

4-1-1961

Annual Index to Volume 10

Buffalo Law Review

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>

Recommended Citation

Buffalo Law Review, *Annual Index to Volume 10*, 10 Buff. L. Rev. ii (1961).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol10/iss3/1>

This Index is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

TABLE OF AUTHORS AND REVIEWERS

ANTIEU, CHESTER JAMES. <i>The Shifting of Tort Loss in Municipal Corporation Law</i>	18
AUERBACH, MORTON. <i>Mills: Listen, Yankee</i>	507
BEUSCHER, J. H. <i>Appropriation Water Law Elements in Riparian Doctrine States</i> ..	448
COOK, J. DOUGLAS. <i>Tappan: Crime, Justice and Correction</i>	397
FAHRINGER, HERALD P., JR. <i>Maguire: Evidence of Guilt</i>	257
MEYER, HOWARD L. <i>Trust Fund Provisions of the New York Mechanics Lien Law</i> ...	314
MUNRO, JAMES. <i>Public vs. Private: The Status of Lakes</i>	459
MURRAY, JOHN E., JR. <i>The Robinson-Patman Act: A Sampling of Advocacy</i>	336
NEWHOUSE, WADE, JR. <i>Moskowitz: Human Rights and World Order</i>	258
TREALEASE, FRANK J. <i>Federal Limitations on State Water Law</i>	399
WAITE, G. GRAHAM. <i>Nonresidential Urban Renewal in New York</i>	265
WAITE, G. GRAHAM. <i>Pleasure Boating in a Federal Union</i>	427
ZIMMERMANN, GEORGE M. <i>Buy-Sell Agreements in Close Corporations: A Summary for the New York Lawyer</i>	1

TABLE OF LEADING ARTICLES

APPROPRIATION WATER LAW ELEMENTS IN RIPARIAN DOCTRINE STATES. <i>J. H. Beuscher</i>	
BUY-SELL AGREEMENTS IN CLOSE CORPORATIONS: A SUMMARY FOR THE NEW YORK LAWYER. <i>George M. Zimmermann</i>	1
FEDERAL LIMITATIONS ON STATE WATER LAW. <i>Frank J. Trealease</i>	399
NONRESIDENTIAL URBAN RENEWAL IN NEW YORK. <i>G. Graham Waite</i>	265
PLEASURE BOATING IN A FEDERAL UNION. <i>G. Graham Waite</i>	427
PUBLIC VS. PRIVATE: THE STATUS OF LAKES. <i>James Munro</i>	459
ROBINSON-PATMAN ACT: A SAMPLING OF ADVOCACY, THE. <i>John E. Murray, Jr.</i>	336
SHIFTING OF TORT LOSS IN MUNICIPAL CORPORATION LAW, THE. <i>Chester James Antieau</i>	18
TRUST FUND PROVISIONS OF THE NEW YORK MECHANICS LIEN LAW. <i>Howard L. Meyer</i>	314

TABLE OF BOOKS REVIEWED

MAGUIRE: EVIDENCE OF GUILT. <i>Herald P. Fahringer, Jr.</i>	257
MILLS: LISTEN, YANKEE. <i>Morton Auerbach</i>	507
MOSKOWITZ: HUMAN RIGHTS AND WORLD ORDER. <i>Wade J. Newhouse, Jr.</i>	258
TAPPAN: CRIME, JUSTICE AND CORRECTION. <i>J. Douglas Cook</i>	397

TABLE OF RECENT DECISIONS

Baird v. Koerner (9th Cir.)	364
Board of County Commissioners v. Donoho (Col.)	387
Phillips v. Commissioner (4th Cir.)	392
Peterson v. Lamb Rubber Company (Cal.)	357
Torcaso v. Watkins (Md.)	372
Town of Somers v. Camarco (N.Y. Sup. Ct.)	380

SUBJECT INDEX

A

ADMINISTRATIVE LAW

Certain Situations Require Agencies to Grant Full Hearing	56
Scope of Administrative Discretion to Grant or Deny Licenses	48
Tendency of Court to Modify Administrative Punishment	58

ARBITRATION

Arbitration Award of Specific Performance	67
Arbitration Clause Regarding Breach of Contract Strictly Interpreted by Court .	64
Arbitration Proceedings Involving Public Entity	69
Employee Not "Party" to Collective Bargaining Agreement	62
Oral Extension of Written Arbitration Clause Sufficient Under Section 1449 of Civil Practice Act	66

