

Michigan Law Review

Volume 35 | Issue 3

1937

MONTHLY PERIODICAL INDEX

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

Recommended Citation

Michigan Law Review, *MONTHLY PERIODICAL INDEX*, 35 MICH. L. REV. 519 (1937).

Available at: <https://repository.law.umich.edu/mlr/vol35/iss3/25>

This Index is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

MONTHLY PERIODICAL INDEX

This department lists the *articles* and *comments* which appear in twenty-four leading law reviews. The index embraces material published during the preceding month.

Limitations of space make necessary the inclusion of only the longer and more important items: articles and comments. Accordingly, decision notes (except those over five pages in length), book reviews and biographical articles are excluded.

(a) indicates a leading article; (c) indicates a comment. Where the title of an article or comment is not self-explanatory, an indication of its scope is added in brackets.

ADMINISTRATIVE LAW

Johnson Act—jurisdiction of federal courts to grant injunctions against enforcement of rate orders of state commissions. (c) 35 Mich. L. Rev. 274-283 (Dec.).

The need for a federal administrative court. (a) Col. O. R. McGuire. 5 Geo. Wash. L. Rev. 43-64 (Nov.).

The proposed United States Administrative Court. (a) Robert M. Cooper. 35 Mich. L. Rev. 193-252 (Dec.).

Utilities commissions as expert courts [use of own knowledge; non-judicial functions; judicial notice; rule-making]. (a) Frank W. Hanft. 15 N. C. L. REV. 12-40 (Dec.).

ADOPTION

See *Descent and Distribution*.

AIR LAW

Trespass by airplane [Hinman case v.

American Law Institute theory]. (c) 31 Ill. L. Rev. 499-505 (Dec.).

APPEAL AND ERROR

Reinstatement of a verdict in Ohio [by higher court after judgment notwithstanding verdict]. (c) 10 Univ. Cin. L. Rev. 481-485 (Nov.).

ARREST

The use of force in making an arrest. (c) 25 Ky. L. J. 64-69 (Nov.).

ATTORNEY AND CLIENT

An integrated bar [evaluated and advocated for West Virginia]. (a) Wright Hugus. 43 W. Va. L. Q. 10-22 (Dec.).

BANKRUPTCY

See also *Municipal Corporations*.

Fairness of reorganization plans: the bondholder pays [Section 77B procedure

compared to equity receivership]. (c) 31 Ill. L. Rev. 505-527 (Dec.).

New Frazier-Lemke Act litigation [issues of the second farm moratorium act]. (c) 5 Geo. Wash. L. Rev. 80-89 (Nov.).

Tort claims in receiverships and reorganizations [effect of Section 77B]. (a) F. C. Underhay. 22 Iowa L. Rev. 60-105 (Nov.).

CARRIERS

See also *Railroads*.

The commodities clause: its application to industrial railways. (c) 50 Harv. L. Rev. 322-332 (Dec.).

COMPARATIVE LAW

See also *Pleading*.

Bases of liability for tortious injury in Soviet law [analysis of applicable provisions of Soviet Civil Code and court decisions]. (a) Aaron Boris Holman and Milton Spinner. 22 Iowa L. Rev. 1-38 (Nov.).

The Fascist conception of law. (a) H. Arthur Steiner. 36 Col. L. Rev. 1267-1283 (Dec.).

Soviet law: an introduction. (a) John N. Hazard. 36 Col. L. Rev. 1236-1266 (Dec.).

CONFLICT OF LAWS

Public policy in the conflict of laws [as preventing enforcement of a foreign created right]. (c) 10 Univ. Cin. L. Rev. 473-481 (Nov.).

CONSTITUTIONAL LAW

See also *Administrative Law, Bankruptcy, Courts, Injunctions, Municipal Corporations, Searches and Seizures, Statutes, Taxation*.

Constitutionality of anti-heart balm legislation: due process under state and federal constitutions. (c) 5 Geo. Wash. L. Rev. 89-100 (Nov.).

Constitutionality of federal acts divesting prison-made goods of interstate character. (c) 5 Geo. Wash. L. Rev. 100-111 (Nov.). See also, note 34 Mich. L. Rev. 1244 (June).

Constitutionality of the National Labor Relations Act. (c) 4 Univ. Chi. L. Rev. 109-122 (Dec.).

The constitutional questions raised by the flag salute and teachers' oath acts in Massachusetts. (a) George K. Gardner and Charles D. Post. 16 Bost. Univ. L. Rev. 803-844 (Nov.).

