

12-1-1958

Subject Index

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, *Subject Index*, 37 N.C. L. REV. (1958).

Available at: <http://scholarship.law.unc.edu/nclr/vol37/iss1/3>

This Index 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.

SUBJECT INDEX

	PAGE
Administrative Law	
Passports, power of the Secretary of State to deny.....	172
Survey of N.C. Case Law	
Licenses	372
Evidence to support findings.....	373
Judicial review.....	374
Administrative regulations.....	374
Administrative procedure.....	375
Workmen's compensation, appellate review of findings of jurisdictional facts	219
Admiralty	
Act of God, limitation of liability where ship cast ashore by.....	317
Limitations period where Jones Act and unseaworthiness counts are joined	163
Unseaworthiness, liability for; the "Sieracki Doctrine".....	479
Adoptions	
Survey of N.C. Case Law, Domestic Relations.....	422
Adverse Possession	
Survey of N.C. Case Law, Property.....	441
Agency	
Survey of N.C. Case Law	
Agent's authority—formalities.....	375
Independent contractor.....	376
Presumption of Agency.....	377
Survey of N.C. Case Law, Evidence.....	430
Arrest	
Survey of N.C. Case Law, Criminal Law.....	417
Associations	
Survey of N.C. Case Law, Labor.....	438
Attorneys	
Survey of N.C. Case Law, Administrative Law.....	375
Survey of N.C. Case Law, Constitutional Law.....	401
Survey of N.C. Case Law, Trial and Appellate Practice.....	467
Survey of N.C. Case Law, Workmen's Compensation.....	377
Automobiles	
Duty of driver to maintain proper lookout at green light.....	215
Owner's liability after leaving ignition key in lock.....	104
Survey of N.C. Case Law, Torts.....	462
Business Associations	
Mismanagement action by corporation precluded where sole stockholder has no standing to sue.....	320
Survey of N.C. Case Law	
Corporations	379
Partnerships	381
Ultra vires, non profit corporations engaging in commercial enterprises....	198
Survey of N.C. Case Law, Constitutional Law.....	399, 400
Charities	
Charitable institutions, tort immunity.....	209
Collective Bargaining	
Federal jurisdiction, breach of collective bargaining contracts.....	500
Right to work laws.....	233
Survey of N.C. Case Law, Constitutional Law.....	399
Conflict of Laws	
Limitations period where Jones Act and unseaworthiness counts are joined	163
Survey of N.C. Case Law	
Modification of divorce decrees	
Support provisions of foreign decree.....	394
Alimony provisions of local decree.....	396

	PAGE
Constitutional Law	
Civil liberties decisions of the U.S. Supreme Court in the 1957-58 term....	17
Military jurisdiction over civilians.....	184
Passports, power of the Secretary of State to deny.....	172
Police power, changed economic condition of railroads judicially applied in determining the reasonableness of ordinance.....	187
Property tax classification and exemption.....	115
Racial discrimination, prosecution of Negroes for trespass in "white" establishment not discrimination by the state.....	73
Removal from office of non-executive officeholder.....	194
Segregation in the schools.....	177
Survey of N.C. Case Law	
Civil rights	
Suffrage-literacy test.....	396
Trespass	398
Eminent domain	
Interest as additional just compensation.....	398
Change in grade of street not made under city immunity.....	399
Federal and interstate questions	
Service of process.....	399
State taxation on income derived from interstate business.....	400
Due process	
Right to jury trial in disbarment cases.....	401
Right to communicate with counsel and friends.....	402
Search and seizure.....	403
Regulation of business.....	403
Survey of N.C. Case Law, Criminal Law.....	415, 416
Uniform Act to Secure Compulsory Attendance of Out-of-State Witnesses, constitutionality.....	77
Contempt	
Survey of N.C. Case Law, Equity.....	427
Contracts	
Homicide exclusion in double indemnity clause of life insurance policy....	92
Marriage, restraint of.....	494
Minor's liability upon disaffirmance.....	484
Survey of N.C. Case Law	
Accord and Satisfaction	
Executory accord as a bar to action on original claim.....	404
Evidence of accord irrelevant.....	405
Broker's contracts	
Construction	406
Mortgages	
Termination of mortgage debt on death of mortgagee.....	407
Survey of N.C. Case Law, Credit Transactions.....	408
Corporations	
Mismanagement action by corporation precluded where sole stockholder has no standing to sue.....	320
Non-profit corporations engaging in commercial enterprises.....	198
Survey of N.C. Case Law, Business Associations.....	379
Survey of N.C. Case Law, Constitutional Law.....	399
Credit Transactions	
Security agreement whereby on sale of security property security attaches to proceeds.....	489
Survey of N.C. Case Law	
Materialmen's liens.....	407
Conditional sales.....	408
Landlord's crop liens on proceeds of insurance.....	409
Deeds of Trust and Mortgages	
Stipulation for satisfaction on death of secured creditor.....	410
Absolute deeds as security.....	411

