

June 1934

Index to Volume 40

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

Recommended Citation

Index to Volume 40, 40 W. Va. L. Rev. (1934).

Available at: <https://researchrepository.wvu.edu/wvlr/vol40/iss4/21>

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 researchrepository@mail.wvu.edu.

INDEX TO VOLUME XL

LEADING ARTICLES

Application of the Criminal Law of a Country to Acts Committed by Foreigners Outside the Jurisdiction, The	<i>Walter Wheeler Cook</i>	303
Clogging the Equity of Redemption	<i>C. C. Williams, Jr.</i>	31
Constitutionality of an Immediate Liquor Control Program for West Virginia, The	<i>Forrest Revere Black</i>	151
Conveyances by Husband and Wife Under the Revised Code.....	<i>Leo Carlin</i>	1
National Bar Program, The	<i>Frank C. Haymond</i>	24
New Possibilities of Old Materials of American Legal History	<i>Roscoe Pound</i>	205
Notes on Courts of Record in England	<i>S. E. Thorne</i>	347
Precedents' Place in Latin Law	<i>Gordon Ireland</i>	115
Present Legal Status of the Private Seal in West Virginia, The	<i>Thomas Clifford Billig</i>	
.....	<i>William Frederick Wunschel</i>	330
Public Utilities. I. <i>The Quest for a Concept — Another Word</i>	<i>Thomas P. Hardman</i>	230
Solicitation to Crimes	<i>James B. Blackburn</i>	135
Sources of Early American Law: Colonial Period, The	<i>Richard B. Morris</i>	212
Unpublished Sources for Early American Legal History	<i>Charles J. Hilkey</i>	224

AUTHOR INDEX TO LEADING ARTICLES

<i>Billig, Thomas Clifford</i> : Present Legal Status of the Private Seal in West Virginia, The	330
<i>Black, Forrest Revere</i> : Constitutionality of an Immediate Liquor Con- trol Program for West Virginia, The	151
<i>Blackburn, James B.</i> : Solicitation to Crimes	135
<i>Carlin, Leo</i> : Conveyances by Husband and Wife Under the Revised Code	1
<i>Cook, Walter Wheeler</i> : Application of the Criminal Law of a Country to Acts Committed by Foreigners Outside the Jurisdiction, The	303
<i>Hardman, Thomas P.</i> : Public Utilities. I. <i>The Quest for a Concept —</i> <i>Another Word</i>	230
<i>Haymond, Frank C.</i> : National Bar Program, The	24
<i>Hilkey, Charles J.</i> : Unpublished Sources for Early American Legal History	224
<i>Ireland, Gordon</i> : Precedents' Place in Latin Law	115
<i>Morris, Richard B.</i> : Sources of Early American Law: Colonial Period, The	212
<i>Pound, Roscoe</i> : New Possibilities of Old Materials of American Legal History	205
<i>Thorne, S. E.</i> : Notes on Courts of Record in England	347
<i>Williams, C. C., Jr.</i> : Clogging the Equity of Redemption	31
<i>Wunschel, William Frederick</i> : Present Legal Status of the Private Seal in West Virginia, The	330

EDITORIAL NOTES

Election of Causes or Grounds of Action in a Duplicitous Declaration	<i>Leo Carlin</i>	241
Function of Affidavits and Pleas in Proceeding for Judgment on Notice of Motion	<i>Leo Carlin</i>	159
Note <i>re</i> Incapacity as an Excuse for Failure to Notify Insurer Regarding Total Disability		368
When an Answer Must be Filed After a Demurrer to a Bill in Equity is Overruled	<i>Leo Carlin</i>	360

STUDENT NOTES

Injunctions — Labor Injunctions — Persons Bound	<i>Trixy M. Peters</i>	54
Nuisances — Injunctions — Pollution of Stream by City — Balance of Convenience	<i>Charles W. Caldwell</i>	59
Stare Decisis and the Dead Hand of the Common Law.....	<i>Trixy M. Peters</i>	270

LEGISLATION

Budget Control and Separation of Powers	<i>Stanley E. Dadisman</i>	166
Legislative Regulations of Gob Piles	<i>Paul D. Farr</i>	370
Milk Regulation: A Problem in Economics, Legislation and Administration	<i>Julius Cohen</i>	247
Statutory Protection of Sureties and Cosureties	<i>Frederick W. Ford</i>	253
Sufficiency of Indictments, The: The Problem of Provisos and Exceptions	<i>Frederick W. Ford</i>	64

OIL AND GAS

Developments in the Doctrine of <i>Carper v. United Fuel Gas Company</i>	<i>Trixy M. Peters</i>	375
Mines and Minerals — Extent of Implied Obligation of Development in Oil and Gas Lease	<i>John L. Detch</i>	175
Mines and Minerals — Fraudulent Drainage by Oil and Gas Lessee	<i>Richard F. Currence</i>	264
Mines and Minerals — Partial Cancellation of Oil and Gas Lease	<i>Morris S. Funt</i>	117
Right of a Lessee to Discontinue the Payment of Rentals When the Product of a Gas Well Cannot be Utilized Off the Premises, The	<i>Robert T. Donley</i>	68
Rule of <i>Swift v. Tyson</i> in Mineral Law, The	<i>Stanley E. Dadisman</i>	258
Tenants in Common — Accounting for Delay Rentals	<i>Edward S. Book, Jr.</i>	267