C

CIVIL PROCEDURE

Attorney-Client Privilege and Necessity of Subpoena Under Civil Practice Act Section 406	79
Collateral Estoppel Under Section 59 (Now 388) of Vehicle and Traffic Law ...	73
Direct Estoppel of Wrongful Death Action	77
For Purposes of Civil Practice Act Section 21 A Wrongful Death Action "Exists" at Time of Accident	71
Libel: Sufficiency of Complaint	83
Necessary Elements to Libel Action	80
Summary Judgment Granted to Privileged Communications	82
Summary Judgment Requires Absence of Triable Issue of Fact	85
Who is an Aggrieved Party Under Civil Practice Act Section 557	76

CONSTITUTIONAL LAW

Admissibility of Confessions Obtained After Indictment	89
Applications of Sections 86-a and 87(2) of the Membership Corporation Law to Existing Contracts	111
Attorney's Refusal to Testify at Inquiry Into Unethical Practices Ground for Disbarment	99
Bright Light Driving Statute Held Not Vague	102
Compulsion to Testify After Immunity Has Been Granted	97
County Liability Under Article IX, Section 5 of State Constitution	105
Delegation of Power to Municipality to Tax Limited	108
Excessively Long Jury Trial Not a Denial of Due Process	95
Existing Emergency Rent Controls Justified	107
Failure to Poll Jury Held Not to be Denial of Due Process	96
Improper Remarks by Court Constituted Prejudicial Error	94
In Forma Pauperis Appeals Apply to Dismissal of Motions	93
Magistrates' Court Given Power to Try Misdemeanors	103
Public Office, Religion, and the Constitution	372
Separation of Church and State	115
Statutes Certifying Psychologists Held Valid	114
The Periphery of "Exclusive" Federal Power to Legislate Over Federally Ceded Lands	387

CONTRACTS

Contracts of Insurance Construed Against the Insurer	121
Effect of Third Party Beneficiaries' Refusal to Permit Performance	123
Enforceability of a Legal Contract Performed in an Illegal Manner	124
Interpretation of Legal Partnership Agreement	120
Recording Requirement of Agreements Involving Motion Pictures and Allied Rights	118
The Continued Decay of the Privity Doctrine	357

BUFFALO LAW REVIEW

CORPORATIONS

Buy-Sell Agreements in Close Corporations: A Summary for the New York Lawyer	1
Limitation Period Applicable to an Action For Accounting Under Section 106 of Stock Corporation Law	127
Suits by Individual Creditors Under Section 59 of Stock Corporation Law	126

CREDITOR'S RIGHTS

Fraud Must be Proven, Not Presumed	131
Jurisdictional Defect Will Not Prevent Application of Real Property Tax Law Statute of Limitations	129
Trust Fund Provisions of the New York Mechanics Lien Law	314

CRIMINAL LAW

Alcoholic Content of Drink Subject of Circumstantial Proof	141
Appeal by People Under Code of Criminal Procedure Section 518(3)	159
Appeal From Courts Not of Record	155
Charge to Jury Concerning Second Degree Manslaughter	146
Commitment to Mental Hospital After Conviction Constitutes Judgment	152
Compensation of Convicts Through Reduced Time	166
Coram Nobis: Defendant Deprived of Counsel of His Choice	162
Coram Nobis: Right to Effective Counsel	160
Coram Nobis: Where Defendant Surprised By Punishment For Plea to Lower Felony	163
Corroboration of Complaining Witness in Sex Crimes	142
Extortion Without Direct Assertion of Force	139
Felony Murder Conviction Requires Homicide be Committed by Felon	147
Habeas Corpus Proper While Appeal Pending	165
Homosexual Proposal Constitutes Vagrancy	145
Inadmissibility of Confession Taken Under Oath Before Justice of Peace	134
Maximum Speed Limits in Absence of Markings	143
Proof of False Representations Inadmissible Unless Alleged in Indictment	137
Refusals to Answer Questions Concerning Same Subject Matter Constitute a Single Contempt	138
Requirements For Adequate Appellate Review In Forma Pauperis	156
Right of Indigent to Adequate Appellate Review	158
Rights of Defendant Concerning Erroneously Labeled Indictment	136
Rights of Defendant Under Section 472 or 480 of Code of Criminal Procedure . .	153
Turn Signal Requirement Qualified	144
Validly Sentenced Defendant Cannot be Resentenced	150
Voluntariness of Repudiated Confession	132
Waiver of Right to Dismissal for Failure to Prosecute	149

