

Michigan Law Review

Volume 41 | Issue 1

1942

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*, 41 MICH. L. REV. 195 (1942).

Available at: <https://repository.law.umich.edu/mlr/vol41/iss1/25>

This Regular Feature 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-five leading law reviews. The index embraces material published since the last issue of this REVIEW.

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. Where the title of an article or comment is not self-explanatory, an indication of its scope is added in brackets.

The periodicals which are covered in this index, together with their addresses, are as follows:

- Boston University Law Review, Boston University, Boston, Mass.
- California Law Review, Boalt Hall of Law, Berkeley, Cal.
- Columbia Law Review, Columbia University, New York, N.Y.
- Cornell Law Quarterly, Ithaca, N.Y.
- George Washington Law Review, George Washington University, Washington, D.C.
- Harvard Law Review, Cambridge, Mass.
- Illinois Law Review, 357 E. Chicago Ave., Chicago, Ill.
- Indiana Law Journal, Indiana Law Library, Indianapolis, Ind.
- Iowa Law Review, University of Iowa College of Law, Iowa City, Iowa.
- Kentucky Law Journal, Lexington, Ky.
- Law and Contemporary Problems, Duke University, Durham, N.C.
- Michigan Law Review, Ann Arbor, Mich.
- Minnesota Law Review, Minneapolis, Minn.
- Missouri Law Review, Columbia, Mo.
- New York University Law Quarterly Review, New York University, New York, N.Y.
- North Carolina Law Review, University of North Carolina, Chapel Hill, N. C.
- Southern California Law Review, University of Southern California, Los Angeles, Cal.
- Texas Law Review, Austin, Tex.
- University of Chicago Law Review, University of Chicago Law School, Chicago, Ill.
- University of Cincinnati Law Review, Cincinnati, Ohio.
- University of Pennsylvania Law Review, University of Pennsylvania, Philadelphia, Pa.
- Virginia Law Review, University of Virginia, Charlottesville, Va.
- West Virginia Law Quarterly, University of West Virginia Law School, Morgantown, W. Va.
- Wisconsin Law Review, Madison, Wis.
- Yale Law Journal, New Haven, Conn.

ADMINISTRATIVE LAW

See also *Army and Navy, Parties, War*.

Administrative features of the Emergency Price Control Act. 28 Va. L. Rev. 991-1003 (May).

The California chaos in court review of the decisions of state administrative agencies. (a) Dudley O. McGovney. 15 So. Cal. L. Rev. 391-412 (June).

Dean Pound and administrative law—another view. (a) Edward W. Bailey. 42 Col. L. Rev. 781-803 (May).

Dean Pound's errors about administrative agencies. (a) Kenneth Culp Davis. 42 Col. L. Rev. 804-808 (May).

Judicial review of quasi-legislative orders. 1942 Wis. L. Rev. 392-398 (May).

Procedure on appeals to state school authorities. (a) Harry N. Rosenfield. 19

N. Y. Univ. L. Q. Rev. 370-427 (May).

The requirement of opportunity to be heard in the administrative process. (a) Kenneth Culp Davis. 51 Yale L. J. 1093-1142 (May).

ALIENS

The right of alien enemies to sue in American courts. (a) Jacob J. Gordon. 36 Ill. L. Rev. 809-818 (April).

APPEAL AND ERROR

Appeals from interlocutory determination of major or special issues—orders appealable in discretion of court. 15 So. Cal. L. Rev. 504-513 (June).

Final disposition of state court decisions reversed and remanded by the Supreme Court, October Term, 1931, to October Term, 1940. 55 Harv. L. Rev. 1357-1365 (June).

ARMY AND NAVY

See also *Security*.

Appeal procedure under the Selective Service Law. (a) Andrew Jackson Lewis. 17 Ind. L. J. 273-284 (April).

History of selective service and provisions of 1940 act. 17 Ind. L. J. 301-333 (April).

Social security to men in service. 17 Ind. L. J. 340-345 (April).

