

Washington University Law Review

Volume 27 | Issue 1

January 1941

Index

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

Recommended Citation

Index, 27 WASH. U. L. Q. (1941).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol27/iss1/9

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

ARTICLES

ADMINISTRATIVE FINDINGS OF FACT— <i>Sigmund Timberg</i>	
Part One.....	62
Part Two.....	169
CONFLICT OF LAWS TREATMENT OF WARRANTIES AND REPRESENTATIONS IN LIFE INSURANCE POLICIES— <i>Wendell Carnahan</i>	
Part One.....	30
Part Two.....	196
CONSTITUTIONAL IMPLICATIONS OF THE OPP COTTON MILLS CASE WITH RESPECT TO PROCEDURE AND JUDICIAL REVIEW IN ADMINISTRATIVE RULE MAKING— <i>Ralph F. Fuch</i>	1
THE FINANCIAL, DEBT, AND TAXATION PROVISIONS OF THE MISSOURI CONSTITUTION— <i>Charlton F. Chute and Victor D. Brannon</i>	371
IMPLIED COVENANTS BETWEEN OTHERS THAN LESSORS AND LESSEES— <i>Maurice H. Merrill</i>	155
LIBERTY UNDER THE FOURTEENTH AMENDMENT— <i>John Raeburn Green</i>	497
MUNICIPAL GOVERNMENT IN MISSOURI WITH SPECIAL REFERENCE TO THE METROPOLITAN AREAS— <i>O. E. Norton</i>	405
POPULAR SOVEREIGNTY IN MISSOURI— <i>Martin L. Faust</i>	312
THE PROBLEM OF THE EXECUTIVE— <i>Charles W. McKenzie</i>	350
THE PROBLEM OF LEGISLATIVE ORGANIZATION AND PROCEDURE IN MIS- SOURI— <i>Paul G. Steinbicker</i>	330
SEVENTY-FIVE YEARS OF LEGAL EDUCATION AT WASHINGTON UNIVER- SITY— <i>Tyrrell Williams</i>	477

AUTHORS

BRANNON, VICTOR D. AND CHARLTON F. CHUTE— <i>The Financial, Debt, and Taxation Provisions of the Missouri Constitution</i>	371
CARNAHAN, WENDELL— <i>Conflict of Laws Treatment of Warranties and Representations in Life Insurance Policies</i>	
Part One.....	30
Part Two.....	196
CHUTE, CHARLTON F. AND VICTOR D. BRANNON— <i>The Financial, Debt, and Taxation Provisions of the Missouri Constitution</i>	371
FAUST, MARTIN L.— <i>Popular Sovereignty in Missouri</i>	312
FUCH, RALPH F.— <i>Constitutional Implications of the Opp Cotton Mills Case with Respect to Procedure and Judicial Review in Administra- tive Rule Making</i>	1
GREEN, JOHN RAEBURN— <i>Liberty Under the Fourteenth Amendment</i>	497
MCKENZIE, CHARLES W.— <i>The Problem of the Executive</i>	350
MERRILL, MAURICE H.— <i>Implied Covenants between Others than Lessors and Lessees</i>	155
NORTON, O. E.— <i>Municipal Government in Missouri with Special Refer- ence to the Metropolitan Areas</i>	405
STEINBICKER, PAUL G.— <i>The Problem of Legislative Organization and Procedure in Missouri</i>	330
TIMBERG, SIGMUND— <i>Administrative Findings of Fact</i>	
Part One.....	62
Part Two.....	169
WILLIAMS, TYRRELL— <i>Seventy-Five Years of Legal Education at Wash- ington University</i>	477