RECENT CASE COMMENTS

Adoption — Effect of Informal Adoption in Equity	<i>Charles W. Caldwell</i>	181
Appeal and Error — Affidavits of Council Not Part of Record	<i>Stanley E. Dadisman</i>	75
Appeal and Error — Decree “Adjudicating the Principles of the Cause”	<i>Paul D. Farr</i>	274
Attorney and Client — Misdemeanor of Withholding Client’s Funds — Disbarment	<i>W. F. Wunschel</i>	183

Banks and Banking — Reorganization of Insolvent Banks by Banking Commissioner — Impairment of Obligation of Contract of Depositors	<i>Charles W. Caldwell</i>	379
Bastardy — Common Law Marriage — What Constitutes.....	<i>John L. Detch</i>	77
Common Carrier — Aeroplane as Common Carrier — Limitation of Liability	<i>Robert W. Burk</i>	186
Criminal Law — Judicial Comment Constituting Prejudicial Error	<i>Robert W. Burk</i>	79
Domestic Relations — Constructive Desertion — Husband's Duty to Provide a Separate Home for His Wife	<i>Morris S. Funt</i>	83
Equity — Laches — Statute of Limitations	<i>Julius Cohen</i>	85
Fraudulent Conveyances — Assignment of Life Insurance Policy in Fraud of Creditors	<i>John L. Detch</i>	383
Future Interests — Meaning of "Heirs" — Construction of Limitation, "A for life, then to A's children in fee; and in default thereof, to the heirs of the testator," Where A is Sole Heir at Law of Testator	<i>Edward S. Bock, Jr.</i>	385
Homicide — Responsibility for Failure to Perform Affirmative Acts	<i>Julius Cohen</i>	387
Injunctions — Restraining Unlicensed Practice of Medicine	<i>Richard F. Currence</i>	87
Insurance — Escheat — Murder of Insured by Beneficiary Who is Sole Distributee	<i>Trixy M. Peters</i>	188
Insurance — Forfeiture of Policy	<i>R. E. Hagberg</i>	276
Insurance — Vacancy Clause — Effect of Uninhabitability Due to Prior Fire	<i>Frederick W. Ford</i>	192
Landlord and Tenant — Nature of Hold-Over Tenancy — Right of Distress as Against Intervening Chattel Mortgage.....	<i>Morris S. Funt</i>	390
Master and Servant — Workmen's Compensation — Going To and From Work on Public Streets or Highways	<i>Edward S. Bock, Jr.</i>	90
Mines and Minerals — Conveyancing of Coal by Sale or Lease	<i>John L. Detch</i>	392
Mortgages — Reinstatement of Prior Mortgage as Against Intervening Encumbrance — Release of Prior Lien	<i>Morris S. Funt</i>	280
Officers — Disqualification for Office — Conviction of Felony	<i>R. E. Hagberg</i>	92
Prohibition — Equitable Clean Hands Doctrine as a Ground for Denial of the Writ	<i>Paul D. Farr</i>	94
Specific Performance — Foreclosure of Land-Purchase Contract	<i>Robert W. Burk</i>	281
Specific Performance — Must Plaintiff Plead Adequacy of Consideration?	<i>Edward S. Bock, Jr.</i>	193
Taxation — Due Process of Law	<i>Charles W. Caldwell</i>	285
Taxation — Future Interests — Presumption of Capacity to Bear Children	<i>Robert W. Burk</i>	394
Taxation — Warrants Drawn on Overdrawn County Funds as Legal Tender for the Payment of Taxes	<i>Paul D. Farr</i>	289
Torts — Liability for Injury to Infant Arising Out of "Attractive Nuisance"	<i>William F. Wunschel</i>	397
Trial — Instructions — Unanimity of the Jury Verdict	<i>Richard F. Currence</i>	398

Trusts — Constitutional Law — Retroactivity of Provision of 1931 Code as to Parol Trusts	<i>R. E. Hagberg</i>	400
Usury — Insurance — Requiring Borrower to Take Life Insurance Policy to be Used as Collateral	<i>R. E. Hagberg</i>	195
Verdict — Juror's Assent — What Constitutes	<i>Paul D. Farr</i>	198

BENCH AND BAR

Applicants for Admission to the Bar		104
Effect of New Trial on Plea of <i>Autrefois Acquit</i>	<i>Berkeley Minor, Jr.</i>	102
Interim Report of Committee on Legal History of the West Virginia Bar Association	<i>E. G. Smith</i>	296
Judicial Council Bill Becomes Law		294
Power of a West Virginia Corporation to Deprive Classes of Its Stock of the Right to Vote for the Election of Directors or Managers, The	<i>Melvin G. Sperry</i>	97
Present Program of the West Virginia Bar Association, The		405
Reciprocity — Bench and Bar	<i>Haymond Maxwell</i>	402

