

~~HARVARD~~

LAW REVIEW



DECEMBER, 1946

LIQUIDATION OF CORPORATIONS IN BANKRUPTCY REORGANIZATION *William L. Cary*

LEIBNIZ'S THEORY OF LAW *Huntington Cairns*

DEFINING A PREFERENCE IN BANKRUPTCY *James Angell McLaughlin*

COMPLETE TABLE OF CONTENTS, PAGES V AND VI

HARVARD LAW REVIEW

VOLUME LX

DECEMBER, 1946

NUMBER 2

CONTENTS

LEADING ARTICLES

- Liquidation of Corporations in
Bankruptcy Reorganization . *William L. Cary* 173
- Leibniz's Theory of Law . . . *Huntington Cairns* 200
- Defining a Preference in Bank-
ruptcy *James Angell McLaughlin* 233

NOTES

- "Occupation of the Field" in Commerce Clause Cases, 1936-1946: Ten
Years of Federalism 262
- Remedies for Discrimination by State and Local Administrative
Bodies 271
- Transfer of Experience Rating for Unemployment-Compensation
Contributions to Successor Employing Units 276
- Criminal Liability of Corporations for Acts of Their Agents 283

RECENT CASES

- Attorneys** — Administrative Board Held without Power to Suspend Attorney
from Practice before It (*Tumulty v. Rosenblum*, N. J. Sup. Ct. 1946) . . . 290
- Bankruptcy** — Railroad Reorganization — Determination that Plan Is "Fair
and Equitable" Held to Preclude Finding that Creditors Were "Reasonably
Justified" in Rejecting It (*RFC v. Denver & Rio Grande W. R. R.*, U. S. 1946) 291
- Banks and Banking** — Contract to Repurchase Director's Qualifying Shares
at Price Not Less than that Paid by Him Held Invalid (*Tooker v. Inter-
County Title Guaranty & Mortgage Co.*, N. Y. 1946) 293
- Due Process of Law** — Statute Requiring Payment to State of Unclaimed
Proceeds of Insurance Policies on Lives of Residents Held Constitutional
Only as Applied to Policies Written or Delivered within State (*Connecticut
Mutual Life Ins. Co. v. Moore*, N. Y. Sup. Ct. 1946) 295
- Executors and Administrators** — Temporary Administratrix Held Liable in
Representative Capacity on Creditor's Counterclaim in Action to Protect
Asset of Decedent (*Auld v. Schmelz*, Ga. 1946) 297
- Judgments** — Tender Held Necessary to Toll Interest on Judgment of
Lower Court despite Appeal by Judgment Creditor (*Beeler v. American
Trust Co.*, Cal. 1946) 298

Judicial Notice — Trial Court Reversed for Failure to Take Judicial Notice that Street Car Had Gong (<i>Mills v. Denver Tramway Corp.</i> , C. C. A. 10th, 1946)	299
Labor Law — Lea Act Held Unconstitutional Limitation on Peaceful Picketing (<i>United States v. Petrillo</i> , N. D. Ill. 1946)	301
Limitation of Actions — Cause of Action under Federal Statute Held without Situs in Any Particular State in Determining Applicability of "Borrowing" Section of State Statute of Limitations (<i>Anderson v. Andrews</i> , C. C. A. 3d, 1946)	303
Res Judicata — Refusal of Referee of State Administrative Board to Pass on Issue of Jurisdiction Renders Award Vulnerable to Collateral Attack (<i>Bretsky v. Lehigh Valley R. R.</i> , C. C. A. 2d, 1946)	305
Statutes — Construction — Regulations Promulgated under State Tax Law Identical with Corresponding Provisions of Federal Revenue Act Held Invalid for Inconsistency with Federal Regulations in Force at Time of State Enactment (<i>Standard Oil Co. of N. J. v. Collector</i> , La. 1946)	306
Trade-Marks and Trade Names — Marks and Names Subject of Ownership — Geographical Name Used Fictitiously and Arbitrarily Held Valid Trade-Mark (<i>LaTouraine Coffee Co. v. Lorraine Coffee Co.</i> , C. C. A. 2d, 1946)	308
Trusts — Cestui's Interest in the Res — Discretion of Life Beneficiary to Invade Principal for Maintenance, Comfort, and Well-Being Held Not Subject to Judicial Examination (<i>Matter of Woollard</i> , N. Y. 1946)	310
Trusts — Trustee Not Required to Reimburse City for Support in State Hospital of Beneficiary of Discretionary Trust (<i>City of Bridgeport v. Reilly</i> , Conn. 1946)	312
War — President's Authorization of Military Force to Enforce Exclusion Orders Held Limited by Congress (<i>Wilcox v. Emmons</i> , S. D. Cal. 1946)	313

BOOK REVIEWS

Federal Rules of Criminal Procedure (edited by Alexander Holtzoff)	<i>A. M. Kidd</i>	316
Lindner: Stone Walls and Men	<i>Edwin J. Lukas</i>	318
Stevenson: Shares in Mutual Investment Funds	<i>Lawrence Coolidge</i>	320

BOOK NOTES

Konvitz: The Alien and the Asiatic in American Law	322
Keeton and Schwarzenberger: Making International Law Work. Second Edition	323
Leonard: Railroad Consolidation under the Transportation Act of 1920	323

BOOKS RECEIVED	324
---------------------------------	-----

THE HARVARD LAW REVIEW is published eight times a year (November, December, February, April, May, July, September, October) at 161 Lenox Street, Norwood, Mass. Entered at Norwood Post Office as second-class matter under the Act of March 3, 1879. Printed in U. S. A.

Subscriptions: \$4.50 per annum payable in advance, 75¢ a number; foreign: \$5.00 per annum payable in advance, 85¢ a number. Editorial and Executive Offices, Gannett House, Cambridge, Mass.