



1942

## Indices to Volume 30

Kentucky Law Journal

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

**Right click to open a feedback form in a new tab to let us know how this document benefits you.**

### Recommended Citation

Kentucky Law Journal (1942) "Indices to Volume 30," *Kentucky Law Journal*: Vol. 30 : Iss. 4 , Article 13.

Available at: <https://uknowledge.uky.edu/klj/vol30/iss4/13>

This Table of Contents is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact [UKnowledge@lsv.uky.edu](mailto:UKnowledge@lsv.uky.edu).

# INDEX

To Volume XXX

## KENTUCKY LAW JOURNAL

### AUTHOR INDEX TO LEADING ARTICLES AND NOTES

	Page
BLACK, FORREST REVERE	
Res Judicata and Conspiracy Cases Under the Sherman Act	255
BROH-KAHN, LAWRENCE EARL	
Amendment by Decision—More on the Erie Case .....	3
DE FUNIAK, WILLIAM Q.	
Workmen's Compensation: Death or Injury from Air Mishap	286
GOLD, JOSEPH	
The Present Status of the Rule in Pinnel's Case .....	72
GOLD, JOSEPH	
The Present Status of the Rule in Pinnel's Case (Concluded)	187
HALE, GEORGE E.	
Administrative Hearings Under the Federal Constitution.....	137
HAMMOND, ROBERT S.	
Price v. Neal and Double Forgeries.....	306
HOLIFIELD, M. B.	
The Taxation Provision of the Rural Electrification Act of 1936 .....	206
JOHNSON, JOE R., JR.	
Legality of "Bank Nights" in Kentucky .....	102
MATTHEWS, W. L., JR.	
The Validity of the Common-Law Marriage When Entered Into in Kentucky, or When Entered Into in Another State..	213
MENDELSON, WALLACE	
Some Administrative Implications of the Morgan Decisions..	408
ORFIELD, LESTER B.	
A Resume of Decisions of the United States Supreme Court on Federal Criminal Procedure .....	360
PEAK, GEORGE W.	
Negotiable Non-Negotiables, Kentucky County Road and Bridge Bonds Reconsidered .....	174
ROBERTS, HARRY W., JR.	
The Law on Abridgment of Copyrighted Literary Material....	297
ROBERTS, W. LEWIS	
Statutory and Common Law Definitions of Contingent Remainders .....	61
SPRAGENS, ROBERT M.	
The Negligent Battery in Criminal Law .....	418
TINCHER, MARVIN M.	
Proposed Statutory Reform in the Law of Negligent Homicide in Kentucky .....	341
VANCE, ROY, JR.	
A Negligent Criminal Assault .....	421

## SUBJECT INDEX TO LEADING ARTICLES AND NOTES

ADMINISTRATIVE LAW	Page
Administrative Hearings Under the Federal Constitution. George E. Hale .....	137
Some Administrative Implications of the Morgan Decisions. Wallace Mendelson .....	408
AVIATION	
See WORKMEN'S COMPENSATION	
BANKS AND BANKING	
See NEGOTIABLE INSTRUMENTS	
COMPOSITION WITH CREDITORS	
The Present Status of the Rule in Pinnel's Case. Joseph Gold .....	187
CONFLICT OF LAWS	
The Validity of the Common-Law Marriage When Entered Into in Kentucky, or When Entered Into in Another State. W. L. Matthews, Jr. ....	213
CONSTITUTIONAL LAW	
Administrative Hearings Under the Federal Constitution. George E. Hale .....	137
Some Administrative Implications of the Morgan Decisions. Wallace Mendelson .....	408
Amendment by Decision—More on the Erie Case, Lawrence. Earl Broh-Kahn .....	3
Legality of "Bank Night" in Kentucky. Joe R. Johnson, Jr. ....	102
Negotiable Non-Negotiables—Kentucky County Road and Bridge Bonds Reconsidered. George W. Peak .....	174
A Resume of Decisions of the United States Supreme Court on Federal Criminal Procedure. Lester B. Orfield.....	360
The Taxation Provision of the Rural Electrification Act of 1936. M. B. Holfield .....	206
CONSPIRACY	
Res Judicata and Conspiracy Cases Under the Sherman Act. Forrest Revere Black .....	255
CONTRACTS	
The Present Status of the Rule in Pinnel's Case. Joseph Gold .....	72
The Present Status of the Rule in Pinnel's Case (Concluded). Joseph Gold .....	187
COPYRIGHTS	
The Law on Abridgement of Copyrighted Literary Material. Harry W. Roberts, Jr. ....	297
CORPORATIONS	
Res Judicata and Conspiracy Cases Under the Sherman Act. Forrest Revere Black .....	255
COUNTIES	
See NEGOTIABLE INSTRUMENTS	