	PAGE
Criminal Law and Procedure	
Forgery, use of fictitious name.....	200
Grand jury.....	290
Survey of N.C. Case Law	
Criminal Law	
Homicide	412
Rape	413
Public drunkenness.....	413
Illegal possession of taxpaid liquor.....	414
Entrapment	415
Criminal Procedure	
Right to counsel and communication.....	415
Search and seizure.....	416
Former jeopardy.....	416
Sufficiency of indictment and warrant.....	417
Trial	418
Sentencing	418
Survey of N.C. Case Law, Constitutional Law.....	402, 403
Survey of N.C. Case Law, Evidence.....	430
Uniform Act to Secure Compulsory Attendance of	
Out-of-State Witnesses, constitutionality.....	77
Wiretap evidence, use of state-authorized wiretap	
evidence in federal prosecution.....	88
Damages	
Additur	169
Husband's recovery from tortfeasor for medical expenses of wife.....	82
Survey of N.C. Case Law	
Wrongful death.....	419
Nuisance	420
Eminent domain.....	421
Additur	422
Survey of N.C. Case Law, Insurance.....	431
Survey of N.C. Case Law, Sales.....	449
Death by Wrongful Act	
Settlement, effect on allegedly negligent beneficiary's	
right to share in proceeds.....	109
Survey of N.C. Case Law, Damages.....	419
Deeds	
Survey of N.C. Case Law, Property.....	444, 445
Deeds of Trust	
Survey of N.C. Case Law, Contracts.....	407
Survey of N.C. Case Law, Credit Transactions.....	410, 411
Descent and Distribution	
Survey of N.C. Case Law, Domestic Relations, Adoption.....	422
Divorce	
Alimony without divorce and absolute divorce based on the same grounds..	326
Survey of N.C. Case Law, Conflict of Laws.....	394
Survey of N.C. Case Law, Domestic Relations.....	424, 426
Survey of N.C. Case Law, Trial and Appellate Practice.....	473
Domestic Relations	
Alimony without divorce and absolute divorce based on the same grounds..	326
"Gross income," effect of community property laws on	
interpretation in alimony without divorce award.....	329
Husband's right to recover medical expenses for wife's injury.....	82
Survey of N.C. Case Law	
Adoption	422
Guardianship	423