The Soldiers' and Sailors' Civil Relief Act of 1940 [taxation; insurance]. 17 Ind. L. J. 334-340 (April).

Reemployment [of service men]. 17 Ind. L. J. 345-351 (April).

ARREST

See *Criminal Law and Procedure*.

ATTORNEY AND CLIENT

Dual representation as a bar to compensation for services rendered in reorganization proceedings. 36 Ill. L. Rev. 889-894 (April).

AUTOMOBILES

See *Security*.

BAILMENTS

See *Security*.

BANKRUPTCY

See also *Attorney and Client, Municipal Corporations, Railroads, Security*.

Jurisdiction over state tax claims in bankruptcy liquidation and reorganization. 55 Harv. L. Rev. 1343-1357 (June).

Rights of action by the representative of corporate creditors—effect of corporate assent. 40 Mich. L. Rev. 1213-1221 (June).

Wage earner's plans in the federal courts. (a) Frederick Woodbridge. 26 Minn. L. Rev. 775-823 (June).

BANKS AND BANKING

Insured deposits under the Federal Deposit Insurance Law. 42 Col. L. Rev. 1030-1045 (June).

CHATTEL MORTGAGES

See *Security*.

CITIZENS

Cancellation of citizenship because of communism. 51 Yale L. J. 1215-1223 (May).

CONFLICT OF LAWS

See also *Fraud, Security*.

From *Swift v. Tyson* to the *Klaxon Case* [federal treatment of state conflicts rules]. 28 Va. L. Rev. 1116-1129 (June).

CONSTITUTIONAL LAW

See also *Administrative Law, Labor Law, Taxation, Trade Restraints, War*.

Curtailement of speech inciting to race hatred and protection of minorities. 42 Col. L. Rev. 857-862 (May).

Executive agreements and the treaty power. 42 Col. L. Rev. 831-843 (May).

Recent ramifications of the application of free speech doctrines to the protection of picketing. 40 Mich. L. Rev. 1200-1213 (June).

The taking and destruction of property under a defense and war program. (a) Philip Marcus. 27 Corn. L. Q. 317-346 (April).

Validity of California statute involving interstate migration of indigent persons. 22 Bost. Univ. L. Rev. 449-456 (June). Cf. 40 Mich. L. Rev. 711-733 (March).

CONTEMPT

Contempt of court and the press in Missouri. (a) Milton I. Goldstein. 7 Mo. L. Rev. 229-261 (June).

CONTRACTS

See also *Equity, Quasi-Contracts*.

Constructive conditions in contracts. (a) Edwin W. Patterson. 42 Col. L. Rev. 903-954 (June).

The excuse of impossibility in West Virginia contract law. (a) Clyde L. Colson. 48 W. Va. L. Q. 189-206 (April-June).

War measures and contract liability. (a) Willard H. Pedrick and Nora Gray Springfield. 20 Tex. L. Rev. 710-742 (June).

CORPORATIONS

See also *Attorney and Client, Bankruptcy, Public Utilities, Railroads, Securities Legislation*.

Compensation for services rendered in financing a corporation: payment by the issue of stock. 55 Harv. L. Rev. 1365-1373 (June).

Current phases of derivative actions against directors. (a) Ralph M. Carson. 40 Mich. L. Rev. 1125-1160 (June).

The doctrine of ultra vires in North Carolina. (a) Charles S. Mangum, Jr. 20 N. C. L. Rev. 405-419 (June).

Protective coloring in corporation law [legality of mergers, assignments and other devices to accomplish indirectly what is prohibited by direct action]. (a) George T. Washington and Carl H. Fulda. 26 Minn. L. Rev. 824-853 (June).

COURTS

See also *Administrative Law, Aliens, Appeal and Error, Federal Courts.*

Some features of the organization and work of the [New York] Court of Appeals. (a) Frank H. Hiscock. 27 *Corn. L. Q.* 307-316 (April).

The Supreme Court: 1940, 1941 terms—The Supreme Court and judicial administration [decisions; conference of circuit judges; rule-making]. (a) James Wm. Moore. 28 *Va. L. Rev.* 861-910 (May).