Guffey Coal Bill—powers [of Congress—general welfare—interstate commerce]. (c) 16 Bost. Univ. L. Rev. 922-937 (Nov.). See also, (c) 34 Mich. L. Rev. 1167-1180 (June).

Minimum wage legislation [New York act—validity]. (c) 16 Bost. Univ. L. Rev. 938-943 (Nov.). See also, (c) 34 Mich. L. Rev. 1180-1188 (June).

Minimum wage legislation and litigation. (a) John E. Hannigan. 16 Bost. Univ. L. Rev. 845-873 (Nov.).

Production and commerce among the states; Carter v. Carter Coal Co. (c) 50 Harv. L. Rev. 307-317 (Dec.). See also, (c) 34 Mich. L. Rev. 1167-1180 (1936).

Some proposals for altering judicial review [power of Supreme Court to declare laws unconstitutional]. (a) Howard Lee McBain. 16 Bost. Univ. L. Rev. 874-886 (Nov.).

State police regulation of vehicles in interstate commerce [limits of state action]. (c) 23 Va. L. Rev. 179-189 (Dec.).

State sales taxation and the commerce clause. (a) Thomas C. Lavery and Thomas W. Maxson. 10 Univ. Cin. L. Rev. 351-365 (Nov.).

Statutory price fixing of milk. (c) 16 Bost. Univ. L. Rev. 943-958 (Nov.).

CONTRACTS

Building contracts—warranty—liability for loss caused by defects in plans and specifications. (c) 21 Minn. L. Rev. 70-80 (Dec.).

CORPORATIONS

See also *Bankruptcy, Taxation*.

Capital, capital stock and stock. (c) 35 Mich. L. Rev. 283-286 (Dec.).

Cumulative preferred stock: a study in the construction of the stockholder's contract. (c) 23 Va. L. Rev. 189-196 (Dec.).

Dividends from wasting assets corporations. (c) 43 W. Va. L. Q. 53-62 (Dec.).

Significance of appreciation and changing price levels in corporate dividend policies. (c) 35 Mich. L. Rev. 286-297 (Dec.).

COURTS

See also *Administrative Law, Constitutional Law, Federal Courts*.

History and structure of the state appellate courts with special reference to criminal cases. (a) Lester B. Orfield. 10 So. Cal. L. Rev. 29-41 (Nov.).

Irreparable injury in constitutional cases [the judicial process in suits to enjoin enforcement of a statute or administrative order]. (c) 46 Yale L. J. 255-272 (Dec.).

CREDITORS' RIGHTS

Creditor's rights in assets pledged for

surety's protection. (c) 43 W. Va. L. Q. 63-65 (Dec.).

CRIMINAL LAW AND PROCEDURE

See also *Courts*.

Double jeopardy in Massachusetts: 2 (a) Edward M. Dangel. 16 Bost. Univ. L. Rev. 892-913 (Nov.). [Continued from 16 *ibid.* 380 (April).]

Law enforcing officers in North Carolina [development, territorial limits and coordination]. (a) Albert Coates. 15 N. C. L. Rev. 1-11 (Dec.).

The 1935 changes in the penal code [California legislation]. (a) Robert Kingsley and James B. Irsfeld, Jr. 10 So. Cal. L. Rev. 42-54 (Nov.).

Source of criminal law in California. (c) 10 So. Cal. L. Rev. 55-67 (Nov.).

DEATH BY WRONGFUL ACT

When does a cause of action for wrongful death accrue under the Federal Employers Liability Act? (a) George W. Hulbert. 12 Ind. L. J. 104-108 (Dec.).

DESCENT AND DISTRIBUTION

Legislation and decisions on inheritance rights of adopted children [inheritance by and from child]. (c) 22 Iowa L. Rev. 145-154 (Nov.).

Restraints on disinheritance [statutory elections to surviving spouse; suggested revisions; preventing evasion]. (a) Edmond N. Cahn. 85 Univ. Pa. L. Rev. 139-153 (Dec.).

Statutory solutions of the problem of survival in a common disaster [questions of distribution, wills and insurance]. (c) 50 Harv. L. Rev. 344-349 (Dec.).

EQUITY

See also *Injunctions, Vendor and Purchaser*.

Fifty years of American equity [developments in relation to business, labor, agriculture, the individual, and government]. (a) Sidney Post Simpson. 50 Harv. L. Rev. 171-251 (Dec.).

Is insolvency alone sufficient to give equity jurisdiction? [Adequacy of remedy at law: tort; contract.] (a) Kenneth A. Howe. 25 Ky. L. J. 38-56 (Nov.).