	PAGE
Support	
Allowances to family.....	424
Enforcement of alimony payments.....	424
Modification of divorce decrees.....	426
Alimony without divorce.....	426
Survey of N.C. Case Law, Conflict of Laws.....	394
Survey of N.C. Case Law, Trial and Appellate Practice.....	473
Easements	
Survey of N.C. Case Law, Property.....	443
Eminent Domain	
Survey of N.C. Case Law, Constitutional Law.....	398
Survey of N.C. Case Law, Damages.....	421
Survey of N.C. Case Law, Property.....	443
Equity	
Mismanagement action by corporation precluded where sole stockholder has no standing in equity to sue.....	320
Survey of N.C. Case Law	
Declaratory judgment.....	426
Contempt	427
Receivership	428
Injunctions	428
Survey of N.C. Case Law, Damages.....	420
Evidence	
Admissibility of state authorized wiretap evidence in federal prosecution....	88
Survey of N.C. Case Law	
Evidence of prior acquittal.....	429
Safety codes as evidence.....	430
Evidence of smell.....	430
Statements by agents.....	430
Survey of N.C. Case Law, Administrative Law.....	373
Survey of N.C. Case Law, Contracts.....	405
Executors and Administrators	
Survey of N.C. Case Law, Wills.....	474
Fair Labor Standards Act	
Meaning of "engaged in commerce".....	505
Federal Courts	
Federal jurisdiction, breach of collective bargaining contracts.....	500
Government	
Survey of N.C. Case Law, Municipal Corporations.....	439
Grand Jury	
Origin, present status, procedure.....	290
Survey of N.C. Case Law, Criminal Law and Procedure.....	417
Guardian and Ward	
Survey of N.C. Case Law, Domestic Relations.....	423
Husband and Wife	
Medical expenses of wife, right of husband to recover from tortfeasor....	82
Restraints on marriage.....	494
Survey of N.C. Case Law, Domestic Relations.....	424, 426
Survey of N.C. Case Law, Conflict of Laws.....	394
Survey of N.C. Case Law, Trial and Appellate Practice.....	473
Tenancy by the entireties; right of surviving spouse to contribution from deceased's estate for payment of debt secured by mortgage on entireties property.....	333
Indictment and Information	
Survey of N.C. Case Law, Criminal Law and Procedure.....	417

	PAGE
Infants	
Minor's liability on disaffirmance.....	484
Survey of N.C. Case Law, Domestic Relations.....	422, 423
Injunctions	
Survey of N.C. Case Law, Equity.....	428
Insurance	
Homicide exclusion in double indemnity life insurance policy.....	92
Sales of life insurance contract, capital gain or ordinary income tax on proceeds.....	101
Survey of N.C. Case Law	
Hail insurance—measure of damages under a “valued policy”.....	431
Accident insurance	
Interpretation.....	432
Confining disability benefits.....	433
Life Insurance.....	434
Survey of N.C. Case Law, Credit Transactions.....	409
Survey of N.C. Case Law, Taxation.....	454
Wrongful death, effect of settlement on allegedly negligent beneficiary's right to share in the proceeds.....	109
Intoxicating Liquors	
Survey of N.C. Case Law, Criminal Law and Procedure.....	413, 414
Judgments	
Survey of N.C. Case Law, Trial and Appellate Practice.....	470, 471, 472
Jurisdiction	
Federal jurisdiction, breach of collective bargaining contracts.....	500
Military jurisdiction over civilians.....	184
Survey of N.C. Case Law, Constitutional Law.....	399
Survey of N.C. Case Law, Labor Law.....	438
Labor-Management Relations Act (Taft-Hartley)	
Section 301(a).....	500
Law School, U.N.C.	
Annual report.....	58
Labor	
Fair Labor Standards Act, meaning of “engaged in commerce”.....	505
Federal jurisdiction, breach of collective bargaining contracts.....	500
Minority groups, right to membership in union acting as statutory bargaining agent.....	509
Right to work laws.....	233
Survey of N.C. Case Law	
Right to work—suit for damages for wrongful discharge.....	435
Unemployment compensation	
Ineligibility during vacation periods.....	436
Coverage of employees under trip-lease agreements.....	437
Unincorporated labor unions—requirements for suability under statute....	438
Survey of N.C. Case Law, Constitutional Law.....	399
Landlord and Tenant	
Survey of N.C. Case Law, Credit Transactions.....	409
Survey of N.C. Law, Property.....	445
Liens	
Survey of N.C. Case Law, Credit Transactions.....	407, 409
Life insurance	
Homicide exclusion in double indemnity clause.....	92
Sale of life insurance contract, capital gain or ordinary income tax on proceeds.....	101
Survey of N.C. Case Law, Insurance.....	434

