

INDEX—DIGEST

ACCOUNTING

- Bibliography: May: Financial Accounting 825
 Depreciation accounting 731

ADMINISTRATIVE LAW

- Esquire Case—A Novel Extension of the Postmaster-General's Powers of Classifying Mail 733
 arbitrariness of decisions as to second-class "privileges" 744
 Esquire case, an unconstitutional interpretation of the classification statute 737
 history of statutory restrictions on the use of the mails 733
 needed reforms in Post Office Department procedure 750
 previous restraints on freedom of circulation of periodicals 742
 statutory issue 747

ADMIRALTY LAW

- Deportation of Alien Seamen Owing Allegiance to Governments-in-Exile 183
 Jurisdiction of State and Federal Compensation Agencies over Injuries Occurring on Navigable Waters 348

ALIENS

- Deportation of Alien Seamen Owing Allegiance to Governments-in-Exile 183
 Enemy nationals, the effect of war on pre-existing contracts involving 700

ARMY AND NAVY

- Bibliography: Beckwith, Holland, Bacon, and Mc-

- Govern: Lawful Action of State Military Forces 373
 Liability of the United States and Canadian Governments for Tortious Conduct of their Military Personnel 188

BILLS AND NOTES

See NEGOTIABLE INSTRUMENTS

CIVIL LIBERTIES

- See CRIMINAL LAW AND ADMINISTRATION
 Esquire Case—A Novel Extension of the Postmaster-General's Powers of Classifying Mail 733

COLLECTIVE BARGAINING

See LABOR LAW

COMPARATIVE LAW

- Bibliography: Jaffin: New World Constitutional Harmony: A Pan-Americanian Panorama 206

COMPENSATION AGENCIES

- Jurisdiction of State and Federal Compensation Agencies over Injuries Occurring on Navigable Waters 348

CONFLICT OF LAWS

- Admissibility in a Federal Court of Evidence Obtained under a State Immunity Statute 364
 Extraterritorial Effect of Probate Decrees 221
 conclusion and suggestions for statutory changes 263
 discretion as to recognition of foreign decrees 247
 distinction between real and personal property 249

effect of the doctrine of res judicata	236	representations, warran- ties, or other provisions	618
effect of the full faith and credit clause	229	evidence of oral conditions not constituting the agreed exchange	652
effect of legislation	254	evidence that a written con- tract is subject to an oral condition	644
preliminary consideration of "jurisdiction"	223	evidence that no contract has been made	612
Jurisdiction of State and Fed- eral Compensation Agencies over Injuries Occurring on Navigable Waters	348	evidence that one promise is conditional upon a return performance: failure of consideration	650
Scope of a Habeas Corpus Hearing on Interstate Extra- dition of Criminals	359	evidence that writing was not assented to as a com- plete and accurate inte- gration	628
CONSCIENTIOUS OBJECTORS		note or memorandum not an integration	633
Bibliography: Cornell: The Conscientious Objector and the Law	198	oral evidence admissible to overcome presumptions and inferences	655
CONSTITUTIONAL LAW		oral proof of additional prom- ises, warranties, and other terms	641
See also EXECUTIVE AGREEMENTS		oral proof of fraud, illegality, accident, or mistake	625
Bibliography: Beard: The Re- public, Conversations on Fundamentals	370	oral testimony admissible to prove a collateral and separate agreement	653
Beckwith, Holland, Bacon, and McGovern: Lawful Action of State Military Forces	373	parol evidence admissible for purposes of interpreta- tion	622
Commager: Majority Rule and Minority Rights	377	parol evidence with respect to deeds, leases, bonds and notes	638
Jaffin: New World Consti- tutional Harmony: A Pan - Americanadian Panorama	206	partial integration — re- duction of part of agree- ment to writing	627
Esquire Case—A Novel Exten- sion of the Postmaster- General's Powers of Classifying Mail	733	proof of fundamental as- sumptions on which agreement was based	643
CONTRACTS		question of law or question of fact	660
Parol evidence rule	603	Statute of Frauds compared with	609
application of rule for or against third persons	661	Pre-existing Contracts Involv- ing Enemy Nationals, the Effect of War On	700
contracts discharged by sub- sequent agreement	607	American cases	702
does it exclude parol evi- dence	610	conclusion	719
effect of an express written statement that there have been no extrinsic			