EVIDENCE

See also *Searches and Seizures; Witnesses*.

Res ipsa loquitur doctrine in Pennsylvania. (c) 85 Univ. Pa. L. Rev. 212-218 (Dec.).

EXECUTORS AND ADMINISTRATORS

Right to extra compensation for legal services rendered personally to the estate. (c) 16 Bost. Univ. L. Rev. 971-976 (Nov.).

The survival of powers of joint executors to sell land. (a) Alvin E. Evans. 85 Univ. Pa. L. Rev. 154-174 (Dec.).

FEDERAL COURTS

See also *Administrative Law*.

Justiciability [concepts of "case or controversy," "legal relations," and "prematurity" in the federal courts]. (a) Edwin Borchard. 4 Univ. Chi. L. Rev. 1-29 (Dec.).

The proposed rules for changes in federal practice [comparison with West Virginia practice]. (a) Frank W. Nesbitt. 43 W. Va. L. Q. 23-32 (Dec.).

FIXTURES

What constitutes material injury under New Jersey institution theory [test of functional utility]. (c) 16 Bost. Univ. L. Rev. 977-982 (Nov.).

FUTURE INTERESTS

See *Powers*.

GOVERNMENT

See *Municipal Corporations*.

GUARANTY

See *Principal and Surety*.

HUSBAND AND WIFE

See *Descent and Distribution, Marriage*.

INJUNCTIONS

See also *Administrative Law*.

Against continued trespasses. (c) 43 W. Va. L. Q. 70-74 (Dec.).

Irreparable injury in constitutional cases [the judicial process in suits to enjoin enforcement of a statute or administrative order]. (c) 46 Yale L. J. 255-272 (Dec.).

Taxpayer's petition [right to enjoin state agency in representative action]. (c) 16 Bost. Univ. L. Rev. 982-988 (Nov.).

INSURANCE

See also *Descent and Distribution, Judgments*.

Assignment without formal change of beneficiary of life insurance policy having revocable beneficiary clause. (c) 85 Univ. Pa. L. Rev. 203-211 (Dec.).

Death of the insured resulting from act of beneficiary—right of beneficiary to re-

cover proceeds of the insurance policy. (c) 16 Bost. Univ. L. Rev. 988-994 (Nov.).

INTERSTATE COMMERCE

See *Constitutional Law*.

JOINT ADVENTURE

Extent to which partnership law applies. (c) 35 Mich. L. Rev. 297-306 (Dec.).

JUDGMENTS

The declaratory judgment and the insurance contract [principles of declaratory relief as developed in the insurance field]. (c) 46 Yale L. J. 286-299 (Dec.).

LABOR LAW

See also *Constitutional Law, Social Science and Social Welfare*.

Industrial regulation through government contracts: the Walsh-Healy Act. (c) 5 Geo. Wash. L. Rev. 66-80 (Nov.).

The National Labor Relations Board—decisions of its first year. (c) 4 Univ. Chi. L. Rev. 97-108 (Dec.).

LIMITATION OF ACTIONS

See also *Pleading*.

Sale of Securities Act—tender—statute of limitations—fraud [when cause of action accrues]. (c) 16 Bost. Univ. L. Rev. 1000-1006 (Nov.).

MARRIAGE

Proposed statutory changes in marriage law [criticism of Illinois bill]. (c) 4 Univ. Chi. L. Rev. 122-130 (Dec.).

West Virginia marriage law [requisites for validity; annulment]. (a) Clyde L. Colson. 43 W. Va. L. Q. 33-52 (Dec.).

MORTGAGES

Foreclosure receiverships in Kentucky. (a) Martin R. Glenn. 25 Ky. L. J. 26-37 (Nov.).

MUNICIPAL CORPORATIONS

An experiment in municipal refinancing: factual background of Ashton v. Cameron County Water Improvement District No. One. (a) Walter C. Sauer. 5 Geo. Wash. L. Rev. 1-42 (Nov.).

Interpretation of the County Home Rule Amendment by the Ohio Supreme Court. (a) S. Gale Lowrie. 10 Univ. Cin. L. Rev. 454-466 (Nov.).

Municipal debt adjustment and the Supreme Court. (a) George H. Dession. 46 Yale L. J. 199-227 (Dec.). See also, notes 34 Mich. L. Rev. 731, 1252 (March, June).

NEGLIGENCE

See also *Torts*.

Loss distribution by comparative negligence [legislation in United States and Ontario]. (a) Charles O. Gregory. 21 Minn. L. Rev. 1-18 (Dec.).