	PAGE
Limitation of Actions	
Latent injuries, period of limitation for filing workmen's compensation claim	354
Limitations period where Jones Act and unseaworthiness counts are joined..	163
Marriage	
Restraints on marriage.....	494
Military Law	
"General Article", UCMJ Art. 134.....	142
Military jurisdiction over civilians.....	184
Mortgages	
Tenancy by the entireties, surviving spouse's right to contribution from deceased's estate for payment of debt secured by mortgage on entireties property.....	333
Survey of N.C. Case Law, Contracts.....	407
Survey of N.C. Case Law, Credit Transactions.....	411
Municipal Corporations	
Police power, railroads liability to construct, maintain and repair bridges..	187
Survey of N. C. Case Law	
Annexation	439
Governmental immunity.....	439
Taxation and finance.....	440
Utilities	440
Miscellaneous	441
Negligence	
Automobile owner's liability after leaving ignition key in lock.....	104
Maintaining a proper lookout, duty at green light.....	215
Wrongful death, effect of settlement on allegedly negligent beneficiary's right to share in proceeds.....	109
Survey of N.C. Case Law, Torts.....	456, 458
Parent and Child	
Survey of N.C. Case Law, Domestic Relations.....	422
Partnerships	
Survey of N.C. Case Law, Business Associations.....	381
Practice and Procedure	
Additur	169
Jury trial, note-taking by jurors.....	518
Limitations period where Jones Act and unseaworthiness counts are joined..	163
Survey of N.C. Case Law—Pleading and Parties	
Pleading	
Affirmative defenses.....	382
Amendment	383
Demurrer	385
Allegations of fact and conclusions of law.....	385
Motion to strike.....	387
Prolixity	388
Theory of the pleadings.....	388
Variance	388
Counterclaims	389
Joinder of parties and causes.....	390
Third-party practice.....	392
Parties	393
Survey of N.C. Case Law—Trial and Appellate Practice	
Process	463
Waiver of process.....	466
Statute of limitations.....	466
Abatement	466
Continuance	467
Attorney and client.....	467

	PAGE
Reference—plea in bar.....	468
Motion for nonsuit.....	468
County court—effect of counterclaim.....	468
Argument of counsel.....	469
Opinions expressed by trial judge.....	469
Judgments	
Res judicata.....	470
Jurisdictional facts.....	471
Attachment, consent judgment.....	472
Vacation of judgments, excusable neglect.....	472
Vacation of divorce decree, fraud.....	473
Survey of N.C. Case Law, Administrative Law.....	375
Survey of N.C. Case Law, Constitutional Law.....	399
Survey of N.C. Case Law, Criminal Law.....	418
Survey of N.C. Case Law, Equity.....	426, 428
Property	
Survey of N.C. Case Law	
Adverse possession.....	441
Deeds	
Boundaries	444
Titles	445
Easements	443
Eminent domain.....	443
Landlord and tenant	
Lessee's incorporation during holdover period.....	445
Statute of frauds.....	445
Partition	446
Restrictive covenants	447
Waste	447
Survey of N.C. Case Law, Constitutional Law.....	398
Survey of N.C. Case Law, Contracts.....	407
Survey of N.C. Case Law, Credit Transactions.....	410, 411
Survey of N.C. Case Law, Damages.....	421
Survey of N.C. Case Law, Taxation.....	451
Race	
Discrimination, trespass prosecution against Negroes for trespass in	
"white" ice cream parlor not state discrimination.....	73
Minority groups, right to membership in union	
acting as statutory bargaining agent.....	509
Segregation in the schools.....	177
Railroads	
Bridges, duty to build, repair and maintain.....	187
Survey of N.C. Case Law, Constitutional Law.....	399
Railway Labor Act	
Minority groups, right to membership in union	
acting as statutory bargaining agent.....	509
Sales	
Implied warranty, liability of remote vendor.....	205
Implied warranty of title, when cause of action	
accrues after purchase of precarious title.....	337
Survey of N.C. Case Law	
Right to follow proceeds.....	448
Express warranty	
Damages for breach.....	449
Rescission for breach.....	449
Implied warranty of title.....	451
Survey of N.C. Case Law, Credit Transactions.....	408

