January 1940

Index Digest

Follow this and additional works at: http://openscholarship.wustl.edu/law_lawreview

Recommended Citation

Index Digest, 26 Wash. U. L. Q. (1940).
Available at: http://openscholarship.wustl.edu/law_lawreview/vol26/iss1/10

This Index is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.
**INDEX DIGEST**

<table>
<thead>
<tr>
<th>ADMINISTRATION</th>
<th>ADOPTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Executors and Administrators</td>
<td>Equitable adoptions in Missouri</td>
</tr>
<tr>
<td></td>
<td>Missouri 1917 adoption law</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADMINISTRATIVE LAW</th>
<th>AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Agencies</td>
<td>Principal's liability to third person</td>
</tr>
<tr>
<td>See also: Federal Communications Commission, Interstate Commerce Commission</td>
<td>Statutory presumptions of liability</td>
</tr>
<tr>
<td>National Labor Relations Board's blanket cease and desist order</td>
<td>of automobile owner for negligence of driver</td>
</tr>
<tr>
<td>S. E. C.—Investment Company Act of 1940</td>
<td>Negligence of agent commandeered by police</td>
</tr>
<tr>
<td>Support of Applicant by Relative under Missouri's Social Security Act</td>
<td>Scope of agent's authority</td>
</tr>
<tr>
<td></td>
<td>Scope of employment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADMINISTRATIVE LAW</th>
<th>ANTI-TRUST LAWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Agencies</td>
<td>See Restrict of Trade</td>
</tr>
<tr>
<td>See also: Federal Communications Commission, Interstate Commerce Commission</td>
<td></td>
</tr>
<tr>
<td>National Labor Relations Board's blanket cease and desist order</td>
<td></td>
</tr>
<tr>
<td>S. E. C.—Investment Company Act of 1940</td>
<td></td>
</tr>
<tr>
<td>Support of Applicant by Relative under Missouri's Social Security Act</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bibliography</th>
<th>Jurisdictional amount on appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney General's Committee on Administrative Procedure: Monograph No. 22, Administration of Internal Revenue Law, a review</td>
<td>125</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discretion</th>
<th>ARBITRATION AND AWARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control of administrative discretion</td>
<td>Arbitration contracts and submission</td>
</tr>
<tr>
<td>—refusal of liquor license</td>
<td>Agreement to arbitrate future disputes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In General</th>
<th>ASSIGNMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation of barbers, a case study</td>
<td>See also Insurance</td>
</tr>
<tr>
<td></td>
<td>Recovery where assignment of insurance policy is to one without an insurable interest</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Licensing</th>
<th>BANKS AND BANKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refusal of liquor license—control of administrative discretion</td>
<td>Deposits</td>
</tr>
<tr>
<td></td>
<td>Unqualified depositary of public funds</td>
</tr>
<tr>
<td></td>
<td>Regulation</td>
</tr>
<tr>
<td></td>
<td>Investment Company Act of 1940</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Powers of Agencies</th>
<th>BANKRUPTCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigatory powers of Congress &amp; administrative agencies</td>
<td>Corporate reorganization</td>
</tr>
<tr>
<td></td>
<td>Creditors in reorganization proceedings</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procedure</th>
<th>CERTIORARI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Procedure: a report</td>
<td>See Extraordinary Writs</td>
</tr>
<tr>
<td>and an evaluation</td>
<td></td>
</tr>
<tr>
<td>Federal Communications Commission — appeal by “person aggrieved”—economic injury</td>
<td></td>
</tr>
<tr>
<td></td>
<td>121</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADMINISTRATORS</th>
<th>CLASS SUIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Executors and Administrators</td>
<td>See Res Judicata</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADMIRALTY</th>
<th>CONFLICT OF LAWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bibliography</td>
<td>Garnishment in Missouri in relation to</td>
</tr>
<tr>
<td>Robinson: Handbook of Admiralty Law, &amp; a review</td>
<td>Procedure—burden of proof in federal conflict of laws situations</td>
</tr>
<tr>
<td></td>
<td>148</td>
</tr>
</tbody>
</table>

---

*Page numbers in bold face indicate leading articles; those in italics, notes; those in ordinary type, case comments or book reviews.*

iv
COLLECTIVE BARGAINING
See Labor Law

CONSTITUTIONAL LAW
See also: Administrative Law, Statutes

Due process of law
Fourteenth amendment ........................................ 422

Equal protection of the laws
Anti-trust legislation—different sanctions applied to agriculture and industry.................. 132

Judicial powers—in general
Case or controversy in declaratory judgment proceedings .......... 428

Legislative powers—implied
Investigatory powers of Congress and administrative agencies........ 531

Missouri
Delegation of power to private groups .................................................. 540

Issuance of mandamus to legislative officer—nature of speaker's duty to declare election of governor ........................................................................... 422