COVENANTS

The enforcement of equitable servitudes in land. (a) Russell R. Reno. 28 *Va. L. Rev.* 951-979 (May), 1067-1101 (June).

CRIMINAL LAW AND PROCEDURE

See also *Libel and Slander.*

Adolescent delinquency and Youth Correction Authority Act [American Law Institute Model Act]. 20 *Tex. L. Rev.* 754-763 (June).

Arrest without a warrant in West Virginia. (a) Marlyn E. Lugar. 48 *W. Va. L. Q.* 207-225 (April-June).

A resume of decisions of the United States Supreme Court on federal criminal procedure [evidence; conduct of judge, prosecuting attorney and jury]. (a) Lester B. Orfield. 7 *Mo. L. Rev.* 262-301 (June).

DAMAGES

Interest damages in Virginia. (a) T. A. Smedley. 28 *Va. L. Rev.* 1138-1166 (June).

DEEDS

History and development of the modern real estate deed. (a) Julius R. Samuels. 16 *Univ. Cin. L. Rev.* 219-246 (May).

DEFENSE

See *Constitutional Law.*

DOWER

"Life, liberty—and dower"; disherison of the spouse in New York. (a) Harry H. Schneider and Bertram M. Landesman. 19 *N. Y. Univ. L. Q. Rev.* 343-370 (May).

DURESS

Duress by economic pressure, II [threats to do something not a legal wrong; conclusions]. (a) John Dalzell. 20 *N. C. L. Rev.* 341-387 (June). Concluded from id. 237-277 (April).

EASEMENTS

See *Licenses.*

EMINENT DOMAIN

See *Constitutional Law.*

EQUITY

See also *Labor Law, Trade Restraints.*

Contracts—mutual mistake—misrepresentation—setting aside release. 1942 *Wis. L. Rev.* 401-408 (May).

Interpleader in Missouri. (a) Eugene Hauck Buder. 7 *Mo. L. Rev.* 203-228 (June).

Power of federal court to restrain state proceedings. 7 *Mo. L. Rev.* 309-316 (June).

EVIDENCE

See also *Witnesses.*

The new code of evidence of the American law institute. (a) Charles T. McCormick. 20 *Tex. L. Rev.* 661-674 (June).

Presumptions and the burden of proof [sufficiency, instructions, reforms]. (a) Daniel M. Reaugh. 36 *Ill. L. Rev.* 819-852 (April). Concluded from id. 703-726 (Mar.).

EXECUTORS AND ADMINISTRATORS

See *Security.*

FEDERAL COURTS

See also *Equity, Unfair Competition.*

Federal judicial conferences and councils: their creation and reports. (a) Lewis W. Morse. 27 *Corn. L. Q.* 347-363 (April).

The place of the Administrative Office in the federal court system. (a) Henry P. Chandler. 27 *Corn. L. Q.* 364-373 (April).

Removal of causes—proceedings in federal and state courts subsequent to state court's denial of motion to remove. 20 *N. C. L. Rev.* 438-448 (June).

FRAUD

Fraud on the law—the doctrine of evasion [legality of devices to evade the law—taxation, employer's liability, etc.—both domestic and foreign]. 42 *Col. L. Rev.* 1015-1030 (June).

FUTURE INTERESTS

The alienability of non-possessory interests, II. (a) Percy Bordwell. 20 *N. C. L. Rev.* 387-404 (June).

HOUSING

Equivalent elimination agreements in public housing projects. (a) John I. Robinson and Sophie Robinson Altman. 22 *Bost. Univ. L. Rev.* 375-389 (June).

HUSBAND AND WIFE

See *Witnesses*.

INFANTS

Foreclosure suits against infants. 28 Va. L. Rev. 1103-1116 (June).

INSURANCE

See *Army and Navy, Bankruptcy, Taxation, War*.

INTERNATIONAL LAW

See also *Constitutional Law, War*.