COURTS	Page
Amendment by Decision: More on the Erie Case. Lawrence Earl Broh-Kahn .....	3
Res Judicata and Conspiracy Cases Under the Sherman Act. Forrest Revere Black .....	255
<b>CREDITORS RIGHTS</b>	
The Present Status of the Rule in Pinnel's Case. Joseph Gold .....	72
The Present Status of the Rule in Pinnel's Case (Concluded). Joseph Gold .....	187
<b>CRIMINAL LAW</b>	
The Negligent Battery in Criminal Law. Robert M. Spragens .....	418
A Negligent Criminal Assault. Roy Vance, Jr. ....	421
A Resume of Decisions of the United States Supreme Court on Federal Criminal Procedure. Lester B. Orfield .....	360
Proposed Statutory Reform in the Law of Negligent Homicide in Kentucky. Marvin M. Tincher .....	341
<b>DOMESTIC RELATIONS</b>	
The Validity of the Common-Law Marriage When Entered Into in Kentucky, or When Entered Into in Another State. W. L. Matthews, Jr. ....	213
<b>ELECTRICITY</b>	
See TAXATION	
<b>EQUITY</b>	
Amendment by Decision—More on the Erie Case. Lawrence Earl Broh-Kahn .....	3
The Present Status of the Rule in Pinnel's Case. Joseph Gold .....	187
<b>ESTOPPEL</b>	
Res Judicata and Conspiracy Cases Under the Sherman Act. Forrest Revere Black .....	255
<b>EVIDENCE</b>	
A Resume of Decisions of the United States Supreme Court on Federal Criminal Procedure. Lester B. Orfield .....	360
<b>FEDERAL PROCEDURE</b>	
Amendment by Decision—More on the Erie Case. Lawrence Earl Broh-Kahn .....	3
A Resume of Decisions of the United States Supreme Court on Federal Criminal Procedure. Lester B. Orfield .....	360
<b>FUTURE INTERESTS</b>	
Statutory and Common Law Definitions of Contingent Remainders. W. Lewis Roberts .....	61
<b>HIGHWAYS</b>	
See NEGOTIABLE INSTRUMENTS	
<b>JUDGMENTS</b>	
Res Judicata and Conspiracy Cases Under the Sherman Act. Forrest Revere Black .....	255

