



UNC
SCHOOL OF LAW

NORTH CAROLINA LAW REVIEW

Volume 36 | Number 1

Article 3

12-1-1957

Cases Commented On

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

Recommended Citation

North Carolina Law Review, *Cases Commented On*, 36 N.C. L. REV. (1957).

Available at: <http://scholarship.law.unc.edu/nclr/vol36/iss1/3>

This Front Matter is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized editor of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.

CASES COMMENTED ON

The page number for a case treated in Notes and Comments refers to the page on which the Note commences. The page number for a case covered in the Annual Case Survey is indicated by an asterisk (*) and refers to the page where the case appears.

	PAGE
Alberts v. California, 354 U.S. 476 (1957).....	189
Allred v. Prudential Ins. Co., 247 N.C. 105, 100 S.E.2d 226 (1957).....	*430
Anderson v. United States, 132 A.2d 155 (D.C. Mun. Ct. App. 1955).....	489
Archer v. Brown & Root, Inc., 241 F.2d 663 (5th Cir. 1957).....	90
Arnette v. Yeago, 247 N.C. 356, 100 S.E.2d 855 (1957).....	*457
Ashley v. Jones, 246 N.C. 442, 98 S.E.2d 667 (1957).....	*454
Bailey v. McGill, 247 N.C. 286, 100 S.E.2d 860 (1957).....	*451, *452, *464, *552
Barbour v. Scheidt, 246 N.C. 169, 97 S.E.2d 855 (1957).....	*417
Barbre-Askew Finance, Inc. v. Thompson, 247 N.C. 143, 100 S.E.2d 381 (1957).....	*439, *512
Barenblatt v. United States, 252 F.2d 129 (D.C. Cir. 1958).....	479
Barnes v. Dortch, 245 N.C. 369, 95 S.E.2d 872 (1957).....	*427
Barnes v. Horney, 247 N.C. 495, 101 S.E.2d 315 (1957).....	545
Barton v. Campbell, 245 N.C. 395, 95 S.E.2d 914 (1957).....	*428
Beeson v. Beeson, 246 N.C. 330, 98 S.E.2d 17 (1957).....	203, *423
Bell v. Simmons, 247 N.C. 488, 101 S.E.2d 383 (1958).....	*452
Bell Bakeries, Inc. v. Jefferson Standard Life Ins. Co., 245 N.C. 408, 96 S.E.2d 408 (1956).....	*390, *407
Bishop v. Bishop, 245 N.C. 573, 96 S.E.2d 721 (1957).....	*423
Boyd v. Allen, 246 N.C. 150, 97 S.E.2d 864 (1957).....	*381
Bragg Investment Co. v. Cumberland County, 245 N.C. 492, 96 S.E.2d 341 (1956).....	*449
Breithaupt v. Abram, 352 U.S. 432 (1957).....	76