English cases 713
 Proof of Mental Incompetency
 and the Unexpressed
 Major Premise 271

CORPORATE REORGANIZATION

Reorganization of certain insol-
 vent corporations 460

CORPORATIONS

See also CORPORATE REORGANIZATIONS;
 PUBLIC UTILITIES; ECONOMICS
 Bibliography: American Bar
 Association: Federal
 Corporation Act 812

COURTS

See also PROCEDURE
 Federal courts, recent Supreme
 Court limitations on jur-
 isdiction 788

COVENANTS

Judge Clark on the American
 Law Institute's Law of
 Real Covenants: a Com-
 ment 312
 function of liens 319
 policy considerations 325
 privity of estate required if
 burden is to run 312
 running at law v. running in
 equity 317
 Note on Professor Rundell's
 Comment 327

**CRIMINAL LAW AND ADMINIS-
 TRATION**

Bibliography: Glueck and Glu-
 eck: Criminal Careers in
 Retrospect 379
 Goebel and Naughton: Law
 Enforcement in Colonial
 New York: A Study in
 Criminal Procedure 822
 Illegal Detention and the Ad-
 missibility of Confes-
 sions 758
 conclusion 769
 proposed solutions of the
 problem 765

recent Supreme Court cases 761
 Mentally Ill Offender in Fed-
 eral Criminal Law and
 Administration 684
 conclusion 699
 mental illness discovered or
 occurring after convic-
 tion and commitment 696
 mental illness a defect as a
 bar to prosecution 685
 mental illness a defect as a
 defense 695
 Reform in Federal Penal Pro-
 cedure: the Federal Cor-
 rections and Parole Im-
 provement Bills 773
 conclusion 786
 present penal procedures 774
 proposed reforms 780
 Scope of a Habeas Corpus
 Hearing on Interstate
 Extradition of Criminals 359

ECONOMICS

Bibliography: Beveridge: The
 Pillars of Security and
 Other War-Time Essays
 and Addresses 586
 Chase: Where's the Money
 Coming From? 830
 Harris: Postwar Economic
 Problems 830
 Hayek: The Road to Serfdom 805
 von Mises: Bureaucracy 805
 Moulton: The New Philos-
 ophy of the Public Debt 195
 Nathan: Mobilizing for
 Abundance 830
 Polányi: The Great Trans-
 formation 805
 "Sarpedon": England's Service 805
 Schumpeter: Capitalism, So-
 cialism and Democracy 830
 Group Health Plans: Some
 Legal and Economic As-
 pects 162
 Monopoly versus Competition:
 Significant Trends in
 Patent, Anti-Trust,
 Trade-Mark and Unfair
 Competition Suits 514
 anti-trust actions 525

conclusion	551	conclusion	682
introduction	514	constitutional prerogatives of the Senate	675
patent cases	518	historical differences	667
patent claims in relation to anti-trust laws	521	recent Supreme Court opin- ions on executive agree- ments	680
trademark and unfair com- petition suits	528	types of executive agree- ments	671
ESTATES		weakness of executive agree- ment	677
Bibliography: Wormser: Per- sonal Estates Planning in a Changing World	205	EXTRADITION	
Extraterritorial Effect of Pro- bate Decrees	221	Bibliography: Juran: Bureauc- racy, A Challenge to Bet- ter Management	601
Proof of Mental Incompetency and the Unexpressed Major Premise	271	FEDERAL GOVERNMENT	
Rule of Rogers v. Commis- sioner	572	See also ADMINISTRATIVE LAW	
EVIDENCE		Bibliography: Juran: Bureauc- racy, A Challenge to Bet- ter Management	601
Admissibility in a Federal Court of Evidence Ob- tained under a State Im- munity Statute	364	FINANCE	
Admissibility of confessions made during illegal de- tention	758	See ECONOMICS	
Parol evidence rule	603	FOREIGN POLICY	
Proof of Mental Incompetency and the Unexpressed Major Premise	271	See also INTERNATIONAL LAW	
conclusions—the inarticulate standard	306	Bibliography: Bailey: Wood- row Wilson and the Lost Peace	796
moral aspects of the transac- tion and its conse- quences	293	Lippmann: U. S. War Aims	796
opinion testimony of incom- petency	282	Welles: The Time for Deci- sion	796
organic condition and habits of the alleged incompe- tent	287	FRAUD	
symptomatic conduct of the alleged incompetent	276	Fraud, oral proof of, in con- tracts	625
EXCESS PROFITS TAX		FULL FAITH AND CREDIT	
See TAXATION		See CONFLICT OF LAWS	
EXECUTIVE AGREEMENTS		HABEAS CORPUS	
Shall the Executive Agreement Replace the Treaty?	664	Scope of a Habeas Corpus Hearing on Interstate Extradition of Criminals	359
basis of proposals for change	664	HOUSING	
		Bibliography: Straus: The Sev- en Myths of Housing	593