LIMITATION OF ACTIONS	Page
Res Judicata and Conspiracy Cases Under the Sherman Act. Forrest Revere Black .....	255
<b>LOTTERIES</b>	
Legality of "Bank Nights" in Kentucky. Joe R. Johnson, Jr.	102
<b>MASTER AND SERVANT</b>	
Workmen's Compensation: Death or Injury from Air Mishap. William Q. De Funiak .....	286
<b>NEGLIGENCE</b>	
The Negligent Battery in Criminal Law. Robert M. Spragens	418
Proposed Statutory Reform in the Law of Negligent Homicide in Kentucky. Marvin M. Tincher .....	341
<b>NEGOTIABLE INSTRUMENTS</b>	
Negotiable Non-Negotiables—Kentucky County Road and Bridge Bonds Reconsidered. George W. Peak .....	174
The Present Status of the Rule in Pinnel's Case. Joseph Gold	72
The Present Status of the Rule in Pinnel's Case (Concluded). Joseph Gold .....	187
Price v. Neal and Double Forgeries .....	306
<b>REAL PROPERTY</b>	
Statutory and Common Law Definitions of Contingent Remainders. W Lewis Roberts .....	61
<b>RELEASE</b>	
The Present Status of the Rule in Pinnel's Case. Joseph Gold .....	72
The Present Status of the Rule in Pinnel's Case (Concluded). Joseph Gold .....	187
<b>TAXATION</b>	
The Taxation Provision of the Rural Electrification Act of 1936. M. B. Holifield .....	206
<b>TRADE REGULATIONS</b>	
See COPYRIGHTS	
<b>WORKMEN'S COMPENSATION</b>	
Workmen's Compensation: Death or Injury from Air Mishap. William Q. De Funiak .....	286

## AUTHOR INDEX TO BOOK REVIEWS

	Page
Restatement of the Law of Property (W. Lewis Roberts).....	441
Barker's Revision, Caldwell's Notes to the Kentucky Reports (Alvin E. Evans) .....	131
Bruton: Cases and Materials on Taxation (W. Lewis Roberts)..	131
Dewing: The Financial Policy of Corporations (Alvin E. Evans) 441	
Frankfurter: Law and Politics (Orba F. Traylor) .....	132
Green: The Judicial Process in Tort Cases (Orba F. Traylor)....	335
Hart and Allen: Paying for Defense (James W. Martin) .....	337
Kearney: A Treatise on the Law of Crimes (W. Lewis Roberts)..	443
Jacobs: Cases and Materials on the Law of Landlord and Tenant (W. Lewis Roberts) .....	338
Montgomery: Federal Taxes on Estates, Trusts, and Gifts (W. Lewis Roberts).....	444
Prosser: Handbook of the Law of Torts (Orba F. Traylor)....	336
Rodes: Judicial Sales of Real Property—Persons Under Dis- ability (Orba F. Traylor) .....	442
Schiller: Military Law and Defense Legislation (W. Lewis Roberts) .....	337
Warren: Margin Customers (Orba F. Traylor) .....	251

## TABLE OF CASES COMMENTED UPON

	Page
Baugh v. William's Admr., 264 Ky. 167, 94 S. W. (2d) 330 (1936)..	331
Carr v. Trivett, '41-'42 Edition Tenn. 143 S. W. (2d) 900 (1940)....	239
Hatfield v. Commonwealth, 287 Ky. 467, 153 S. W. (2d) 892 (1941) .....	433
Hazelwood v Woodward, 277 Ky. 447, 126 S. W. (2d) 857 (1939)..	115
Helvering v. Horst, 311 U. S. 112, 85 L. Ed. 75, 61 S. Ct. 144 (1940)	120
Martin v. Martin, 282 Ky. 411, 138 S. W. (2d) 509 (1940) .....	124
Meyers et al. v. Stein et al., 284 Ky. 497, 145 S. W. (2d) 105 (1940) .....	127
Mitchell v U. S., 313 U. S. 80, 85 L. Ed. 1201, 61 S. Ct. Rep. 873 (1941) .....	247
Pinnel's Case, 5 Co. 117a (1602) .....	72
Pinnel's Case, 5 Co. 117a (1602) .....	187
Price v. Neal, 3 Burr. 1354, 97 Eng. Rep. 871 (1762) .....	306
Reed v. Carter, 268 Ky. 1, 103 S. W. (2d) 663 (1937) .....	242
Republic Steel Corporation v. National Labor Relations Board, et al., 311 U. S. 7, 85 L. Ed. 6, 61 Sup. Ct. 77 (1940).....	113
Sandler v Commonwealth Station Co., 307 Mass. 470, 30 N. E. (2d) 389 (1940) .....	325
Sherwood v. Huber and Huber Motor Express Co., 286 Ky. 775, 151 S. W. (2d) 1007 (1941) .....	329
Sibbach v. Wilson & Co., 312 U. S. 1, 85 L. Ed. 479, 61 Sup. Ct. 422 (1941) .....	245
Sparks Milling Co. v. Powell et al., 283 Ky. 669, 143 S. W. (2d) 75 (1940) .....	118
Trammel v. Citizens News Co., 285 Ky. 529, 148 S. W. (2d) 708 (1941) .....	327
Tuttle v. Commonwealth, 287 Ky. 371, 153 S. W. (2d) 931 (1941)	433
Wright v. Commonwealth, 280 Ky. 368, 133 S. W. (2d) 525 (1939) .....	428