Personal rights: civil
Racial discrimination of an interstate passenger ........................................... 557

Self-incrimination: admissibility of results of intoxication tests................................. 435

President's powers
Corwin: President: Office and Powers, a review ........................................ 589

Removal of administrative officers—effect of statutory limitations ......................... 424

Searches and seizures
Administrative investigations .......................................................... 270

Subpoena duces tecum in administrative investigations ........................................ 270

State officers
State provision against holding office of trust and profit under United States .......... 573

CONTEMPT
Criminal contempt
Publication concerning closed case (Missouri) ........................................ 564

Summary punishment under federal contempt statute given geographical limitation ..................... 566

CONTRACTS
See also: Statute of Frauds

Bibliography
Gardner: A Selection of Cases and Materials on the Law of Contracts, a review .................. 156
Shepherd: Cases and Materials on the Law of Contracts, a review .................................. 150

Conditions: construction and validity
Agreement to arbitrate future disputes ........................................................................ 559

In general
Legality of contracts for lobbying services .................................................................. 426

Specific performance
Affirmative aspect of doctrine of mutuality ......................................................... 421

Enforcement of employment contracts .................................................................. 139

Oral contract to convey land ................................................................................ 275

CONTRIBUTORY NEGLIGENCE
Humanitarian rule
A position of peril doctrine ................................................................................ 612

COPYRIGHT

Infringement: radio broadcasting phonograph record dedicated to the public ............... 272

CORPORATIONS

Bibliography
Douglas: Democracy and Finance, a review ......................................................... 289

Directors
Restrictions imposed by directorship status on personal business activities of directors .......... 189

Reorganization
Creditors in reorganization proceeding .................................................................. 27

COURTS
See also: Federal Courts

In general
Jurisdictional amount on appeal ........................................................................ 125

CRIMINAL LAW
See Constitutional Law (Personal rights: civil, self-incrimination); Contempt (Criminal)

DECLARATORY JUDGMENTS

Constitutional requirement of case or controversy ............................................... 428

Uniform Declaratory Judgments Act; experience under ........................................ 468

DEFAMATION
See Libel and Slander, Privacy, right of

DELEGATION OF POWERS
See Constitutional Law (Legislative powers: delegation of powers)
DESCENT AND DISTRIBUTION
Inheritance of adopted child from kindred of adoptive parents. 569

DIRECTORS
See Corporations

DOMESTIC RELATIONS
Annulment
Concealment of venereal disease 274

DUE PROCESS
See Constitutional Law

EVIDENCE
In general
Admissibility of results of intoxication tests 435
Admissibility of telephone conversations 433
Identification of calling party on telephone 433

EQUITY
See also: Adoption, Contracts (specific performance), Extraordinary Writs, Injunction, Labor Law, Trusts

Subjects of jurisdiction: contracts
Affirmative aspect of doctrine of mutuality 431
Oral contracts to convey land 275

EXECUTORS AND ADMINISTRATORS
Personal disqualification of administrators 410, 237

EXTRAORDINARY WRITS
See also: Injunction

Certiorari
Stipulations as part of the record 129

Mandamus
Control of administrative discretion where liquor license was refused 134
Issuance to legislative officer—nature of speaker’s duty to declare election of governor 442

FAIR LABOR STANDARDS ACT
See Labor Law

FAMILY LAW
See Adoption, Domestic Relations

FEDERAL COMMUNICATIONS COMMISSION
Appeal by “person aggrieved” from order of commission 121

FEDERAL COURTS
Jurisdiction
Appeal—diversity of citizenship—retrospective application of change in state law under Erie R. R. v. Tompkins 437
Avoiding federal jurisdiction—assignment to prevent diversity of citizenship 446
Diversity of citizenship—appeal 437
Jurisdiction of Supreme Court over suits by states 61

Questions of state law
Retrospective application of change in state law under Erie R. R. v. Tompkins 437

Powers: justiciable controversies
Case or controversy in declaratory judgment proceedings 428

Procedure
Pre-trial procedure 848

Suits between states
Original jurisdiction of supreme court over 61

Suits to which a state is a party
Suits by states within original jurisdiction of supreme court 61

GARNISHMENT
Missouri
Conflict of laws problems 85

HISTORY OF LAW
See also: Legal Bibliography

In general
Scott: Law, the State and the International Community, a review 147
Shriver: The Judicial Opinions of Oliver Wendell Holmes, a review 593

HUMANITARIAN DOCTRINE
See Torts (contributory negligence)

INJUNCTIONS
Nature and scope
Under Sherman Act, effect of Norris-La Guardia Act 290

INSTRUCTIONS
See Jury, Procedure

INSURANCE
Assignment
To one without insurable interest—extent of recovery 377
INSURANCE—Continued

Insurable interest
Extent of recovery where assignment made to one without insurable interest

Rights of beneficiary
Rights of beneficiary and transferee as affected by assignment of life insurance policy

INTERSTATE COMMERCE COMMISSION
In general
Lay practice before I. C. C.—unauthorized practice of law

INTERNATIONAL LAW
Bibliography
McMahon: Conquest and Modern International Law—Its Legal Limitations on the Acquisition of Territory by Conquest, a review

INVESTMENT
Investment Company Act of 1940

JURISDICTION
See Federal Courts

JURISPRUDENCE
Bibliography
Garlan: Legal Realism and Justice, a review

In general
Scott: Law, the State and the International Community, a review
Shriver: The Judicial Opinions of Oliver Wendell Holmes, a review

JURY
Instructions to juries
Right to jury trial in criminal contempt (Mo.)