Bright v. Williams, 245 N.C. 648, 97 S.E.2d 247 (1957).....	*394
Brinkley v. United Feldspar & Minerals Corp., 246 N.C. 17, 97 S.E.2d 419 (1957).....	*388
Brown v. Cowper, 247 N.C. 1, 100 S.E.2d 305 (1957).....	*470
Burleson v. Francis, 246 N.C. 619, 99 S.E.2d 767 (1957).....	*382
Burns v. Crump, 245 N.C. 360, 95 S.E.2d 906 (1957).....	*439
Burns v. Gulf Oil Corp., 246 N.C. 266, 98 S.E.2d 339 (1957).....	*399
Burr v. Everhart, 246 N.C. 327, 98 S.E.2d 327 (1957).....	457
Burrell v. Dickson Transfer Co., 244 N.C. 662, 94 S.E.2d 829 (1956).....	*401
Chandler v. Asheville, 247 N.C. 398, 101 S.E.2d 470 (1958).....	*434
Childress v. Myers Trading Post, 247 N.C. 150, 100 S.E.2d 391 (1957).....	*410
Coastal Sales Co. v. Weston, 245 N.C. 621, 97 S.E.2d 267 (1957).....	*408
Collier v. Mills, 245 N.C. 200, 95 S.E.2d 529 (1956).....	*403
Collins v. Covert, 246 N.C. 303, 98 S.E.2d 26 (1957).....	*409
Competition Liason Bureau of Nascar, Inc. v. Midkiff, 246 N.C. 409, 98 S.E.2d 468 (1957).....	*401
Conley v. Gibson, 355 U.S. 41 (1957).....	529
Cooke v. Wake Elec. Membership Corp., 245 N.C. 435, 96 S.E.2d 351 (1957).....	*442
Copeland v. Phthisic, 245 N.C. 580, 96 S.E.2d 697 (1957).....	*456
Cox v. Cox, 246 N.C. 528, 98 S.E.2d 879 (1957).....	*459
Darden v. Boyette, 247 N.C. 26, 100 S.E.2d 359 (1957).....	*392, *468
Davis v. Davis, 246 N.C. 307, 98 S.E.2d 318 (1957).....	*393
Deal v. Enon Sanitary Dist., 245 N.C. 74, 95 S.E.2d 362 (1956).....	*380
DeBruhl v. Highway Comm'n, 245 N.C. 139, 95 S.E.2d 553 (1956).....	*411
Denning v. Goldsboro Gas Co., 246 N.C. 541, 98 S.E.2d 910 (1957).....	*433
Douglas Aircraft Co. v. Local 379, International Brotherhood of Elec. Workers, AFL, 247 N.C. 620, 101 S.E.2d 800 (1958).....	502
Draper v. United States, 248 F.2d 295 (10th Cir. 1957).....	328
Driver v. Snow, 245 N.C. 223, 95 S.E.2d 519 (1956).....	*448
Duke v. Shaw, 247 N.C. 236, 100 S.E.2d 506 (1957).....	473
Eason v. Dew, 244 N.C. 571, 94 S.E.2d 603 (1956).....	*445
Edmondson v. Henderson, 246 N.C. 634, 99 S.E.2d 869 (1957).....	*392
Esquire, Inc. v. Esquire Slipper Mfg. Co., 243 F.2d 540 (1st Cir. 1957).....	105