## INDEX-DIGEST TO LEADING ARTICLES, NOTES AND CASE COMMENTS

[The symbol (A) indicates a leading article and the symbol (N) a note. Student Notes and Case Comments are listed without indication.]

ADMINISTRATIVE LAW	Page
Administrative Hearings Under the Federal Constitution (A)	137
Some Administrative Implications of the Morgan Decisions (N) .....	408
 <b>AGENCY</b>	
Corporations: Ultra Vires as a Corporate Defense .....	224
 <b>AVIATION</b>	
See WORKMEN'S COMPENSATION	
 <b>BAILMENTS</b>	
Bailments—The Parking Lot Cases .....	325
 <b>BANKS AND BANKING</b>	
See NEGOTIABLE INSTRUMENTS	
 <b>COLLEGES AND UNIVERSITIES</b>	
Universities: The Non-Residence Fee Problem .....	107
 <b>COMMON CARRIERS</b>	
Effect of Mitchell v. United States on the Duty of the Common Carrier in Kentucky toward the Negro Passenger	247
 <b>COMPOSITION WITH CREDITORS</b>	
The Present Status of the Rule in Pinnel's Case (A) .....	187
 <b>CONFLICT OF LAWS</b>	
The Validity of the Common-Law Marriage when entered into in Kentucky, or When Entered into in Another State (N) .....	213
 <b>CONSTITUTIONAL LAW</b>	
Amendment by Decision—More on the Erie Case (A).....	3
Legality of "Bank Nights" in Kentucky (N) .....	102
Universities: The Non-Residence Fee Problem .....	107
Administrative Hearings Under the Federal Constitution (A)	137
Negotiable Non-Negotiables—Kentucky County Road and Bridge Bonds Reconsidered (A) .....	174
The Taxation Provisions of the Rural Electrification Act of 1936 (A) .....	206
Effect of Mitchell v. United States on the Duty of the Com- mon Carrier in Kentucky toward the Negro Passenger....	247
A Resume of Decisions of the United States Supreme Court on Federal Criminal Procedure (A) .....	360
Some Administrative Implications of the Morgan Decisions (N) .....	408