LABOR LAW
Bibliography
Teller: The Law Governing Labor Disputes and Collective Bargaining

Conspiracy
Hutcheson case

In general
Blanket cease and desist order of the N. L. R. B.
Hutcheson case
Tips as wages under Fair Labor Standards Act

Statutes and interpretation
Fair Labor Standards Act, tips as wages under

Injunction under Sherman Act—effect of Norris-La Guardia Act

LEGAL BIOGRAPHY
Holmes, Oliver Wendell
Howe: Holmes-Pollock Letters: The Correspondence of Mr. Justice Holmes and Sir Frederick Pollock, 1874-1932, a review

Nagel, Charles
A foreword
A sketch of his professional life
In public life
United States Chamber of Commerce
Taft, William Howard
Pringle: The Life and Times of William Howard Taft, a review

LIBEL AND SLANDER
Publication
Liability of advertising company for publication of client’s circular

MANDAMUS
See Extraordinary Writs

NAGEL, CHARLES
See Legal Biography

NATIONAL LABOR RELATIONS BOARD
See Administrative Law, Labor Law

PARENT AND CHILD
See Adoption

PLEADING
See also: Federal Courts, Procedure
General denial in Missouri

PRACTICE OF LAW
Lay practice before I. C. C.

PRINCIPAL AND AGENT
See Agency

PRIVACY, RIGHT OF
Liability for violating retirement of public figure

PROCEDURE
See also: Administrative Law, Courts, Extraordinary Writs, Federal Courts, Jury, Pleading
In general
Burden of proof in federal conflict of laws situations
Certiiorari, stipulations as part of the record
Declaratory Judgment Act
General denial in Missouri
PROCEDURE—Continued

Instructions
To juries ..................................455
Jurisdictional amount on appeal (Missouri) ..........125
Pre-trial procedure .....................348

QUASI CONTRACTS

Bibliography
Thurston: Cases on Restitution, a review .................448

RES JUDICATA

Persons concluded
Class suits.........................................422

RESTITUTION

See Quasi Contracts

RESTRANTEE OF TRADE

Anti-trust legislation
Different sanctions applied to agriculture and industry........132
Hutcheson case, an interpretation of the Sherman Act after the Norris-La Guardia Act .........478
Reach after new weapons................... 1

Bibliography
Arnold: The Bottle-necks of Business, a review..............294
Hamilton: The Pattern of Competition, a review ............591

Sherman Act
Hutcheson case...............................375
Injunction under Sherman Act—effect of Norris-La Guardia Act .........280

SALES

Conditional sales—in general
Tripartite credit transactions... 282
In general
Carrying charge as usury ............ 282

SHERMAN ACT

See Labor Law, Restraint of Trade

SOCIAL SECURITY COMMISSION

See Administrative Law, Statutes

SPECIFIC PERFORMANCE

See Contracts, Equity, Injunction

STATUTES

In general
Internal revenue laws, administration of ................291
Investment Company Act of 1940 ..... 803

Missouri 1917 adoption law ..........569
Presumptions of agency—liability of automobile owner for negligence of driver ..................578
Uniform Declaratory Judgment Act .... 469

Interpretation
Missouri Social Security Act—support of applicant by relative ..........574
Power of federal courts to punish summarily for contempt geographically limited........696

STATUTE OF FRAUDS

Oral contract to convey land...........275

TAXATION

Attorney General's Committee on Administrative Procedure, Monograph No. 22, Administration of Internal Revenue Laws, a review .........291

TORTS

See also: Admiralty, Contributory Negligence, Libel and Slander, Privacy, Right of. For torts in particular relations, see Agency, Labor Law, Trusts

Contributory negligence
Humanitarian rule—a position of peril doctrine ..................612

Negligence
Principal's liability for negligence of agent commandeered by police ........123
Statutory presumption of agency and consent—liability of automobile owner for negligence of driver ..................578

TRUSTS

In general
Trust relationship between bank and depositor..................127

Powers and obligations of trustees
Investment of stock of private corporations (Missouri) ..........580
Investment of trust estate funds ..... 125

Tentative trusts
Joint bank account payable to either or survivor ..........236

USURY

See Sales

WAGES

See Labor Law