	PAGE
Etheridge v. Wescott, 244 N.C. 637, 94 S.E.2d 846 (1956).....	*391, *398
Everett v. Yopp, 247 N.C. 38, 100 S.E.2d 221 (1957).....	*398
Fairchild Realty Co. v. Spiegel, Inc., 246 N.C. 458, 98 S.E.2d 871 (1957)...	*445
Fallins v. Durham Life Ins. Co., 247 N.C. 72, 100 S.E.2d 214 (1957).....	*430
Fidelity Bank v. Bloomfield, 246 N.C. 492, 98 S.E.2d 865 (1957).....	*445
Finch v. Honeycutt, 246 N.C. 91, 97 S.E.2d 498 (1957).....	365, *467, *469
Fleishel v. Jessup, 244 N.C. 451, 94 S.E.2d 308 (1956).....	*408
Fleming v. Twiggs, 244 N.C. 666, 94 S.E.2d 821 (1956).....	
Flynn v. State Highway Comm'n, 244 N.C. 617, 94 S.E.2d 571 (1956).....	352
Folsom v. Pearsall, 245 F.2d 562 (9th Cir. 1957).....	341
Fox v. Commissioner of Durham, 244 N.C. 497, 94 S.E.2d 482 (1956).....	*405
Frazier v. Suburban Rulane Gas Co., 247 N.C. 256, 100 S.E.2d 501 (1957)...	*456
Gattling v. State Highway and Public Works Comm'n, 245 N.C. 66, 95 S.E.2d 131 (1956).....	*443
Gaulden v. Pilot Life Ins. Co., 246 N.C. 378, 98 S.E.2d 355 (1957).....	*431
Glenn v. City of Raleigh, 246 N.C. 469, 98 S.E.2d 913 (1957).....	97, *433
Goldsboro v. Atlantic Coast Line R.R., 246 N.C. 101, 97 S.E.2d 486 (1957)...	*437
Goodwill Distributors, Inc. v. Shaw, 247 N.C. 157, 100 S.E.2d 334 (1957)...	*449
Gouldman-Taber Pontiac, Inc. v. Zerbst, 99 S.E.2d 475 (Ga. 1957).....	249
Great Am. Ins. Co. v. Modern Gas Co., 247 N.C. 471, 101 S.E.2d 389 (1958)...	*456
Green v. United States, 355 U.S. 184 (1957).....	485
Greensboro v. Wall, 247 N.C. 516, 101 S.E.2d 413 (1958).....	*405
Gregg v. Williamson, 246 N.C. 356, 98 S.E.2d 481 (1957).....	225, *409
Grimes v. Virginia Elec. and Power Co., 245 N.C. 583, 96 S.E.2d 713 (1957)...	*443
Hardy v. Small, 246 N.C. 581, 99 S.E.2d 862 (1957).....	367, *387
Hardy & Newsome, Inc. v. Wheedbee, 244 N.C. 682, 94 S.E.2d 837 (1956)...	*390
Harmon v. Harmon, 245 N.C. 83, 95 S.E.2d 355 (1956).....	*424
Harris v. Bingham, 246 N.C. 77, 97 S.E.2d 453 (1957).....	*457
Harris v. Briley, 244 N.C. 526, 94 S.E.2d 476 (1956).....	*441
Hedrick v. Graham, 245 N.C. 249, 96 S.E.2d 129 (1957).....	87, *443