BOOK REVIEWS

Ambler, A History of West Virginia	<i>C. C. Williams, Jr.</i>	111
Boudin, Government by Judiciary	<i>Jeff B. Fordham</i>	107
Chang, The Interpretation of Treaties by Judicial Tribunals	<i>Keener C. Frazer</i>	201
Haines, The American Doctrine of Judicial Supremacy	<i>Charles G. Baker</i>	298
Horack, West Virginia Cases on Criminal Procedure	<i>Charles P. Wilhelm</i>	105
Mansfield, The Lake Cargo Coal Rate Controversy. A Study in Govern- mental Adjustment of a Sectional Dispute.....	<i>W. Lewis Roberts</i>	202
Wigmore, Select Cases on the Law of Evidence (3rd ed.)	<i>Robert T. Donley</i>	300

TABLE OF CASES

Adkins v. Huntington Development & Gas Co., 168 S. E. 366 (W. Va. 1933)	177
American Central Ins. Co. v. McHose, 66 F. (2d) 749 (C. C. A. 3d, 1933)	192
Best v. District of Columbia, 54 S. Ct. 487 (1934).....	397
City of Harrisonville v. Dickey Clay Mfg. Co., 53 S. Ct. 602 (1933).....	59
Collins v. Dravo Contracting Co., 171 S. E. 757 (W. Va. 1933).....	242
Com'r of Internal Revenue v. Jamison Coal & Coke Co., 67 F. (2d) 342 (C. C. A. 3d, 1933)	392
Conservative Life Ins. Co. v. National Exchange Bank of Wheeling, 171 S. E. 530 (W. Va. 1933)	280
Curtiss-Wright Flying Service Co. v. Glose, 66 F. (2d) 710 (C. C. A. 3d, 1933)	186
Fout v. Hanlin, 169 S. E. 743 (W. Va. 1933).....	77
Funk v. United States, 54 S. Ct. 212 (1933).....	270
Hall v. Burns, 169 S. E. 522 (W. Va. 1933).....	400
Hall v. Early, 170 S. E. 904 (W. Va. 1933).....	183

Hatchell v. Norton, 170 S. E. 341 (S. C. 1933)	181
Heaberlin v. Jefferson Standard Life Ins. Co., 171 S. E. 419 (W. Va. 1933)	195
Huggins v. Meriweather, 170 S. E. 485 (Ga. 1933)	193
Hughes v. Hughes, 169 S. E. 403 (W. Va. 1933).....	83
Iannerelli v. Kansas City Life Ins. Co., 171 S. E. 748 (W. Va. 1933).....	276
Lewis v. Milam, 169 S. E. 70 (W. Va. 1933)	85, 267
Lyons v. Steele, 169 S. E. 481 (W. Va. 1933).....	94
McCartney v. Campbell, 171 S. E. 821 (W. Va. 1933)	281
Mahood v. Maynard, 171 S. E. 884 (W. Va. 1933)	383
Mid-Continent Petroleum Corp. v. Sauder, <i>et al.</i> , 67 F. (2d) 9 (C. C. A. 19th, 1933)	175, 258
Reversed, 54 S. Ct. 671 (1934)	375
Murray v. Price, 172 S. E. 541 (W. Va. 1933)	274
National Bank fo Fairmont v. Kenney, 170 S. E. 177 (W. Va. 1933).....	385
Nebbia v. New York, — U. S. —, 53 S. Ct. 505 (1934).....	247
Pate Hotel Co. v. Morris, 171 S. E. 799 (N. C. 1933)	281
People's Trust Co. v. Oates, 68 F. (2d) 353 (1934).....	390
Quercia v. United States, 53 S. Ct. 698 (1933).....	79
Robertson v. Hobson, 171 S. E. 745 (W. Va. 1933)	398
Rex v. Russell, (1933) Vict. L. R. 59	387
Sauder v. Mid-Continent Petrolueum Corp., 54 S .Ct. 671 (1934).....	375
Sloan v. Mitchell, 168 S. E. 800 (W. Va. 1933)	87
Snodgrass v. Charleston Nugrape Co., Inc., 169 S. E. 406 (W. Va. 1933)	75
State v. Phoenix Mutual Life Ins. Co., 170 S. E. 909 (W. Va. 1933)	188
Timmons v. People's Trust Co., 173 S. E. 79 (W. Va. 1934).....	379
Trimble v. Hope Natural Gas Co., 169 S. E. 529 (W. Va. 1933)	72
United States v. Pleva, 66 F. (2d) 529 (C. C. A. 2d, 1933)	198
United States v. Provident Trust Co., 54 S. Ct. 389 (1934).....	394
Updegraff v. United Fuel Gas Co., 67 F. (2d) 431 (C. C. A. 6th, 1933)	264
Webb v. County Court of Raleigh County, 168 S. E. 760 (W. Va. 1933)	92
White v. Checker Taxi Co., 137 N. E. 49 (Mass. 1933)	90
White v. Morton, 171 S. E. 762 (W. Va. 1933)	290