Index to Volume 42

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

Recommended Citation

Available at: https://researchrepository.wvu.edu/wvlr/vol42/iss4/11

This Index 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 ian.harmon@mail.wvu.edu.
INDEX TO VOLUME XLII

LEADING ARTICLES

Doctrine of Ultra Vires in United States Supreme Court Decisions, The .................................................. Clyde L. Colson 179

Effect of Public Policy on the Liability of an Insurer Where the Insured Has Been Executed for the Commission of a Crime, The ................................................................. Mose E. Boiarsky 31

How Far Are We Attaining a New Measure of Values in Twentieth-Century Juristic Thought? ............................ Roscoe Pound 81

John Marshall — His Influence on the Constitution and the Courts ................................................................. Frank C. Haymond 14

Magna Charta and the Jury System ............................................................ John H. Hatcher 1


Problem in Interpretation, A ................................................................. Thomas P. Hardman 110

Splitting the Cause of Action Before a Justice — The Strange Case of Bane v. Wilson ............................................ Robert T. Donley 218

Summary of Criminal Appellate Reform, A ...................................................... Lester B. Orfield 277

West Virginia Municipal Home Rule Proposal, The ......................................................................................... Jeff B. Fordham 42

AUTHOR INDEX TO LEADING ARTICLES


Colson, Clyde L.: Doctrine of Ultra Vires in United States Supreme Court Decisions, The ..................................................... 179

Donley, Robert T.: Splitting the Cause of Action Before a Justice — The Strange Case of Bane v. Wilson ................................................................. 218

Fordham, Jeff B.: West Virginia Municipal Home Rule Proposal, The ............................................................... 42

Hardman, Thomas P.: Problem in Interpretation, A ......................................................................................... 110

Hatcher, John H.: Magna Charta and the Jury System .......................................................................................... 1


Haymond, Frank C.: John Marshall — His Influence on the Constitution and the Courts .................................................. 14

Orfield, Lester B.: Summary of Criminal Appellate Reform, A ........................................................................... 277

Pound, Roscoe: How Far Are We Attaining a New Measure of Values in Twentieth-Century Juristic Thought? ............................................................................................................. 81

EDITORIAL NOTES

AAA Decision, The .............................................................................. Robert T. Donley 141

Discrepancy Between the Enrolled Bill and the Official Published Copy of the Tax Refund Statute ....................... Bernard Slocv 338

Issuance of Process as Condition Precedent to Granting Preliminary Injunction ..................................................... Leo Carlin 132

Ophelia's Crime of Feto De Se .............................................................. John W. Draper 228

STUDENT NOTES

And/Or — Its Use and Abuse ..................................................................... 235

Acquisition by a West Virginia Corporation of Its Own Stock .................................................................................. 140

Executors and Administrators — Decedent's Real Estate — Liability for Expenses of Administration ....................... 50

Form of the Original Writ in West Virginia .............................................................. 237

Levy of Attachment and Execution on Buyer's Interest Under Conditional Sales Contract ........................................ 152

Open Sales and Open Price Contracts ............................................................................................................. 154

Trust Receipts — A Legislative Problem ........................................................................................................... 62
RECENT CASE COMMENTS

