

1969

## Survey of S. C. Law/Index Digest

Follow this and additional works at: <https://scholarcommons.sc.edu/sclr>



Part of the [Law Commons](#)

---

### Recommended Citation

(1969) "Survey of S. C. Law/Index Digest," *South Carolina Law Review*. Vol. 21 : Iss. 5 , Article 12.

Available at: <https://scholarcommons.sc.edu/sclr/vol21/iss5/12>

This Catalog is brought to you by the Law Reviews and Journals at Scholar Commons. It has been accepted for inclusion in South Carolina Law Review by an authorized editor of Scholar Commons. For more information, please contact [digres@mailbox.sc.edu](mailto:digres@mailbox.sc.edu).

Presbyterian Church in the United States v. Hull Memorial Presbyterian Church	21:441	Shapiro v. Thompson	21:796
Rochester v. Bussey	21:127	Spinelli v. United States	21:246
Rourk v. Selvey	21:480	Stylecraft, Inc. v. Thomas	21:255
Rowlad v. Christian	21:291	Summers v. Summers	21:277
Shanklin v. Townsend	21:262	United States v. Chandler	21:122
		United States v. Donruss Co.	21:469

### SURVEY OF S. C. LAW

Appeal— <i>Donald V. Myers</i>	21:493
Contracts— <i>James Buckingham Paslay</i>	21:510
Corporations— <i>Jerry E. Oxner</i>	21:521
Criminal Procedure— <i>John Jay James</i>	21:531
Damages— <i>Gerald M. Finkel</i>	21:552
Domestic Relations— <i>Allen R. Tew</i>	21:561
Evidence— <i>Robert E. Staton</i>	21:569
Insurance— <i>Charles E. Hill</i>	21:583
Practice and Procedure— <i>Mason A. Goldsmith</i>	21:620
Property— <i>Edward G. Menzie</i>	21:639
South Carolina Constitutional Law— <i>Clinch Heyward Belser, Jr.</i>	21:649
Taxation— <i>William S. Elder</i>	21:655
Torts— <i>David G. Jennings</i>	21:659
Wills and Trusts— <i>Raymond David Massey</i>	21:669
Workmen's Compensation— <i>Donald V. Myers</i>	21:677

### INDEX DIGEST

#### —A—

#### AUTOMOBILES

Guest Statute - Non-driving owner-occupant is not a "guest" in Illinois, Recent Decision, <i>Summers v. Summers</i>	21:277
---	--------

#### —C—

#### CIVIL PROCEDURE

Manufactured Diversity — Appointment of a Non-Resident Fiduciary Representative in Order to Create Federal Diversity Jurisdiction	21:191
<i>Papciak v. Richardson-Merrell Inc.</i> — The Case for a Borrowing Statute	21:82
The Federal Anti-Injunction Statute and the Related Abstention Doctrine	21:313
The Power of a Trial Judge to Call a Witness — A Tool to Mend Defects	21:224

#### CONSTITUTIONAL LAW

Cruel and Unusual Punishment and Criminal Conviction of Chronic Alcoholic, Recent Decision, <i>Powell v. Texas</i>	21:111
--	--------

Equal Protection — Statute Requiring Notice by Publication Must Provide Indigents Method of Payment for Such Notice, Recent Decision, <i>Jeffreys v. Jeffreys</i>	21:462
Equal Protection—Statutory One Year Residency Requirement for Receiving Public Assistance is Unconstitutional Denial of Equal Protection	21:796
Freedom of Religion—Limitation on Civil Courts in Intra - Church Property Disputes	21:441
Freedom of Religion—The Dynamics of Separation	21:374
Obscenity: An End to Weighing?	21:357
Reapportionment of local governing units, Recent Decision, <i>Avery v. Midland County</i>	21:102
Right to Trial by Jury—Contemnor Not Entitled to Jury Trial Where Sentence Does Not Exceed Six Months Imprisonment and Three Years Probation, Recent Decision,	

