310
<i>Washington, P. and C. Ry. v. Magruder</i> , 198 F. 218 (D. Md., 1912)---	130
<i>Webb v. J. G. White Engineering Corp.</i> , 204 Ala. 429, 85 So. 729 (1920)---	81,
160, 166	166, 166
<i>West Hartford v. Board of Water Commissioners</i> , 44 Conn. 360 (1877)---	203
<i>Western Union Tel. Co. v. Brown</i> , 234 U. S. 542 (1914)-----	146
<i>Western Union Tel. Co. v. Chiles</i> , 214 U. S. 274 (1909)-----	145
<i>Western Union Tel. Co. v. Richmond</i> , 67 Va. 1 (1875)-----	203
<i>Whitmore v. French</i> , 37 Cal. 2d 744, 235 P. 2d 3 (1951)-----	148, 153
<i>Wichita Falls v. Bowen</i> , 143 Tex. 45, 182 S. W. 2d 695 (1944)-----	201, 241
<i>Wilcox v. Jackson</i> , 13 Pet. 498 (1839)-----	274, 283
<i>Williams v. Arlington Hotel Co.</i> , 22 F. 2d 669 (C. A. 8, 1927)-----	103, 157
<i>Williams v. North Carolina</i> , 325 U. S. 226 (1945)-----	230
<i>Williams v. United States</i> , 145 F. Supp. 4 (W. D. Wis., 1956)-----	159
<i>Williams v. United States</i> , 327 U. S. 711 (1946)-----	133
<i>Willis v. Oscar Daniels Co.</i> , 200 Mich. 19, 166 N. W. 496 (1918)-----	118,
158, 159	158, 159
<i>Willman, Ex parte</i> , 277 Fed. 819 (S. D. Ohio, 1921)-----	294
<i>Wills v. State</i> , 3 Heisk. 141 (Tenn., 1871)-----	67, 71
<i>Willson v. McDonnell</i> , 265 Fed. 432 (C. A. D. C., 1919)-----	248
<i>Wilson v. Cook</i> , 327 U. S. 474 (1946)-----	53
<i>Wilson v. Wilson</i> , 58 N. M. 411, 272 P. 2d 319 (1954)-----	228
<i>Winston Bros. Co. v. Galloway</i> , 168 Ore. 109, 121 P. 2d 457 (1942)---	71,
170, 180	170, 180
<i>Winston Bros. Co. v. State Tax Commission</i> , 156 Ore. 505, 62 P. 2d 7 (1936), cert. den., 301 U. S. 689-----	179
<i>Wisconsin Central R. R. v. Price County</i> , 133 U. S. 496 (1890).-	266, 267, 269
<i>Witte's Estate, In re</i> , 174 Kan. 360, 255 P. 2d 1039 (1953)-----	235
<i>Woodfin v. Phoebus</i> , 30 Fed. 289 (C. C. E. D. Va., 1887)-----	167, 240
<i>Wulzen, In re</i> , 235 Fed. 362 (S. D. Ohio, 1916)-----	312
<i>Yellowstone Park Transp. Co. v. Gallatin County</i> , 31 F. 2d 644 (C. A. 9, 1929), cert. den., 280 U. S. 555-----	50, 77, 79, 83, 179
<i>Yosemite Park and Curry Co. v. Johnson</i> , 10 Cal. 2d 770, 76 P. 2d 1191 (1938)-----	189
<i>Young v. Bank of Alexandria</i> , 4 Cranch 384 (1808)-----	37
<i>Young v. G. L. Tarlton, Contractor, Inc.</i> , 204 Ark. 283, 162 S. W. 2d 477 (1942)-----	210