CONSPIRACY	Page
Res Judicata and Conspiracy Cases Under the Sherman Act (A) .....	255
<b>CONTRACTS</b>	
The Present Status of the Rule in Pinnels Case (A) .....	72
Fraud in the Inducement, Jurisdiction of Equity to Relieve in Kentucky .....	115
Rights of Purchaser Against Processor—A.A.A. Tax Refunds	118
The Present Status of the Rule in Pinnel's Case (A) (con- cluded) .....	187
Corporations: Ultra Vires as a Corporation Defense .....	224
Injunction to Restrain Breach of Personal Contract .....	242
Revocation of Offer for Unilateral Contract; Effect of Part Performance or Tender in Kentucky .....	436
<b>COPYRIGHTS</b>	
The Law on Abridgment of Copyrighted Literary Material (A) .....	297
<b>CORPORATIONS</b>	
Corporations: Ultra Vires as a Corporate Defense .....	224
Res Judicata and Conspiracy Cases Under the Sherman Act (A) .....	255
<b>COUNTIES</b>	
Negotiable Non-Negotiables—Kentucky Road and Bridge Bonds Reconsidered (A) .....	174
<b>COURTS</b>	
Amendment by Decision: More on the Erie Case (A) .....	3
Res Judicata and Conspiracy Cases Under the Sherman Act (A) .....	255
<b>CREDITOR'S RIGHTS</b>	
The Present Status of the Rule in Pinnel's Case (A) .....	72
The Present Status of the Rule in Pinnel's Case (A) (concluded) .....	187
<b>CRIMINAL LAW</b>	
Negligence: Physical Defects as Affecting the Standard of Care in Civil and Criminal Cases .....	220
Admissibility of Third Party Confessions .....	228
Evidence: Confession of a Third Party as Admissible Evi- dence in a Criminal Case .....	234
Individual Physical Characteristics as Affecting the Stand- ard of Care in Criminal Negligence Cases .....	314
Proposed Statutory Reform in the Law of Negligent Homi- cide in Kentucky (A) .....	341
A Resume of Decisions of the United States Supreme Court on Federal Criminal Procedure (A) .....	360
The Negligent Battery in Criminal Law (N) .....	418
A Negligent Criminal Assault (N) .....	421
The Admissibility of Evidence of Other Crimes in a Criminal Prosecution .....	433
The External Circumstances in Criminal Negligence Cases....	430

DOMESTIC RELATIONS	Page
The Validity of the Common-Law Marriage When Entered into in Kentucky, or When Entered into in Another State (N) .....	213
Husband and Wife—Conveyance in Fraud of Material Rights of the Wife .....	124
<b>ELECTRICITY</b>	
See TAXATION	
<b>EQUITY</b>	
Amendment by Decision—More on the Erie Case (A) .....	3
Fraud in the Inducement, Jurisdiction of Equity to Relieve in Kentucky .....	115
Equity: Restrictive Covenants; Construction of Covenant to Use Property for Erection of a Residence .....	127
The Present Status of the Rule in Pinnel's Case (A) .....	187
Restrictive Covenants: Tourist Homes as Violation .....	239
Injunction to Restrain Breach of Personal Contract .....	242
Res Judicata and Conspiracy Cases Under the Sherman Act (A) .....	255
Revocation of Offer for Unilateral Contract: Effect of Part Performance or Tender in Kentucky .....	436
<b>EVIDENCE</b>	
Admissibility of Third Party Confessions .....	228
Evidence—Confession of a Third Party as Admissible Evidence in a Criminal Case .....	234
Payment of Social Security Tax as Evidence of Master-Servant Relationship .....	311
The Scope of Cross-Examination .....	317
A Resume of Decisions of the United States Supreme Court on Criminal Procedure (A) .....	360
Lay and Expert Opinion as to Mental Capacity .....	425
Effect of Prima Facie Evidence Provision in the Cold Check Statute .....	427
The Admissibility of Evidence of Other Crimes in a Criminal Prosecution .....	433
<b>FEDERAL PROCEDURE</b>	
Amendment by Decision—More on the Erie Case (A) .....	3
Federal Procedure, Validity of Rule 35a Requiring Plaintiff to Submit to a Physical Examination .....	244
A Resume of Decisions of the United States Supreme Court Prosecution .....	433
<b>FUTURE INTERESTS</b>	
Statutory and Common Law Definitions of Contingent Remainders (A) .....	61
<b>HIGHWAYS</b>	
See NEGOTIABLE INSTRUMENTS	
<b>HUSBAND AND WIFE</b>	
Husband and Wife—Conveyance in Fraud of Material Rights of the Wife .....	124