Dissenting opinions in international adjudication. (a) Edward Dumbauld. 90 Univ. Pa. L. Rev. 929-945 (June).

JUDGMENTS

See *Bankruptcy*.

JURISPRUDENCE

Logic in the law. (a) Edwin W. Patterson. 90 Univ. Pa. L. Rev. 875-909 (June).

LABOR LAW

See also *Army and Navy, Constitutional Law, War*.

A century of American unionism. (a) Arthur Lenhoff. 22 Bost. Univ. L. Rev. 357-374 (June).

Consent judgments and contempt cases under the Fair Labor Standards Act of 1938. (a) Allan A. Tepper. 22 Bost. Univ. L. Rev. 390-400 (June).

Eligibility of strikers and strikebreakers to vote in election held during currency of economic strike. 90 Univ. Pa. L. Rev. 947-957 (June).

Employee's waiver of extra pay for extra services. 90 Univ. Pa. L. Rev. 957-964 (June).

Employer protection in inter-union disputes. 36 Ill. L. Rev. 853-861 (April).

Fair labor standards act—determination of coverage by character of employee's activity. 20 N. C. L. Rev. 424-434 (June).

Freedom of speech in secondary picketing. 51 Yale L. J. 1209-1215 (May).

Interpretation of employment relationship under unemployment compensation statutes. 36 Ill. L. Rev. 873-885 (April).

The interstate problems of the unemployment compensation program. 36 Ill. L. Rev. 862-872 (April).

Labor dispute as defined by § 876-a of the N. Y. Civil Practice Act. 19 N. Y. Univ. L. Q. Rev. 428-433 (May).

Permissible curtailment of employer speech under the National Labor Relations Act. 42 Col. L. Rev. 862-867 (May).

Railway Labor Act—right of carrier to declaratory judgment of rights under the original collective agreement during the two years which the act allows for the employee's enforcement of an award of the adjustment board. 27 Iowa L. Rev. 641-646 (May).

LANDLORD AND TENANT

See also *Licenses*.

Damages for holding over where because of illness of tenant there is no liability for rent for another term. 27 Corn. L. Q. 405-411 (April).

A reveille to lessees [lessee's right to return of security deposits]. (a) Gilbert E. Harris. 15 So. Cal. L. Rev. 412-427 (June).

LEGAL HISTORY

Legal history: a research program [a social viewpoint]. (a) Willard Hurst. 1942 Wis. L. Rev. 323-334 (May).

Serjeants-at-law; the order of the cof. (a) Edward H. Warren. 28 Va. L. Rev. 911-950 (May).

LEGISLATION

See *Statutes*.

LIBEL AND SLANDER

Democracy and defamation: control of group libel [criminal and civil remedies]. (a) David Riesman. 42 Col. L. Rev. 727-780 (May).

Fair comment in Wisconsin. 1942 Wis. L. Rev. 412-422 (May).

LICENSES

See also *Patents*.

An analysis of licenses in land. (a) Alfred F. Conard. 42 Col. L. Rev. 809-829 (May).

Licenses and tenancies for years. (a) William F. Walsh. 19 N. Y. Univ. L. Q. Rev. 333-342 (May).

LIENS

See *Security*.

MANDAMUS

See *Taxation*.

MARTIAL LAW

The law of martial rule and the national emergency. (a) Charles Fairman. 55 Harv. L. Rev. 1253-1302 (June).

MORTGAGES

See also *Infants, Security*.

Liability of a senior mortgagee to account to a junior mortgagee for rents released to

the mortgagor. 26 Minn. L. Rev. 880-894 (June).

Mortgage receiverships in Iowa. 27 Iowa L. Rev. 626-640 (May).

MUNICIPAL CORPORATIONS

See also *Torts, War*.

Debt readjustments of municipal corporations [state and federal legislation]. 28 Va. L. Rev. 981-991 (May).

NEGLIGENCE

See *Torts*.

OIL AND GAS

See *Public Utilities, War*.