NOTES

APPORTIONMENT WHEN THE LEGISLATURE FAILS TO ACT.....	446
CERTIORARI TO ADMINISTRATIVE TRIBUNALS IN MISSOURI.....	85
THE CONSCIENTIOUS OBJECTOR IN LAW.....	565
EFFECT ON CIVIL RIGHTS OF PARDON IN FORUM FOR CRIME COMMITTED IN ANOTHER JURISDICTION.....	455
FEDERAL APPLICATION OF STATE CHOICE-OF-LAW RULES AND DUE PROCESS	225
THE FIRST AMENDMENT AND THE N. L. R. A.....	242
THE MISSOURI PROVISION FOR PERIODIC CONSTITUTIONAL REVISION.....	432
PARTIAL ASSIGNMENTS IN MISSOURI.....	106
POWER OF THE LEGISLATURE TO AMEND OR REPEAL DIRECT LEGISLATION...	439
THE PROBLEM OF EXCESS CONDEMNATION.....	466
STATE CONSTITUTIONAL PROHIBITIONS AGAINST OFFICE-HOLDING BY LEG- ISLATORS	452
ZONING AND THE CONSTITUTION.....	459

BOOK REVIEWS

BOORSTIN— <i>The Mysterious Science of the Law</i> (Christian B. Peper)....	303
BROWN— <i>Blackstone's Commentaries on the Law</i> (Christian B. Peper)	303
CARNAHAN— <i>Conflict of Laws and Life Insurance Contracts</i> (Maurice E. Benson).....	598
CORWIN— <i>Constitutional Revolution Ltd.</i> (Elmer E. Hilpert).....	610
FRAENKEL— <i>The Dual State</i> (Heinz Guradze).....	603
GATHINGS— <i>International Law and American Treatment of Alien Prop- erty</i> (Arnold J. Lien).....	146
GELLHORN— <i>Federal Administrative Proceedings</i> (Robert Lorenzo How- ard)	298
HARRISS— <i>Gift Taxation in the United States</i> (Ralph R. Neuhoff).....	148
HUMBERT— <i>The Pardoning Power of the President</i> (Isidor Loeb).....	146
JONES— <i>Life, Liberty and Property</i> (Ralph M. Blagden).....	144
RECTOR AND RINCKHOFF— <i>Modern Foremanship and Supervision under New Deal Legislation</i> (John R. Stockham).....	150
SEAGLE— <i>The Quest for Law</i> (Israel Treiman).....	608
SLICHTER— <i>Union Policies and Industrial Management</i> (John R. Stock- ham)	150
SPELLMAN— <i>How to Prove a Prima Facie Case</i> (Charles E. Cullen).....	306

TABLE OF CASES COMMENTED ON

Barnes v. Boatmen's National Bank of St. Louis (Mo. 1941).....	583
Boykin v. Huff (App. D. C. 1941).....	272
Cloverleaf Butter Co. v. Patterson (U. S. 1942).....	588
Girard Trust Co. v. Commissioner of Internal Revenue (C. C. A. 3, 1941)	276
Glasser v. United States (U. S. 1942).....	581
Hall v. Binghampton Press Co. (C. C. A. 2, 1941).....	285
Jones v. Myers (Tenn. 1941).....	293
Krug v. Mutual Ins. Co. of N. Y. (Mo. App. 1941).....	130
Metropolitan Ins. Co. v. McDavid (D. C. E. D. Mich. 1941).....	135
Morrow v. Orscheln Bros. Truck Lines (Mo. App. 1941).....	139
Morton Salt Co. v. Suppiger (U. S. 1942).....	592
National Labor Relations Board v. Electric Vacuum Cleaner Co. (C. C. A. 6, 1941).....	264
National Labor Relations Board v. Gutmann & Co. (C. C. A. 7, 1941)....	120

New York Tribune v. Otis & Co. (D. C. S. D. N. Y. 1941).....	127
Rosenberg v. Hano (C. C. A. 3, 1941).....	279
Rosenzweig v. Ferguson (Mo. 1941).....	590
Salmons v. Dun & Bradstreet (Mo. App. 1941).....	122
Smith v. Malrey (Mo. 1941).....	291
State v. Dowling (Mo. 1941).....	132
State v. Jobin (Ariz. 1941).....	270
State ex rel. to use of State Life Ins. Co. v. Fawcett (Mo. 1941).....	282
Sweeney v. Schenectady Union Pub. Co. (C. C. A. 2, 1941).....	285
Teel v. May Department Stores Co. (Mo. 1941).....	594
United States v. Classic (U. S. 1941).....	125
Washington Terminal Co. v. Boswell (App. D. C. 1941).....	578