Hennis Freight Lines, Inc. v. Burlington Mills Corp., 246 N.C. 143, 97 S.E.2d 850 (1957).....	*457
Hill v. Hill Spinning Co., 244 N.C. 554, 94 S.E.2d 677 (1956).....	*398, *402
Holden v. Holden, 245 N.C. 1, 95 S.E.2d 118 (1956).....	*423, *463
Holmes v. Sanders, 246 N.C. 200, 97 S.E.2d 683 (1957).....	*422
Horn v. Sandhill Furniture Co., 245 N.C. 173, 95 S.E.2d 521 (1956).....	*387
Hughes v. Anchor Enterprises, Inc., 245 N.C. 131, 95 S.E.2d 577 (1956)...	*424
<i>In re</i> Application for Reassignment, 247 N.C. 413, 101 S.E.2d 359 (1957).....	*463
<i>In re</i> Berman, 245 N.C. 612, 96 S.E.2d 836 (1957).....	*381
<i>In re</i> Cogdill, 246 N.C. 602, 99 S.E.2d 785 (1957).....	*468
<i>In re</i> Department of Archives and History, 246 N.C. 392, 98 S.E.2d 487 (1957).....	*405
<i>In re</i> Gibbons, 245 N.C. 24, 95 S.E.2d 85 (1956).....	*421
<i>In re</i> Gibbons, 247 N.C. 273, 101 S.E.2d 16 (1957).....	491
Jackson v. Gastonia, 246 N.C. 404, 98 S.E.2d 444 (1957).....	*435
Jackson v. Gastonia, 247 N.C. 88, 100 S.E.2d 241 (1957).....	*421
Jencks v. United States, 353 U.S. 657 (1957).....	210
Jenkins v. Fowler, 247 N.C. 111, 100 S.E.2d 234 (1957).....	*394
Jenkins v. Trantham, 244 N.C. 422, 94 S.E.2d 311 (1956).....	*400
Johnson v. Catlett, 246 N.C. 341, 98 S.E.2d 458 (1957).....	*396, *404
Johnson v. McLamb, 247 N.C. 534, 101 S.E.2d 311 (1958).....	526
Johnston v. Rodis, 151 F. Supp. 345 (D.C. 1957).....	358
Jones v. Bailey, 246 N.C. 599, 99 S.E.2d 768 (1957).....	*426
Joyner v. The McDowell County Bd. of Educ., 244 N.C. 164, 92 S.E.2d 795 (1956).....	*464
King v. Arthur, 245 N.C. 599, 96 S.E.2d 846 (1957).....	110, *386
Konigsberg v. State Bar, 353 U.S. 252 (1957).....	186
Kramer Bros., Inc. v. McPherson, 245 N.C. 354, 95 S.E.2d 889 (1956).....	*447
Langley v. Taylor, 245 N.C. 59, 95 S.E.2d 115 (1956).....	*384
Lawson v. Lawson, 244 N.C. 689, 94 S.E.2d 826 (1956).....	*463
Lea v. Carolina Power & Light Co., 246 N.C. 287, 98 S.E.2d 9 (1957).....	*456
Liles v. Faulkner Neon & Elec. Co., 244 N.C. 653, 94 S.E.2d 790 (1956).....	*386