	Page
<b>INSURANCE</b>	
See TAXATION	
<b>JUDGMENTS</b>	
Res Judicata and Conspiracy Cases Under the Sherman Act (A) .....	255
Unsatisfied Judgment Against the Servant as a Bar to Suit Against the Master .....	329
<b>LIBEL AND SLANDER</b>	
Publication of a Debt—Newspapers Liability .....	237
<b>LIMITATION OF ACTIONS</b>	
Res Judicata and Conspiracy Cases Under the Sherman Act (A) .....	255
<b>LOTTERIES</b>	
Legality of "Bank Nights" in Kentucky (N) .....	102
<b>MASTER AND SERVANT</b>	
Workmen's Compensation: Death or Injury from Air Mishap (A) .....	286
Payment of Social Security Tax as Evidence of Master- Servant Relationship .....	311
Unsatisfied Judgment Against the Servant as a Bar to Suit Against the Master .....	329
<b>NATIONAL LABOR RELATIONS ACT</b>	
National Labor Relations Act: Power of N. L. R. B. to award Back Pay to Employees and to Provide Reimbursement for W. P. A. Payments .....	113
<b>NEGLIGENCE</b>	
Negligence: Physical Defects as Affecting the Standard of Care in Civil and Criminal Cases .....	220
Objective Factors as Part of the Circumstances in Cases involving Civil Negligence .....	321
Individual Physical Characteristics as Affecting the Standard of Care in Criminal Negligence Cases .....	314
Bailments—The Parking Lot Cases .....	325
Proposed Statutory Reform in the Law of Negligent Homicide in Kentucky (A) .....	341
The Negligent Battery in Criminal Law (N) .....	418
The External Circumstances in Criminal Negligence Cases....	430
<b>NEGOTIABLE INSTRUMENTS</b>	
The Present Status of the Rule in Pinnel's Case (A) .....	72
Negotiable Non-Negotiables—Kentucky County Road and Bridge Bonds Reconsidered (A) .....	174
The Present Status of the Rule in Pinnel's Case (A) (Con- cluded) .....	187
Price v. Neal and Double Forgeries (N) .....	306
Effect of Prima Facie Evidence Provision in the Cold Check Statute .....	427
<b>PERSONAL PROPERTY</b>	
Mislaidd Property—Money in Traveling Bag .....	331
Bailments—The Parking Lot Cases .....	325

<b>REAL PROPERTY</b>	<b>Page</b>
Statutory and Common Law Definitions of Contingent Remainders (A) .....	61
Equity; Restrictive Covenants; Construction of Covenant to Use Property for Erection of a Residence .....	127
Restrictive Covenants: Tourist Homes as Violations .....	239
 <b>RELEASE</b>	
The Present Status of the Rule in Pinnel's Case (A) .....	72
The Present Status of the Rule in Pinnel's Case (A) (Concluded) .....	187
 <b>RIGHT OF PRIVACY</b>	
Publication of a Debt—Newspaper's Liability .....	327
 <b>SALES</b>	
Warranties at Judicial Sale	
 <b>SOCIAL SECURITY</b>	
Payment of Social Security Tax as Evidence of Master-Servant Relationship .....	311
 <b>TAXATION</b>	
Income Tax—Assignment of Right to Renewal Commissions on Certain Life Insurance Policies—To Whom Taxable and When .....	120
The Taxation Provisions of the Rural Electrification Act of 1936 (N) .....	206
Payment of Social Security Tax as Evidence of Master-Servant Relationship .....	311
 <b>TORTS</b>	
Objective Factors as Part of the Circumstances in Cases Involving Civil Negligence .....	321
Unsatisfied Judgment Against the Servant as A Bar to Suit Against the Master .....	329
 <b>TRADE REGULATIONS</b>	
See COPYRIGHTS	
 <b>TRUSTS</b>	
Husband and Wife—Conveyance in Fraud of Material Rights of the Wife .....	124
 <b>WORKMEN'S COMPENSATION</b>	
Workmen's Compensation: Death or Injury from Air Mishap (A) .....	286
 <b>WORKS PROGRESS ADMINISTRATION</b>	
National Labor Relations Act: Power of N. L. R. B. to Award Back Pay to Employees and to Provide Reimbursement for W. P. A. Payments .....	113