IMMUNITY STATUTES

Admissibility in a Federal Court of Evidence Obtained under a State Immunity Statute . . . 364

INCOME TAX

See TAXATION

INTERNATIONAL COURT

See INTERNATIONAL LAW

INTERNATIONAL LAW

See also WAR

Bibliography: Domke: Trading with the Enemy in World War II . . . 380

Deportation of Alien Seamen Owing Allegiance to Government in Exile . . . 183

Principle of Sovereign Equality of States as a Basis for International Organization . . . 207

compulsory jurisdiction . . . 214

international court compatible with sovereign equality . . . 212

sovereignty and equality defined . . . 207

Recognition of States in International Law . . . 385

conclusions . . . 453

constitutive view of recognition . . . 433

declaratory view of recognition . . . 425

duty of recognition and the practice of states . . . 396

improvements in the process of recognition . . . 447

introductory . . . 385

legal duty of recognition . . . 442

legal duty of recognition and the conditions of statehood . . . 408

legal nature of recognition and the practice of states . . . 390

political aspect . . . 414

rival doctrines . . . 419

INTERSTATE COMMERCE

Air mail carriers, excess profits exemption of . . . 491

INTERSTATE EXTRADITION

Scope of a Habeas Corpus Hearing on Interstate Extradition of Criminals . . . 359

JURISDICTION

Jurisdiction of State and Federal Compensation Agencies over Injuries Occurring on Navigable Waters . . . 348

Scope of a Habeas Corpus Hearing On Interstate Extradition of Criminals . . . 359

JURISPRUDENCE

Bibliography: Pound: The Task of Law . . . 599

Law and Learning Theory: a Study in Legal Control . . . 1

appendices . . . 83

learning theory and its application . . . 61

observation and quantitative analyses . . . 5

Moore and Callahan's "Law and Learning Theory": a Psychologist's impressions . . . 330