	PAGE
W. E. Linthicum & Sons, Inc. v. Kelly Constr. Co., 246 N.C. 203, 97 S.E.2d 863 (1957).....	*391
Lisbon Shops, Inc. v. Koehler, 353 U.S. 382 (1957).....	*449
Litaker v. Bost, 247 N.C. 298, 101 S.E.2d 31 (1957).....	*384, *401
McBryde v. Coggins-McIntosh Lumber Co., 246 N.C. 415, 98 S.E.2d 663 (1957).....	*396, *452
McGill v. Bison Fast-Freight, Inc., 245 N.C. 469, 96 S.E.2d 438 (1957).....	*387
McLamb v. Weaver, 244 N.C. 432, 94 S.E.2d 331 (1956).....	*444
Matheson v. American Trust Co., 246 N.C. 710, 100 S.E.2d 77 (1957).....	*469
Mitchell v. Hartford Steam Boiler Inspection & Ins. Co., 235 F.2d 942 (2d Cir. 1956).....	332
Monteith v. Welch, 244 N.C. 415, 94 S.E.2d 345 (1956).....	*406
Moore v. Humphrey, 247 N.C. 423, 101 S.E.2d 460 (1957).....	*400
Morris v. Morris, 245 N.C. 30, 95 S.E.2d 110 (1956).....	*471
Morris v. Morris, 246 N.C. 314, 98 S.E.2d 298 (1957).....	*466
NAACP v. Eure, 245 N.C. 331, 95 S.E.2d 893 (1956).....	*393
Neece v. Richmond Greyhound Lines, Inc., 246 N.C. 547, 99 S.E.2d 756 (1957).....	*410, *454
Norris v. Johnson, 246 N.C. 179, 97 S.E.2d 773 (1957).....	*395
North Carolina ex rel. Util. Comm'n v. Casey, 245 N.C. 297, 96 S.E.2d 8 (1956).....	*383
North Carolina State Highway and Public Works Comm'n v. Privett, 246 N.C. 501, 99 S.E.2d 61 (1957).....	*461
North Carolina Utilities Comm'n v. Casey, 245 N.C. 297, 96 S.E.2d 8 (1957).....	*434
Orange Speedway v. Clayton, 247 N.C. 528, 101 S.E.2d 406 (1958).....	537
Painter v. Home Finance Co., 245 N.C. 576, 96 S.E.2d 731 (1957).....	*459
Parker v. Wilson, 247 N.C. 47, 100 S.E.2d 258 (1957).....	*426
Patrick v. Patrick, 245 N.C. 195, 95 S.E.2d 585 (1956).....	*461
Peed v. Burleson's, Inc., 244 N.C. 437, 94 S.E.2d 351 (1956).....	*389, *448
Penland v. Bird Coal Co., 246 N.C. 26, 97 S.E.2d 432 (1957).....	*382
Philyan v. Kinston, 246 N.C. 534, 98 S.E.2d 791 (1957).....	*456
Pilkington v. West, 246 N.C. 575, 99 S.E.2d 798 (1957).....	255
Pittman v. Carpenter, 247 N.C. 63, 100 S.E.2d 231 (1957).....	*389
Porter v. Yoder & Gordon Co., 246 N.C. 398, 98 S.E.2d 497 (1957).....	361
Pruett v. Pruett, 247 N.C. 13, 100 S.E.2d 296 (1957).....	*424, 495
Pulliam v. Thrash, 245 N.C. 636, 97 S.E.2d 253 (1957).....	236
Putnam v. Triangle Publications, Inc., 245 N.C. 432, 96 S.E.2d 445 (1957).....	*447, *459
Radovich v. National Football League, 352 U.S. 445 (1957).....	315
Raleigh v. Morand, 247 N.C. 363, 100 S.E.2d 870 (1957).....	*432
Ramsey v. Board of Comm'rs, 246 N.C. 647, 100 S.E.2d 55 (1957).....	*448
Raper v. Berrier, 246 N.C. 193, 97 S.E.2d 782 (1957).....	*421
Reed v. Elmore, 246 N.C. 221, 98 S.E.2d 360 (1957).....	233, *446
Richman Mfg. Co. v. Gable, 246 N.C. 1, 97 S.E.2d 672 (1957).....	*445
Roller v. Allen, 245 N.C. 516, 96 S.E.2d 851 (1957).....	*381
Roth v. United States, 354 U.S. 476 (1957).....	189
Sanders v. Fox, 149 F. Supp. 942 (D. Utah 1957).....	244
Scarborough v. World Ins. Co., 244 N.C. 502, 94 S.E.2d 558 (1956).....	*429
Scott v. Foppe, 247 N.C. 67, 100 S.E.2d 238 (1957).....	*420
Scott v. Lewis, 246 N.C. 298, 98 S.E.2d 294 (1957).....	*440
Shearin v. Lloyd, 246 N.C. 363, 98 S.E.2d 508 (1957).....	*453
Shimer v. Traub, 244 N.C. 463, 94 S.E.2d 363 (1956).....	*444
Shimier v. Traub, 244 N.C. 466, 94 S.E.2d 363 (1957).....	*452
Shor v. Billingsley, 4 Misc. 2d 857, 158 N.Y.S.2d 476 (Sup. Ct. 1956).....	355
Simmons v. Rogers, 247 N.C. 340, 100 S.E.2d 849 (1957).....	*392
Smith v. Pate, 246 N.C. 63, 97 S.E.2d 457 (1957).....	251
Smith v. Smith, 247 N.C. 223, 100 S.E.2d 370 (1957).....	*423
Smith v. Winston-Salem, 247 N.C. 349, 100 S.E.2d 835 (1957).....	*434
Solon Lodge v. Ionic Lodge, 245 N.C. 281, 95 S.E.2d 921 (1956).....	*390, *460
Southern Ry. v. Greensboro, 247 N.C. 321, 101 S.E.2d 347 (1957).....	*438
Standard Amusement Co. v. Tarkington, 247 N.C. 444, 101 S.E.2d 398 (1957).....	*397