- Frank v. United States — 21:818  
 Standing—Taxpayer Challenges to Taxing and Spending Powers of Congress — 21:116
- CONTRACTS**  
 Real Estate Broker's Contract—Broker's Right to Compensation For a Sale by the Vendor Under an Exclusive-Right-to-Sell Agreement — 21:262
- CRIMINAL LAW AND PROCEDURE**  
 Dangerousness and the Mentally Ill Criminal — 21:23  
 Insanity — 4th Cir. adopts A.L.I. Formulation of Test of Insanity, Recent Decision, United States v. Chandler — 21:122  
 Right to Counsel—A Probationer is Not Entitled to a Miranda Warning When Being Interviewed by His Supervising Probation Officer, Recent Decision, People v. Anonymous — 21:466  
 Search Warrants—For Informant's Tips to Establish Probable Cause Such Tips Must Meet Aguilar Standards Even When Partially Corroborated by Independent Investigation. — 21:246  
 Searches Incident to an Arrest—Search Incident to Valid Arrest Shall Include Only Accused's Person and Area Within which he Might Reach a Weapon or Destructible Evidentiary Matter, Recent Decision, Chimel v. California — 21:823  
 The Concept of Treatment in the Criminal Law — 21:1  
 The Historical Background and Present Status of the County Chain Gang in South Carolina — 21:53  
 The Power of a Trial Judge to Call a Witness — A Tool to Mend Defects — 21:224  
 Treatment Concepts and Penology—A Sociologist's View — 21:40
- F—
- FRAUD UPON GOVERNMENT**  
 The Misrepresentation Problem: An Analysis of 18 U.S.C. § 1001 — 21:335
- I—
- INSURANCE**  
 Covenant Not to Sue—Recovery against excess liability Insurer not Precluded by Release Given primary Liability Insurer, Recent Decision, Deblon v. Beaton — 21:282  
 Doctrine of Cancellation by Substitution and Replacement not Applicable in Minnesota, Recent Decision, Mutual Creamery Ins. Co. v. Iowa Nat'l Mut. Ins. Co. — 21:475
- L—
- LABOR LAW**  
 Authorization Cards—Employer Ordered to Bargain Without Election With Union Where Employer's Unfair Labor Practices Interfered With Fair Election and Union Had Majority on Single Purpose Authorization Cards, Recent Decision, NLRB v. Gissel Packing Co. — 21:805  
 Public Employee Strikes — 21:771  
 The Duty of a Successor-Employer to Arbitrate Grievances Under a Predecessor's Collective Bargaining Agreement: The Evolution of "Substantial Continuity of Identity in The Business Enterprise" Since John Wiley & Sons, Inc. v. Livingston — 21:428
- LEGAL EDUCATION**  
 Legal Education—A Step in the Practical Direction — 21:236
- LEGAL HISTORY**  
 Negro Rights, Unionism, and Greatness on the South Carolina Court of Appeals: The Extraordinary Chief Justice John Belton O'Neall — 21:141
- M—
- MILITARY LAW**  
 Courts Martial — Jurisdiction — Service-Connected Crime — 21:781

## —P—

**PRODUCTS LIABILITY**

- Duty of Care in Automobile  
Design—Fitness for Col-  
lision \_\_\_\_\_ 21:451

## —R—

**REAL PROPERTY**

- Property — Construing the  
Deed in South Carolina — 21:255  
The Building Permit and Re-  
liance Thereon in South  
Carolina \_\_\_\_\_ 21:70

## —S—

**SECURITIES REGULATION**

- The Impact of BarChris:  
An Analysis of the Prac-  
tical and Legal Implica-  
tions of Escott v. Bar-  
Chris Construction Corp.  
—Section 11 Revisited — 21:687

**STATUTORY CONSTRUCTION**

- Traffic Control Devices —  
Warning Sign establishes  
Maximum Legal Rate, Re-  
cent Decision, Rochester  
v. Bussey \_\_\_\_\_ 21:127

## —T—

**TAXATION**

- Accumulated Earnings Tax  
—Corporation must estab-  
lish by Preponderance of  
the Evidence that Tax  
Avoidance by Sharehold-  
ers Was Not one of  
Purposes of Accumulation  
of Earnings Beyond The  
Reasonable Needs of the  
Business, Recent Decision,  
United States v. Donruss  
Co. \_\_\_\_\_ 21:469  
Apportionment of Federal  
Estate Taxes in South  
Carolina \_\_\_\_\_ 21:417

**TORTS**

- Duty of Care in Affirmative  
Conduct — Liability to  
Third Parties for Placing  
Drunken Minor Employee  
in Car and Directing Him  
to Go Home, Recent De-  
cision, Brockett v. Kitchen  
Boyd Motor Co. \_\_\_\_\_ 21:286

- Intrafamily Immunity—Doc-  
trine of Intrafamily Im-  
munity Overruled in Case  
of Non-Willful Tort, Re-  
cent Decision, Gelbman v.  
Gelbman \_\_\_\_\_ 21:813

- Joint Tortfeasors — Dam-  
ages for Inherently Indivis-  
ible Injuries Proximately  
Caused by Negligence of  
Several Wrongdoers May  
Not Be Apportioned, Re-  
cent Decision, Rourke v.  
Selvey \_\_\_\_\_ 21:480

- Liability of Owner or Pos-  
sessor of Land—Status of  
an Injured Party as Tres-  
passer, Licensee, or In-  
vitee Is Not Determinative  
of Liability of an Occupier  
of Land, Recent Decision,  
Rowland v. Christian — 21:291

- Limitations on the Rights of  
Privacy—Privilege to Re-  
port Matters of Public  
Interest \_\_\_\_\_ 21:92

- Products Liability—Lending  
Institution Has a Duty to  
Prevent Construction and  
Sale of Seriously Defec-  
tive Homes Which Lender  
Almost Totally Finances,  
Recent Decision, Connor  
v. Great Western Savings  
& Loan Assn. \_\_\_\_\_ 21:484

## —U—

**UNIFORM COMMERCIAL CODE**

- Article Nine—House Trailer  
is a "Motor Vehicle" Un-  
der § 9-302(1)(d) for  
Which a Financing State-  
ment Must Be Filed to  
Perfect a Security Interest 21:296  
South Carolina Amendments  
to Article 2 of the Uni-  
form Commercial Code — 21:400

**USURY**

- Usury Laws: Underdevel-  
oped Protection in an  
Overdeveloped Market — 21:206

## —W—

**WATER LAW**

- The Riparian Rights Doc-  
trine in South Carolina — 21:757