jurisprudence from the natural-science approach . . . 336

need for integration in the social sciences . . . 330

results of the investigation "Law and Learning Theory" . . . 331

through the Looking Glass of Legal Theory . . . 338

fundamentalism v. science in jurisprudence . . . 338

Moore-Callahan investigation supports behavioristic hypothesis . . . 339

suggestions for further analysis . . . 342

LABOR LAW

Bibliography: Millis: How Collective Bargaining

Works: a Survey of Experience in Leading American Industries	200	and Other Security Devices as to Land	590
Current Legislative and Judicial Restrictions on State Labor Injunction Acts	553	NEGOTIABLE INSTRUMENTS	
legal exclusionary rationalizations	561	Bonds and notes, parol evidence with respect to	638
restrictive amendments	558	PATENTS	
substantive-procedural rationalization	559	Patent cases	518
war developments	569	Patent claims in relation to anti-trust laws	521
LEGAL BIOGRAPHY		Vulnerability of Patents to Attack in Anti-trust Suits	579
Bibliography: Lawrence: James Moore Wayne, Southern Unionist	203	PENOLOGY	
LEGAL HISTORY		See CRIMINAL LAW AND ADMINISTRATION	
Bibliography: . Goebel . and Naughton: Law Enforcement in Colonial New York: A Study in Criminal Procedure	822	PROCEDURE	
Lawrence: James Moore Wayne, Southern Unionist	203	See also ADMINISTRATIVE LAW; CRIMINAL LAW AND ADMINISTRATION	
MARITIME LAW		Criminal procedure, proposed Federal Rule 5	766
See ADMIRALTY LAW		PROPERTY	
MEDICINE		See COVENANTS; HOUSING; MORTGAGES; REQUISITION	
Group Health Plans: Some Legal and Economic Aspects	162	PSYCHOLOGY AND PSYCHIATRY	
conclusion	182	Bibliography: Glueck and Glueck: Criminal Careers in Retrospect	379
economics of group health	163	Law and Learning Theory: a Study in Legal Control	1
judicial controls	166	Mentally Ill Offender in Federal Criminal Law and Administration	684
legislative controls	171	Moore and Calahan's "Law and Learning Theory": a Psychologist's Impressions	330
professional controls	175	Proof of Mental Incompetency and the Unexpressed Major Premise	271
Proof of Mental Incompetency and the Unexpressed Major Premise	271	PUBLIC DEBT	
MISTAKE		See ECONOMICS	
Mistake, oral proof of, in contracts	625	PUBLIC UTILITIES	
MORTGAGES		Bibliography: Burns: The Power Industry and the Public Interest	818

Establishment and Administration of a "Prudent Investment" Rate Base 495
 a public policy rate base 505
 "fair value" 495
 Rate base determination; "cost" as a substitute for "value" 721
 amortization of capital as a separate problem 726
 customer earnings, equitable amount 731
 demise of "fair value" as a rate base ingredient 721
 inequitable condition, example 727
 "net property" base 725
 original cost less depreciation as a basis for rate determination 722
 replacement reserve, determination of size 730
 summary 731
 uneconomic replacement, example 728

RATES

See PUBLIC UTILITIES

REQUISITION

Bibliography: Wise: Requisition in France and Italy. The Treatment of National Private Property and Services 596

RES JUDICATA

See CONFLICT OF LAWS

REVENUE ACT

See TAXATION

SECURITIES AND EXCHANGE COMMISSION

Bibliography: May: Financial Accounting 825

SELF-INCRIMINATION, PRIVILEGE AGAINST

Admissibility in a Federal Court of Evidence Ob-

tained under a State Immunity Statute 364

SHERMAN ANTI-TRUST ACT

Anti-trust actions 525
 Anti-trust laws, patent claims in relation to 521
 Anti-trust suits, vulnerability of patents to attack: in 579

SOCIAL SECURITY

Bibliography: Beverage: The Pillars of Security and Other War-Time Essays and Addresses 586

STATE MILITIA

See ARMY AND NAVY

STATE SOVEREIGNTY

See INTERNATIONAL LAW

STATUTE OF FRAUDS

Statute of Frauds compared with the parol evidence rule 609

TAXATION

See also ECONOMICS

"Relief" Provisions in the Revenue Act of 1943 459
 conclusion 494
 excess profits tax exemption for natural gas companies 485
 excess profits tax exemption of air mail carriers 491
 extension of percentage depletion to minerals formerly denied its use 471
 reorganization of certain insolvent corporations 460
 treatment of gain or loss upon the cutting of timber 476
 Section 734 of the Internal Revenue Code 137
 appendix: section 734 159
 application of the section 140
 burden of proving inconsistency 150

circumstances of adjustment	142	War developments in restrictions on state labor injunction acts	569
conclusion	158		
method and amount of adjustment	151	WILLS	
Rule of Rogers v. Commissioner	572	See ESTATES	
TORTS		WAR	
Liability of the United States and Canadian Governments for Tortious Conduct of their Military Personnel	188	See also ARMY AND NAVY; FOREIGN POLICY	
TRADEMARKS		Bibliography: Cornell: The Conscientious Objector and the Law	198
Trademark and unfair competition suits	528	Domke: Trading with the Enemy in World War II	380
TREATIES		Feilchenfeld: The International Economic Law of Belligerent Occupation	600
Shall the Executive Agreement Replace the Treaty?	664	Wright: A Study in War	598
		Effect of war on pre-existing contracts involving enemy nationals	700