	PAGE
State v. Allen, 245 N.C. 185, 95 S.E.2d 526 (1956).....	198, *413
State v. Andrews, 246 N.C. 561, 99 S.E.2d 745 (1957).....	*413
State v. Blackwell, 246 N.C. 642, 99 S.E.2d 867 (1957).....	*418
State v. Boles, 246 N.C. 83, 97 S.E.2d 476 (1957).....	*414
State v. Cauley, 244 N.C. 701, 94 S.E.2d 915 (1956).....	*416
State v. Collins, 247 N.C. 248, 100 S.E.2d 492 (1957).....	*418
State v. Cooke, 246 N.C. 518, 98 S.E.2d 885 (1957).....	80, *415
State v. Copping, 244 N.C. 590, 94 S.E.2d 569 (1956).....	*415
State v. Danziger, 245 N.C. 406, 95 S.E.2d 862 (1956).....	*415
State v. Dow, 246 N.C. 644, 99 S.E.2d 860 (1957).....	*460
State v. Everett, 244 N.C. 596, 94 S.E.2d 576 (1956).....	*415
State v. Floyd, 246 N.C. 434, 98 S.E.2d 478 (1957).....	*418
State v. Griffin, 246 N.C. 680, 100 S.E.2d 49 (1957).....	*417
State v. Kilgore, 246 N.C. 455, 98 S.E.2d 346 (1957).....	*414
State v. Lee, 247 N.C. 230, 100 S.E.2d 372 (1957).....	*405
State v. McAfee, 247 N.C. 98, 100 S.E.2d 249 (1957).....	*413, *416
State v. Meshaw, 246 N.C. 205, 98 S.E.2d 13 (1957).....	84, *416
State v. Mills, 246 N.C. 237, 98 S.E.2d 329 (1957).....	344, *414
State v. Rogers, 246 N.C. 611, 99 S.E.2d 803 (1957).....	*417
State v. Smith, 246 N.C. 118, 97 S.E.2d 442 (1957).....	*415
State v. Stephenson, 247 N.C. 231, 100 S.E.2d 327 (1957).....	*418
State v. Sutton, 244 N.C. 679, 94 S.E.2d 797 (1956).....	*416, *418
State v. Tingen, 247 N.C. 384, 100 S.E.2d 874 (1957).....	*412
State v. Wallace, 246 N.C. 445, 98 S.E.2d 473 (1957).....	*414
State v. Wynne, 246 N.C. 686, 99 S.E.2d 923 (1957).....	*416
Statesville v. Anderson, 245 N.C. 208, 95 S.E.2d 591 (1956).....	*419
State Trust Co. v. Toms, 244 N.C. 645, 94 S.E.2d 806 (1956).....	*464
Staunton Military Academy, Inc. v. Dockery, 244 N.C. 427, 94 S.E.2d 354 (1956).....	*407
Stephens v. Carter, 246 N.C. 318, 98 S.E.2d 311 (1957).....	*444
Stokes v. Smith, 246 N.C. 694, 100 S.E.2d 85 (1957).....	*442
Taylor v. Brake, 245 N.C. 553, 96 S.E.2d 686 (1957).....	*403
Taylor v. Hunt, 245 N.C. 212, 95 S.E.2d 589 (1956).....	*392
Textile Workers Union v. Lincoln Mills, 353 U.S. 448 (1957).....	215
Thompson v. Lassiter, 246 N.C. 34, 97 S.E.2d 492 (1957).....	*462
Thrush v. Thrush, 246 N.C. 114, 97 S.E.2d 472 (1957).....	*459
Todd v. White, 246 N.C. 59, 97 S.E.2d 439 (1957).....	*440
Tucker v. State Highway & Public Works Comm'n, 247 N.C. 171, 100 S.E.2d 514 (1957).....	*383
United States v. E. I. duPont de Nemours and Co., 353 U.S. 586 (1957).....	102
United States v. Herring, 240 F.2d 225 (4th Cir. 1957).....	347
United States v. Milldebrandt, 8 U.S.C.M.A. 635, 25 C.M.R. 139 (1958).....	515
Wachovia Bank and Trust Co. v. Taliaferro, 246 N.C. 121, 97 S.E.2d 776 (1957).....	*465
Wachovia Bank and Trust Co. v. Wolf, 245 N.C. 535, 96 S.E.2d 690 (1957).....	*469
Waddell v. Carson, 245 N.C. 669, 97 S.E.2d 222 (1957).....	*465
Waldheim Realty and Investment Co. v. Commissioner, 245 F.2d 823 (8th Cir. 1957).....	241
The Washington City Bd. of Educ. v. Edgerton, 244 N.C. 576, 94 S.E.2d 661 (1956).....	*442
Watkins v. United States, 354 U.S. 178 (1957).....	320, 479
Whitted v. Wade, 247 N.C. 81, 100 S.E.2d 263 (1957).....	*470
Willcox v. Di Capadarso, 244 N.C. 741, 94 S.E.2d 925.....	*391
Williams v. Mickens, 247 N.C. 262, 100 S.E.2d 511 (1957).....	*457
Winston-Salem v. Winston-Salem City Coach Lines, Inc., 245 N.C. 179, 95 S.E.2d 510 (1956).....	*380
Wood v. Michigan Millers Mut. Fire Ins. Co., 245 N.C. 383, 96 S.E.2d 28 (1957).....	*431
Woolard v. Smith, 244 N.C. 489, 94 S.E.2d 466 (1956).....	*444
Wynne v. Allen, 245 N.C. 421, 96 S.E.2d 422 (1957).....	*411
Zimmerman v. Elizabeth City Freezer Locker, 244 N.C. 628, 94 S.E.2d 813 (1956).....	*385