PARTIES

Public representation in private litigation involving administrative rule. (a) Jacob H. Beuscher. 1942 Wis. L. Rev. 355-370 (May).

PATENTS

Compensation for compulsory grant of patent licenses. 42 Col. L. Rev. 843-852 (May).

PLEADING

Law and fact. (a) Clarence Morris. 55 Harv. L. Rev. 1303-1341 (June).

PLEDGES

See *Security*.

PRACTICE AND PROCEDURE

See *Appeal and Error, Equity*.

PRICE CONTROL

See *Administrative Law, Trade Restraints*.

PRINCIPAL AND SURETY

See also *Security*.

Defenses of a principal available to a surety. 27 Iowa L. Rev. 601-625 (May).

PUBLIC UTILITIES

Competition in public service—a new interpretation. 48 W. Va. L. Q. 271-276 (April-June).

Federal Natural Gas Act—effect on interrelation of state and federal regulation. 27 Corn. L. Q. 399-404 (April).

Participation in reorganizations under the Public Utility Holding Company Act of 1935 of preferred stock purchased by controlling interest during reorganization period. 10 Geo. Wash. L. Rev. 979-987 (June).

Profits a prendre and interstate price-fixing [valuation of gas leaseholds for rate purposes]. (a) C. C. Williams, Jr. and

Kemble White, Jr. 48 W. Va. L. Q. 226-254 (April-June).

QUASI-CONTRACTS

Restitution as a substitute for an action for damages for tortious interference with contract. 16 Univ. Cin. L. Rev. 247-256 (May).

RAILROADS

See also *Labor Law*.

Findings of "value" in railroad reorganizations. (a) Edward W. Bourne. 51 Yale L. J. 1057-1092 (May).

RESCISSION

See *Quasi-Contracts*.

SALES

See *Security*.

SCHOOLS AND SCHOOL DISTRICTS

See *Administrative Law*.

SECURITIES LEGISLATION

A civil law answer to the problem of securities regulation. (a) Harold H. Neff. 28 Va. L. Rev. 1025-1066 (June).

SECURITY

See also *Bankruptcy, Mortgages, Principal and Surety*.

Claims of the United States—priority—Revised Statutes, section 3466 [when U. S. does not have priority]. 15 So. Cal. L. Rev. 486-499 (June).

Field warehousing [warehouse receipts for goods on borrower's premises as substitute for pledge]. (a) Daniel M. Friedman. 42 Col. L. Rev. 991-1013 (June).

Power of possessor of personal property to create lien for repairs and storage charges superior to existing interests of others. (a) Robert E. Lee. 90 Univ. Pa. L. Rev. 910-928 (June).

Section 303 of the Soldiers' and Sailors' Civil Relief Act [motor vehicle moratorium]. (a) James Thomas Connor. 17 Ind. L. J. 285-296 (April).

Trust receipts in Missouri. 7 Mo. L. Rev. 302-309 (June).

A symposium on security. 27 Iowa L. Rev. 520-579 (May).

Foreword. John Hanna. 520-527.

Chattel security transactions and the conflict of laws. George W. Stumberg. 528-551.

Some observations on the law of subsuretyship. Gerhart Husserl. 552-578.

Tender as related to security transactions. John D. Wickhem. 579-600.

SOCIAL SCIENCE AND SOCIAL WELFARE

See *Army and Navy*.

STATES

Repeal of section 35 of article VI of the West Virginia Constitution and adoption of amendment permitting suits and actions against the state. 48 W. Va. L. Q. 259-264 (April-June).

STATUTES

The work of the 1941 California legislature—part III [probate code]. (a) Edwin W. Taylor. 15 So. Cal. L. Rev. 469-477 (June).

TAXATION

See also *Army and Navy, Bankruptcy*.

The constitutionality of compulsory joint returns of husband and wife. 10 Geo. Wash. L. Rev. 954-979 (June).

Constitutionality of state law apportioning incidence of federal estate tax. 51 Yale L. J. 1202-1209 (May).