The Minnesota court on proximate cause. (a) William L. Prosser. 21 Minn. L. Rev. 19-69 (Dec.).

Res ipsa loquitur doctrine in Pennsylvania. (c) 85 Univ. Pa. L. Rev. 212-218 (Dec.).

Wilful and wanton misconduct in Ohio [what constitutes]. (c) 10 Univ. Cin. L. Rev. 485-490 (Nov.).

PLEADING

"Cause of action" and amendments after the statute of limitations has run. (c) 22 Iowa L. Rev. 128-136 (Nov.).

The fortunes of the demurrer [history and derivation; comparison with other legal systems]. (a) Robert Wyness Millar. 31 Ill. L. Rev. 429-462 (Dec.).

PLEDGES

Effect of pledgee's breach of duty on existence of the debt. (a) William H. Farnham. 35 Mich. L. Rev. 253-273 (Dec.).

POWERS

Fraud on special powers of appointment. (a) Amos H. Eblen. 25 Ky. L. J. 3-25 (Nov.).

PRINCIPAL AND SURETY

See also *Creditors' Rights*.

Guaranties and the suretyship phases of letters of credit. (a) Morton C. Campbell. 85 Univ. Pa. L. Rev. 175-201 (Dec.).

PUBLIC OFFICERS

See *Criminal Law and Procedure*.

PUBLIC UTILITIES

See *Administrative Law*.

RAILROADS

The commodities clause and the regulation of industrial railroads [division of rates with connecting carriers—industrial road incorporated as "common carrier"—prohibited interest in commodities transported]. (c) 46 Yale L. J. 299-313 (Dec.).

RECEIVERS

See also *Mortgages*.

Tort claims in receiverships and reorganizations [preferences and participation]. (a)

F. C. Underhay. 22 Iowa L. Rev. 60-105 (Nov.).

SALES

Recoupment for breach of warranty. (c) 22 Iowa L. Rev. 118-128 (Nov.).

Sale of food—restaurateur's liability for unfitness. (c) 16 Bost. Univ. L. Rev. 1006-1011 (Nov.).

SCHOOLS AND SCHOOL DISTRICTS

Dismissal of teacher—married woman—words, "good cause." (c) 16 Bost. Univ. L. Rev. 1011-1016 (Nov.).

SEARCHES AND SEIZURES

Admissibility in Ohio of evidence obtained as a result of an illegal search and seizure. (c) 10 Univ. Cin. L. Rev. 467-473 (Nov.).

Right of an individual to force the return of goods seized and held by police officials. (c) 35 Mich. L. Rev. 306-319 (Dec.).

SECURITIES ACTS

See *Limitation of Actions, Trusts*.

SOCIAL SCIENCE AND SOCIAL WELFARE

The Social Security Act and relief [background and evaluation of the act]. (a) Grace Abbott. 4 Univ. Chi. L. Rev. 45-68 (Dec.).

STATES

Immunity of state agency from suit. (c) 43 W. Va. L. Q. 66-69 (Dec.).

Injunction—taxpayer's petition [restraint of state action by taxpayer in representative suit]. (c) 16 Bost. Univ. L. Rev. 982-988 (Nov.).

STATUTES

Special legislation: another twilight zone, I. (a) Frank E. Horack. 12 Ind. L. J. 109-132 (Dec.).

TAXATION

Corporate taxpayers and the equal protection clause [whether corporation a "person," and when "within the jurisdiction"]. (a) John B. Sholley. 31 Ill. L. Rev. 463-498 (Dec.).

The corporate undistributed profits tax [analysis and evaluation]. (c) 36 Col. L. Rev. 1321-1354 (Dec.).

Domicile versus situs as the basis of tax jurisdiction. (a) Robert C. Brown. 12 Ind. L. J. 87-103 (Dec.).

Income tax evasion and avoidance: the deflection of income: I [trusts; anticipatory assignments of income]. (a) Lucius A. Buck. 23 Va. L. Rev. 107-139 (Dec.). See

also, The reduction of income taxes through the use of trusts. (a) William E. Warren. 34 Mich. L. Rev. 809-840 (April).

Jurisdiction of state of domicile to tax income from property in another state. (c) 23 Va. L. Rev. 196-200 (Dec.).

One result of the dollar and one half tax law [effect of Indiana real property tax limitation on municipal credit]. (a) Harry T. Ice and Mayburn F. Landgraf. 12 Ind. L. J. 133-143 (Dec.).