INDEX DIGEST*

Administrative Law (See Constitutional Law)—	
Certiorari to administrative tribunals in Missouri.....	85
Scope of review.....	98
What will be reviewed.....	88
Closed shop contract.....	264
Coercion of employees by words.....	120
Declaratory judgment.....	578
Fact finding, administrative, as notice.....	185
Fact findings, dispensability of.....	73
Fact findings, judicial.....	181
Findings, supporting	
Essential, basic, and quasi-jurisdictional facts.....	169
Stephen's approach.....	176
Findings of ultimate fact, 1935.....	63
Findings of ultimate fact, 1941.....	67
Freedom of speech (see Constitutional Law).....	120
National Labor Relations Board.....	120
Notice, administrative fact finding as.....	185
Rule making, administrative.....	1
Ultimate fact, findings of, 1935.....	63
Ultimate fact, findings of, 1941.....	67
Union affiliation, change of.....	264
Railway Labor Act, arbitration under.....	578
Agency—	
Negligent use of public door by agent.....	122
Respondeat superior.....	122
Assignments—	
Consent of debtor to partial assignment in Missouri.....	116
Lawyers' fees, protection of.....	118
Missouri rule, establishment of.....	110
Partial assignment, history of.....	107
Partial assignment, Missouri law of.....	110
Subrogation in Missouri.....	114
Total assignment, history of.....	106
Conscientious Objection—	
Conscription cases.....	573
Constitutional background.....	565
Naturalization cases.....	570
Statutory background.....	567
Student cases.....	572
Constitutional Law (See Administrative Law)—	
Administrative rule making, procedure and judicial review in.....	1

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

Assembly, right of.....	527-559
Choice of law rules, federal application of state.....	225
Clear and present danger rule	
Acceptance	549
Origin	539
Progress	556
Scope	557
Struggle for survival.....	541
Coercion, verbal—judicial interpretation.....	254
Coercion, verbal—N. L. R. B.'s interpretation.....	247
Commerce, interstate.....	588
Conflict of federal and state regulations.....	588
Confrontation and self-incrimination under Fourteenth Amendment	530
Counsel, right of under Fourteenth Amendment.....	529
Counsel, right to effective.....	581
Criminal prosecutions, Court's Bill of Rights for.....	533
Due process and liberty.....	514
Elections, right of Congress to regulate.....	125
Liberty and due process.....	504
Liberty, the new.....	514
Liberty, effects of the new.....	535
License tax on periodicals.....	270
Madison's amendment to the Bill of Rights.....	497
N. L. R. B. and freedom of speech.....	242
Periodicals, license tax on.....	270
Press, freedom of.....	270
Press, freedom of under the Fourteenth Amendment.....	497-509
Privileges and immunities clause.....	499
Religion, freedom of.....	270
Religion, freedom of under the Fourteenth Amendment.....	516-559
Religion, recent developments in freedom of under the Fourteenth Amendment	524
Rule making, procedure and judicial review in administrative.....	1
Self-incrimination and confrontation.....	530
Speech, freedom of—coercion by words.....	242
Speech, freedom of under the Fourteenth Amendment.....	497-510
Speech, freedom of under the National Labor Relations Act.....	242
Tax, license, on periodicals.....	270
Contracts—	
Contingent fee for expert witness.....	583
Expert witness, contingent fee for.....	583
Conflict of Laws (See Insurance)—	
Attachment of application to life insurance policy, requirement of.....	196
Choice of law rules, federal application of state.....	225
Delivery in good health clause in life insurance.....	203
Life insurance policies, reinstatement of.....	218
Mutual benefit certificates, rules applicable to.....	208
Waiver and estoppel regarding health statements.....	197
Warranties and representations, treatment of in life insurance poli- cies—in general	39
Warranties and representations, treatment of in life insurance poli- cies special rules	
Place of making.....	45
Place of performance.....	51
Rule intended by parties.....	55
Copyright—	
Fair use.....	127
Federal rules.....	127
Criminal Law (See Evidence, Constitutional Law)—	
Bill of Rights developed by Supreme Court in criminal prosecutions	533
Duty of judge to inform accused of his rights.....	272

