

VOL. LXI

NO. 5

HARVARD LAW REVIEW

MAY, 1948

- COMPARATIVE LAW AND HISTORY AS BASES
FOR CHINESE LAW *Roscoe Pound*
- FEASIBILITY IN PLANS OF CORPORATE RE-
ORGANIZATION UNDER CHAPTER X *Francis J. Calkins*
- THE NATIONAL BANK ACT AND FOREIGN
TRADE PRACTICES *Henry Harfield*
- COMPOSITIONS—REORGANIZATIONS AND AR-
RANGEMENTS—IN THE CONFLICT OF
LAWS *Kurt H. Nadelmann*

COMPLETE TABLE OF CONTENTS, PAGES IV AND V

Copyright, 1948, by
THE HARVARD LAW REVIEW ASSOCIATION

HARVARD LAW REVIEW

VOLUME LXI

MAY, 1948

NUMBER 5

CONTENTS

LEADING ARTICLES

- Comparative Law and History as
Bases for Chinese Law *Roscoe Pound* . . . 749
- Feasibility in Plans of Corporate
Reorganization under Chapter X *Francis J. Calkins* . . . 763
- The National Bank Act and Foreign
Trade Practices *Henry Harfield* . . . 782
- Compositions—Reorganizations and
Arrangements—in the Conflict of
Laws *Kurt H. Nadelmann* 804

NOTES

- State Labor Laws in the National Field 840
- Salvaging a Will after the Widow Renounces 850
- Implied Liability under the Securities Exchange Act 858
- Inherent Powers of Corporate Officers: Need for a Statutory Def-
inition 867

RECENT CASES

- Administrative Law**—Judicial Control—Determination of Status by Purported
Regulation Is Reviewable under § 24(a) of Holding Company Act (*Philadelphia
Co. v. SEC*, App. D. C. 1947) 875
- Constitutional Law**—Equal Protection of the Laws—Power Given to One of
Several Similar Private Organizations to Nominate Public Officers Is Not a Dis-
criminatory Grant of a Privilege (*Elrod v. Willis*, Ky. 1947) 877
- Due Process of Law**—Regulation of Business: Rates or Prices—Statute Pro-
hibiting Sales below Cost Held Unconstitutional because Definition of Cost Re-
sults in Uniform Minimum Price (*Serrer v. Cigarette Serv. Co.*, Ohio 1947) 878
- Eminent Domain**—Compensation—Market Value Enhanced by War and by
Government Requisitions Held Valid Measure of Just Compensation (*Cors v.
United States*, Ct. Cl. 1948) 880
- Eminent Domain**—Waters and Watercourses—Interference with Drainage from
Land on Non-Navigable Tributary Caused by Government Dam on Navigable
River Held Compensable under Fifth Amendment (*Kansas City Life Ins. Co. v.
United States*, Ct. Cl. 1947) 882
- Federal Courts**—Authority of State Law—Federal Court Not Sitting in County
where Cause of Action Accrued May Obtain Personal Jurisdiction under State
Nonresident Motorist Act despite Act's Provision for Local Venue (*Blunda v.
Craig*, E. D. Mo. 1947) 884

Federal Courts —Diversity of Citizenship—Congressional Grant of Diversity Jurisdiction over District of Columbia Citizens Held Unconstitutional (<i>National Mut. Ins. Co. v. Tidewater Transfer Co.</i> , C. C. A. 4th 1947)	885
Federal Courts —Diversity of Citizenship—On Dismissal of Original Action, Jurisdiction over Third-Party Action Ousted for Lack of Diversity (<i>Maryland to Use of Wood v. Robinson</i> , D. Md. 1947)	886
Federal Courts —Procedure—Permission to Withdraw Agent's Plea of <i>Nolo Contendere</i> Refused despite Acquittal of Principal (<i>United States v. Central Supply Ass'n</i> , N. D. Ohio 1947)	888
Federal Courts —Rules of Civil Procedure—Failure of Party to Move for Judgment notwithstanding Verdict Precludes Appellate Court from Giving Final Judgment in His Favor (<i>Globe Liquor Co. v. San Roman</i> , U. S. 1948)	889
Inheritance Taxes —Transfers in Contemplation of Death—Income Accumulated in <i>Inter Vivos</i> Trust Not Includible in Decedent's Gross Estate (<i>Estate of J. E. Fritzell</i> , T. C. 1947)	891
Insurance —Construction of Words and Phrases—Beneficiary Recovers on Life Insurance Policy Containing Air, but No War, Clause when Insured Killed in Naval Aviation (<i>Conaway v. Life Ins. Co. of Va.</i> , Ohio 1947)	892
Taxation —Admission Fees Charged by Municipal Beach to Cover Only Cost of Operation Held Not Subject to Federal Admissions Tax (<i>Wilmette Park Dist. v. Campbell</i> , N. D. Ill. 1947)	894
Taxation —Gift Taxes—Gift Tax Liability for <i>Clifford</i> -Type Trusts Held to Attach at Creation Rather than on Accrual of Each Year's Income (<i>Commissioner v. Hogle</i> , C. C. A. 10th 1947)	895
Torts —Interference with Business or Occupation—Liability Imposed for Preventing Performance of Contract although Defendant Did Not Act for Purpose of Causing Breach (<i>Keene Lumber Co. v. Leventhal</i> , C. C. A. 1st 1948)	897

BOOK REVIEWS

To Secure These Rights	} <i>Thomas H. Eliot</i>	899
Carr: Federal Protection of Civil Rights		
Fuller: Basic Contract Law	} <i>Judson A. Crane</i>	903
A Free and Responsible Press		
Hocking: Freedom of the Press: A Framework of Principles	} <i>Milton R. Konvitz</i>	905
Chafee: Government and Mass Communications		
Lauterpacht: Recognition in International Law	<i>Lawrence Preuss</i>	911
Hastings: The Court of Common Pleas in Fifteenth Century England	<i>Edmund M. Morgan</i>	914
New York University Sixth Annual Institute on Federal Taxation	<i>Erwin N. Griswold</i>	917

BOOK NOTES

Weldon: States and Morals	918
Wittenberg: Dangerous Words	919
Haskins: The Growth of English Representative Government	920

The HARVARD LAW REVIEW is published eight times a year (November, January, February, April, May, June, July, September) at Gannett House, Cambridge, Mass. (Application for transfer of second-class entry from Norwood, Mass., to Boston, Mass., is pending.)

Subscriptions: \$5.50 per annum payable in advance, \$1.00 a number; foreign: \$6.00 per annum payable in advance, \$1.10 a number.