D

DECEDENTS' ESTATES AND TRUSTS

Allocation of Extraordinary Stock Dividends to Trusts Established Prior to 1926	171
Limited Agreements May Violate Fiduciary's Duty of Trust	176
Mental Delusion as Basis For Testamentary Incapacity	169
Meretricious Relationship Bars Claim For Services	175
Payments to Estate Beneficiaries Behind the Iron Curtain	173
Revocation of Letters of Administration Within Surrogate's Jurisdiction	167
Specific Legatee Not Entitled to Insurance Proceeds of Adeemed Gift	170

DOMESTIC RELATIONS

Nunc Pro Tunc Orders Under the Code of Civil Procedure Section 1774	181
Withholding of Sexual Relations As Constituting Abandonment	178

SUBJECT INDEX

E

EVIDENCE

Admissibility of Prior Plea of Guilty to Traffic Infraction in Subsequent Civil Action	187
Alleging Prior Conviction in the Indictment	183
Application of Substantial Evidence Rule to Administrative Findings	196
Corroboration of Testimony of Accomplice	195
Exception to Rule Making Evidence of Witness's Invocation of Right Against Self-Incrimination Inadmissible	191
Indictment Dismissed Where Based on Evidence Illegally Submitted to Grand Jury	184
Prosecutor's Isolated Comment During Trial Held Prejudicial Error	193
Revocation of Operator's License	189
Test Used Even Though Not That Prescribed by Regulation Admissible in Evidence to Show Guilt	197
The Identity of The Client—A Privileged Communication	364

ERRATA	512
--------------	-----

I

INSURANCE

Policemen Held "Employees" Under Insurance Policy	199
---	-----

L

LABOR LAW

Federal Preemption of State Jurisdiction in Labor Cases	201
---	-----

M

MUNICIPAL CORPORATIONS

Contribution Deficiencies to City Pension Fund Due to Extension of Benefits ..	205
Judgment of Jury Not to be Substituted for Determination of City's Board of Safety	208
Municipality Can Waive a Contractual Limitation on Bringing Action	204
Shifting of Tort Loss in Municipal Corporation Law	18

P

PROPERTY

Destructibility of Easements Implied in Grant	214
Replevin Action: Measure of Damages	217
Requirements For Covenants Running With the Land	211

T

TAXATION

Amortization of Nonconforming Uses	380
Communist Party Not an Employer Under Unemployment Insurance Law	221
Sale of Endowment Policy to Avoid Ordinary Income Tax Treatment	392
Voluntary Purchase Price Held Indicative for Determining Real Estate Tax Assessment	218
When Construction is Commenced Under New York City Administrative Code ..	219

TORTS

Duty of Reasonable Care Toward Mental Patients	225
Number of Accidents Under a "Per Accident" Clause	223
Presumption of Permissive Use Under Section 388 (Formerly Section 59) of Vehicle and Traffic Law	227

BUFFALO LAW REVIEW

Psychiatric Malpractice: Evidence Required and Limitation Applicable	226
Use of News Article for Advertising Purposes as Violative of Right of Privacy ..	231
Violation of the Building Code as Evidence of Negligence	229

U

URBAN RENEWAL

Nonresidential Urban Renewal in New York	265
--	-----

W

WATER AND WATER USES

Appropriation Water Law Elements in Riparian Doctrine States	448
Common Law Remedies for Stream Pollution in New York	484
Federal Limitations on State Water Law	399
International and Federal Control of Water Pollution	499
New York State Machinery for the Abatement and Control of Water Pollution ..	493
Pleasure Boating in a Federal Union	427
Public vs. Private: The Status of Lakes	459
Summary of the Right of a Riparian to Pollute a Stream Under the New York Common Law	473

WORKMEN'S COMPENSATION

Effect of Common Law Recovery Against Employer on Employee's Claim for Workmen's Compensation	233
Extent of Compensation Carrier's Lien on Employee's Third Party Action Recovery	241
"In Employment" Under Disability Benefits Law	237
Requirements for Subrogation Under Section 29 of the Workmen's Compensation Law	238
Special Fund for Reopened Cases Not Liable for Reopened Workmen's Com- pensation Award	243

Z

ZONING

Evidence Required to Authorize a Variance	248
Milk Vending Machine in Apartment House a Valid Subsidiary Use	247
Validity of Conditioned Zoning Amendment	245

M

MISCELLANEOUS

Authority of Park Commissions to Enact Ordinance	255
Deviation by Carrier From Tariffs Filed With Interstate Commerce Commission	249
Literal Words of Statute Binding Where No Ambiguity	253
Practical Construction of Statute by County Clerk Controlling	251
Robinson-Patman Act: A Sampling of Advocacy	336