Options and sales contracts in taxation [the problem of ownership for purposes of death and income taxes]. (c) 46 Yale L. J. 272-286 (Dec.).

State sales taxation and the commerce clause. (a) Thomas C. Lavery and Thomas W. Maxson. 10 Univ. Cin. L. Rev. 351-365 (Nov.).

State taxation and the new federal instrumentalities. (a) Harold W. Stoke. 22 Iowa L. Rev. 39-59 (Nov.).

The surtax on undistributed profits [possible methods of minimization]. (c) 50 Harv. L. Rev. 332-344 (Dec.). See also, Taxation of undistributed corporate profits. (a) John B. Martin, Jr. 35 Mich. L. Rev. 44-72 (Nov.).

TORTS

See also *Comparative Law, Negligence, Receivers*.

Negligence—licenses—firemen—wilful, wanton, and reckless conduct—violation of a statute [liability of property owner for injury to fireman]. (c) 16 Bost. Univ. L. Rev. 994-1000 (Nov.).

The rule of Rylands v. Fletcher in Iowa. (c) 22 Iowa L. Rev. 136-144 (Nov.).

Voluntary assumption of risk—contributory negligence—injuries to patrons at places of amusement. (c) 10 So. Cal. L. Rev. 67-77 (Nov.).

TRADE RESTRAINTS

See also *Unfair Competition*.

The Sugar Institute decisions and the anti-trust laws: 2. (a) James Lawrence Fly. 46 Yale L. J. 228-254 (Dec.). [Continued from 45 Yale L. J. 1339 (June).]

TRESPASS

See *Air Law, Injunctions*.

TRIALS

The problem of jury instructions [written or oral; by court or by attorneys' request]. (a) Haymond Maxwell. 43 W. Va. L. Q. 1-9 (Dec.).

TRUSTS

The constructive trust: a neglected remedy in Ohio [its possibilities in forged will cases, devises on oral trust, etc.]. (a) Harry W. Vanneman. 10 Univ. Cin. L. Rev. 366-401 (Nov.).

Liability of trustee in the absence of causal relation between wrongdoing and loss. (c) 50 Harv. L. Rev. 317-322 (Dec.).

The Securities and Exchange Commission and corporate trustees [report and recommendations of S. E. C. to Congress]. (a) H. C. McCollom. 36 Col. L. Rev. 1197-1235 (Dec.).

Spendthrift trusts—validity of restraints upon the involuntary alienation of beneficiary's right to receive the principal of a trust in Minnesota. (c) 21 Minn. L. Rev. 80-90 (Dec.).

UNFAIR COMPETITION

Anti-price discrimination act of 1936 [Robinson-Patman Act—history and analysis]. (a) Charles D. Evans. 23 Va. L. Rev. 140-177 (Dec.).

Changes in federal price discrimination law effected by the Robinson-Patman Act. (c) 23 Va. L. Rev. 201-210 (Dec.).

Fair trade and resale price maintenance [background and evaluation of California Act]. (a) Sheldon D. Elliott. 10 So. Cal. L. Rev. 1-17 (Nov.).

The legality of discrimination under the Robinson-Patman Act. (c) 36 Col. L. Rev. 1285-1321 (Dec.).

The scope of federal power over price

discrimination [what powers it attempts to exercise in Robinson-Patman Act]. (a) Edward M. Brown. 10 Univ. Cin. L. Rev. 430-453 (Nov.).

Some comments on the price discrimination act [problems of construction of "chain store act"]. (a) Lester A. Jaffe. 10 Univ. Cin. L. Rev. 402-429 (Nov.).

The Unfair Practices Act [California act]. (a) Joseph Wesley Cupp. 10 So. Cal. L. Rev. 18-28 (Nov.).

VENDOR AND PURCHASER

The origin of the doctrine of equitable conversion by contract. (c) 25 Ky. L. J. 58-63 (Nov.).

WATERS AND WATERCOURSES

Fifty years of water law [changing economic uses of water and corresponding changes in the law]. (a) Samuel C. Wiel. 50 Harv. L. Rev. 252-304 (Dec.).

WILLS

See *Descent and Distribution, Powers*.

WITNESSES

Impeachment of one's own witness—new development. (a) Mason Ladd. 4 Univ. Chi. L. Rev. 69-96 (Dec.).

WORKMEN'S COMPENSATION

See also *Death by Wrongful Act*.

Juror as employee under compensation act—distinction between public officer and employee. (c) 16 Bost. Univ. L. Rev. 1024-1040 (Nov.).