Agency — Family Purpose Doctrine — Liability of Wife for Husband’s Negligent Operation of Automobile .................................................. 66
Attachment and Garnishment — Property of Prisoner in Hands of Officer Bankruptcy — Oil and Gas — Discretion in Federal Court to Permit Determination of Boundaries of Bankrupt’s Leasehold by State Court Constitutional Law — Impairing Obligation of Contracts — Statute of Limitations on Enforcement of Lien of Trust Deed .......................... 342
Constitutional Law — Power to Appoint Prosecuting Attorney .......... 239
Constructive Trust — Survivorship in Joint Tenancy — Right of Murderer to Recover Entire Fund of Deceased ................................. 241
Contracts — Third Party Creditor-Beneficiary Contract Enforced at Law Criminal Law — Indictment as Accessory Before the Fact Held Sufficient to Sustain Conviction as Principal .................................................. 67
Deeds — Estoppel — Confirmation of Married Woman’s Conveyance .... 69
Easements — Way of Necessity Where Other Mode of Access — Creation of Baseline by Implied Grant .................................................................. 244
Future Interests — Posthumous Child — Child en ventre sa mère Regarded as in Being ................................................................. 344
Insurance — Alteration of Material Fact by Applicant Between Date of Application and Issuance of Policy ................................................. 71
Insurance — Construction of Exceptions — Storage in Public Garage Held Within Theft Coverage .......................................................... 346
Insurance — False Statements in Application for Life Policy as Defense to Liability — Duty of Company’s Agent to Record Correctly Applicant’s Answers .......................................................................................................................... 246
Insurance — Waiver of Condition after Loss — Authority of Fire Insurance Adjuster ........................................................................ 247
Mines and Minerals — Effect of Reservation of Royalties from Leasehold as to Inclusion of Same on Renewal ........................................ 73
Oil and Gas — Construction of ‘‘Forfeiture Clause’’ in Unless Lease — Necessity of Notice for Termination of Lease ............................. 163
Oil and Gas Lease — Nature of Lessee’s Interest — Enforcement of Lien of Execution ........................................................................ 75
Private Corporations — Banks and Banking — Pledge of Bank Assets Held Ultra Vires ................................................................. 347
Private Corporations — Foreclosure of Corporate Trust Indenture — Power of Equity Court to Disregard Contract Rights of Majority Bondholders ................................................................................. 250
Public Policy — Rule of Swift v. Tyson — Attorney’s Fee Provision in Promissory Note ................................................................. 165
Quasi-Contracts — Recovery for Mistake at Law — Settlement of Disputed Claim .................................................................................. 256
Real Property — Rule of Caeusus Emptor — Quasi-Contractual Liability of Vendor for Failure of Title in Deed Without Warranties .......... 260
Statute of Limitations — Indorser’s Warranty as Express or Implied Promise — Applicability of Ten-Year Statute to Negotiable Instrument ........................................................................................................ 261
Trusts — Corporation as Beneficiary Under Constructive Trust of Outstanding Corporate Bonds ......................................................... 168
Waters and Watercourses — Railway Bridge as Obstructing the Flow — Liability for Damages Resulting from Unusual Flood .......... 263
Workmen’s Compensation — Injury in Course of Employment — Trans- portation to Work in Employer’s Conveyance ...................................... 77

BENCH AND BAR

Applicants for Admission to the Bar ................................................................. (Concluded) 271
Rules of Practice in the Trial Courts of Record of West Virginia ......................................................................................................................................................................... 266
Pleading Premature Institution of Equity Suit ............................................. 349
BOOK REVIEWS

Ambler, George Washington and the West ........................ Ben Ivan Melnicoff 272
Ayer and Ashley, Cases on Business Law .......................... Kenneth D. Hutchinson 170
Black and Black, Building Lines and Reservations for Future Streets .......................... S. L. Galpin 172
Stringham, Patents and Gebruchsmuster in International Law    ............................................. Julius Cohen 273

TABLE OF CASES

Baker v. Letzkus, 182 S. E. 761 (W. Va. 1935) ................................................................. 260
Bane v. Wilson, 183 S. E. 678 (W. Va. 1936) ................................................................. 218
Beckley National Exchange Bank v. Lilly, 182 S. E. 767 (W. Va. 1935) ................................ 244
Bell v. Wayne United Gas Co., 181 S. E. 609 (W. Va. 1935) ........................................ 168
Cleveland Trust Co. v. Capitol Theater Co., 185 S. E. 457 (W. Va. 1936) .......................... 250
Clovis v. Carson Oil & Gas Co., 11 F. Supp. 797 (1935) .................................................. 163
Drainer v. Travis, 180 S. E. 435 (W. Va. 1935) ................................................................. 75
Elliot v. Joicey, (1935) A. C. 209 ................................................................. 344
Finnell v. Peoples Bank of Keyser, 182 S. E. 888 (W. Va. 1935) ........................................ 250
Gay Coal & Coke Co. v. Chain, 180 S. E. 95 (W. Va. 1935) ............................................. 73
Hanley v. Richards, 178 S. E. 805 (W. Va. 1935) ................................................................. 69
Harell v. Lawhead, 13 F. Supp. 298 (1936) ................................................................. 347
Houston v. Lawhead, 182 S. E. 780 (W. Va. 1935) ................................................................. 281
Kincaid v. Equitable Life Assurance Society, 183 S. E. 40 (W. Va. 1935) .......................... 249
LeSage v. Switzer, 182 S. E. 797 (W. Va. 1935) ................................................................. 342
Moore v. Lowe, Sheriff, 180 S. E. 1 (W. Va. 1935) ................................................................. 67
Oleff v. Hodiapp, 129 Ohio St. 432, 185 N. E. 833 (1935) .................................................. 241
Poling v. Barbour County Court, 182 S. E. 778 (W. Va. 1935) .............................................. 239
Sentinel Oil Co., In re, 13 F. Supp. 294 (1935) ................................................................. 161
State v. George, 181 S. E. 713 (W. Va. 1935) ................................................................. 159
United States v. Butler, 56 S. Ct. 312 (1936) ................................................................. 159
Wyant v. Phillips, 179 S. E. 303 (W. Va. 1935) ................................................................. 66