Forma pauperis appeal.....	272
Propria persona appeal.....	272
Questions after arrest, refusal of accused to answer.....	132
Self-incrimination, privilege against.....	132
Evidence (See Criminal Law)—	
Inference upon an inference.....	130
Self-incrimination, privilege against.....	132
Insurance (See Conflict of Laws)—	
Attachment of application to policy, requirement of.....	196
Beneficiary convicted of voluntary manslaughter, recovery by, after killing insured.....	135
Delivery in good health clause.....	203
Insurance rules, general.....	32
Mutual benefit certificates.....	208
Reinstatement of life insurance policies.....	218
Waiver and estoppel regarding health statements.....	197
Warranties and representations, application of conflict of laws rules to, in general.....	39
Warranties and representations, application of special rules	
Place of making.....	45
Place of performance.....	51
Rule intended by parties.....	55
Labor (See Constitutional Law, Administrative Law)—	
Arbitration under Railway Labor Act.....	578
Closed shop contract.....	264
Coercion of employees by words.....	120
National Labor Relations Board and freedom of speech.....	242
Picketing.....	550
Railway Labor Act.....	578
Union affiliation, change of.....	264
Missouri Constitution—	
Amendment or repeal of direct legislation, power of legislature over.....	439
Apportionment when legislature fails to act.....	446
Excess condemnation.....	466
Executive	
Administrative and executive centralization.....	357
Bibliography.....	369
Place of in government.....	350
Relationship with legislature.....	361
Financial, debt, and taxation provisions (see Taxation)	
Bibliography.....	404
Debt limit provisions.....	389
Finance provisions, miscellaneous.....	401
General property tax.....	381
Officers, powers and procedures of state finance.....	393
Tax limit provisions.....	373
Legislation, direct.....	439
Legislature, organization and procedure	
Bibliography.....	349
Bicameralism v. unicameralism.....	330
Compensation.....	339
Length of regular session.....	341
Procedural limitations.....	343
Qualifications of members.....	339
Representation and apportionment.....	334
Size.....	338
Substantive limitations.....	344
Municipal government	
Constitutional basis.....	407
Home rule.....	414

Legal status of municipalities, general principles of.....	405
Statutory provisions	410
Office-holding by legislators.....	452
Pardon	455
Popular sovereignty	
Bibliography	329
Initiative	321
Referendum	322
Revision and amendment of constitution, procedure.....	312
Revision and amendment of constitution, operation.....	317
Revision, provision for periodic.....	432
Zoning	459
Oil Leases (See Real Property)—	
Implied covenants.....	155
Royalties, reservation of by assignor.....	161
Share interests, operators and grantees of.....	155
Patents—	
Defenses	592
Infringement, direct.....	592
Infringement, indirect.....	592
Real Property (See Oil Leases)—	
Implied covenants in oil leases.....	155
Judgments	590
Mechanics' liens.....	590
Royalties, reservation of by assignor of oil lease.....	161
Share interests of oil leases, operators and grantees of.....	155
Securities and Exchange Act (See Torts)—	
Diligence and discovery of fraud, duty to exercise.....	279
Statute of Limitations (See Torts)—	
Fraud, notary's false acknowledgment.....	282
Taxation (See Missouri Constitution)—	
Bequest to charitable or religious corporation.....	276
License tax on periodicals.....	270
Political activity, effect of on gift to charitable corporation.....	276
Torts—	
Fair comment.....	285
False imprisonment	594
Fraud, duty to exercise diligence in discovery of.....	279
Instructions	594
Libel per se.....	285
Proximate cause—city's failure to maintain sidewalk.....	291
Statute of limitations—notary's false acknowledgment.....	282
Washington University School of Law—	
Deans	480
Homes	479
Names	477
Standards	482
Traditions	
Judicial	484
Practising lawyer.....	487
University	492
Wills—	
Handwriting, what constitutes "all in testator's".....	293
Holographs	293
Workmen's Compensation—	
Course of employment.....	139
Street accidents.....	139