Income tax—deductions—expenses in carrying on a trade or business—personal investment costs. 1942 Wis. L. Rev. 432-438 (May).

Federal estate taxation of life insurance—effect of Treasury Decision 5032 amending articles 25 and 27 of the estate tax regulations. 40 Mich. L. Rev. 1221-1229 (June).

The present method of taxing trust income—a criticism and proposed revision. (a) Henry A. Fenn. 51 Yale L. J. 1143-1159 (May).

Property rationalism and tax pragmatism. (a) Covey T. Oliver. 20 Tex. L. Rev. 675-709 (June).

The strange case of *Amory v. Assessors of Boston* [will mandamus lie to compel a fair assessment?]. 22 Bost. Univ. L. Rev. 440-445 (June).

TORTS

See also *Quasi-Contracts*.

Governmental responsibility for torts in Minnesota, V [constitutional provisions; proposals for future legislation]. (a) Orville C. Peterson. 26 Minn. L. Rev. 854-879 (June). Concluded from 26 id. 358, 480, 613, 700 (1942).

Liability of the accountant to parties other than his employer for negligent misrepresentation. (a) Joseph W. Meek. 1942 Wis. L. Rev. 371-391 (May).

Negligence per se—violation of right of way—emergency rule. 1942 Wis. L. Rev. 422-432 (May).

Proximate cause—part VI [actual cause].

(a) Charles E. Carpenter. 15 So. Cal. L. Rev. 427-469 (June). Continued from 14 id. 1, 115, 416 (1941), 15 id. 187, 304 (1942).

TRADE MARKS AND TRADE NAMES

See *Unfair Competition*.

TRADE RESTRAINTS

See also *Unfair Competition*.

Antitrust during national emergencies: II [1933 to present]. (a) Thomas K. Fisher. 40 Mich. L. Rev. 1161-1199 (June).

Economic problems of price control and the emergency price control act of 1942. (a) James S. Earley. 1942 Wis. L. Rev. 334-354 (May).

Operation of the consent decree in the motion picture industry [antitrust cases]. 51 Yale L. J. 1175-1195 (May).

TRUST RECEIPTS

See *Security*.

TRUSTS

When is a trust not a trust? [Validity of revocable trusts in Ohio.] (a) Robert P. Goldman and Evans L. DeCamp. 16 Univ. Cin. L. Rev. 191-218 (May).

Creation and validity—reservation of control by settlor, when testamentary? 27 Corn. L. Q. 411-417 (April).

UNFAIR COMPETITION

Erie v. Tompkins: in relation to the law of trade-marks and unfair competition. (a) Sergei S. Zlinkoff. 42 Col. L. Rev. 955-990 (June).

Unlawful trade practices—Michigan statute—misleading practices by "wholesale sellers." 40 Mich. L. Rev. 1229-1232 (June).

UNITED STATES

See *Security*.

WAR

See also *Aliens, Army and Navy, Constitutional Law, Contracts, Martial Law*.

Conservation order M-68—effect on implied covenants in oil and gas leases [conservation conditions attached to release of new materials]. 10 Geo. Wash. L. Rev. 926-934 (June).

Drafting women for industry. 10 Geo. Wash. L. Rev. 915-926 (June).

Enforcement of priority and rationing regulations. 51 Yale L. J. 1196-1202 (May).

Federal-municipal cooperation in the war offensive [blackouts, price control]. 10 Geo. Wash. L. Rev. 943-952 (June).

Law of chemical warfare. 10 Geo. Wash. L. Rev. 889-915 (June).

Meaning of "enemy" under the trading with the Enemy Act. 20 Tex. L. Rev. 746-754 (June).

Mobilization of manpower. 17 Ind. L. J. 351-358 (April).

War damage insurance [comparison of various plans]. 51 Yale L. J. 1160-1174 (May).

WAREHOUSE RECEIPTS

See *Security*.

WILLS

See *Dover*.

WITNESSES

Relationship by affinity [what persons are disqualified]. (a) Elmer Million. 22 Bost. Univ. L. Rev. 401-431 (June).