	PAGE
Search and Seizure	
Wiretap evidence, admissibility of state-authorized	
wiretap evidence in federal prosecution.....	88
Survey of N.C. Case Law, Criminal Law.....	416
Space Law	
Evaluation of the present status of space law.....	269
Statutes	
Fair Labor Standards Act, meaning of "engaged in commerce".....	505
Jones Act, limitations period where Jones Act and	
unseaworthiness counts are joined.....	163
Labor Management Relations Act, Section 301(a).....	500
Railway Labor Act, right of minority groups to membership in union....	509
Right to work laws.....	233
Survey of N.C. Case Law, Constitutional Law.....	403
Survey of N.C. Case Law, Damages.....	419
Survey of N.C. Case Law, Trial and Appellate Practice.....	466
Uniform Act to Secure Compulsory Attendance of	
Out-of-State Witnesses, constitutionality.....	77
Uniform Code of Military Justice, Articles 3(a), 2(11).....	184
Uniform Code of Military Justice, Article 134.....	142
Taxation	
Capital gains or ordinary income tax on sale of life insurance policy.....	101
Depreciation—useful life, salvage value and capital gains under the	
declining amount depreciation methods of the 1954 code.....	341
Property tax classification and exemption.....	115
Survey of N.C. Case Law	
Property tax—constitutionality of bond issue to finance	
extraterritorial municipal improvements.....	451
Income tax	
Method of computing depletion deduction allowance.....	452
Net income tax on corporations engaged	
exclusively in interstate commerce.....	453
Insurance policy premiums tax.....	454
Survey of N.C. Case Law, Constitutional Law.....	400
Survey of N.C. Case Law, Municipal Corporations.....	440
Torts	
Charitable institutions, tort immunity.....	209
Husband's right to recover medical expenses of wife from tortfeasor.....	82
Negligence, duty to maintain proper lookout at green light.....	215
Negligence, owner's liability after leaving automobile ignition key in lock..	104
Survey of N.C. Case Law	
Automobiles	462
Concurring negligence.....	456
Contributory negligence.....	458
Emergency doctrine.....	455
False imprisonment.....	462
Owners and occupiers of land.....	460
Owners of animals.....	461
Proximate cause.....	459
State Tax Claims Act.....	461
Survey of N.C. Case Law, Damages.....	419, 420
Wrongful death, effect of settlement on allegedly	
negligent beneficiary's right to share in proceeds.....	109
Trade Regulation	
Survey of N.C. Case Law, Constitutional Law.....	403
Trespass	
Prosecution of Negroes for trespassing in "white" establishment.....	73
Survey of N.C. Case Law, Constitutional Law.....	378

	PAGE
Trusts	
Survey of N.C. Case Law.....	474
Trust investments, the "prudent man rule".....	522
Unemployment Compensation	
Survey of N.C. Case Law, Labor Law.....	436, 437
Warrants	
Survey of N.C. Case Law, Criminal Law.....	417
Warranty	
Implied warranty, liability of remote vendor.....	205
Implied warranty of title, when cause of action for breach accrues after purchase of precarious title.....	337
Wills	
Survey of N.C. Case Law	
Executors and administrators.....	474
Construction	475
Family settlement.....	476
Revocation	477
Witnesses	
Uniform Act to Secure Compulsory Attendance of Out-of-State Witnesses	77
Workmen's Compensation	
Latent injuries, period of limitation for filing claims.....	354
Review of findings of "jurisdictional facts".....	219
Survey of N.C. Case Law, Agency and Workmen's Compensation	
Workmen's Compensation	
Abatement and survival.....	377
Attorney's fees.....	377
Injury by accident.....	378
Minimum weekly awards.....	378
Rights and remedies exclusive.....	378