February 1970

Table of Contents

Follow this and additional works at: https://researchrepository.wvu.edu/wvlr

Recommended Citation

Available at: https://researchrepository.wvu.edu/wvlr/vol72/iss1/2

This Prefatory Matter is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact researchrepository@mail.wvu.edu.
## CONTENTS

### Leading Articles

- What Has the Supreme Court Taught? ............................... *James Audley McLaughlin* 1

### Symposium on Constitutional Revision

- Constitution Revision — The Legislature .......................... *Carl M. Frasure* 33
- Constitution Revision — Virginia’s Approach .................... *A. E. Howard* 41
- Constitution Revision — The Counties ........................... *Richard Shelton* 60

### The West Virginia Bar Association

- President’s Page ........................................... *John R. Morris* 67

### West Virginia Law Review

- Editor’s Page ............................................. *Joseph Robert Goodwin* 69

### Student Notes

- Inheritance Tax—Is Federal Estate Tax Paid Totally Deductable? ........................................... 70
- Price Fixing—Fair Trade Laws ................................. 78
- Workmen’s Compensation—Retroactivity of Pneumoconiosis Amendment ................................. 85

### Legislative Comments

- Criminal Law—West Virginia Riot Law .......................... 99
- Domestic Relations—Divorce Law Changes .................... 104

### Case Comments

- Civil Rights—Sham Private Clubs and Racial Discrimination ........................................... 110
- Constitutional Law—Freedom of Expression ................... 117
- Constitutional Law—Inter—Institutional Juvenile Transfers: Due Process and Equal Protection .......... 123
- Constitutional Law—Lance v. Board of Education—Constitutionality of Extraordinary Majority Elections ... 132
Constitutional Law—Lance v. Board of Education—
  The Dissenting Opinion ........................................... 154
Constitutional Law—Procedural Due Process Application
  To Pre-Judgment Garnishment .................................. 165
Insurance—Pickup Truck is not a Private Passenger
  Automobile .................................................................. 171
Lotteries—Promotional Scheme Constituting a Lottery .... 176
Property—Recovery for Improvements Mistakenly Made on
  the Land of Another .................................................. 182
Trust—Arbitrary and Capricious Acts of Trustees ........ 190

Abstracts

Criminal Law—Multiple Offenses from a Single Act
  not Constituting Double Jeopardy ............................... 195
Evidence—Admissibility of Actions in Refusing to
  Submit to Compulsory Chemical Tests .......................... 196
Federal Courts—Appointment of Non-Resident as
  Administratrix to Obtain Diversity Jurisdiction ............ 197
Federal Courts—No Jurisdiction Under Johnson Act
  When Plain, Speedy, and Efficient Remedy May be
  Had in State Courts .................................................. 198
Pleading—Default Judgment and New Trials ................. 199
Product Liability—Innocent Bystanders ....................... 200
Tax—Accrual Taxpayer Must Include In Gross Income
  In Year of Receipt Unconditional Advance Payments
  Received From Customers ........................................... 201