

# Index to Volume 14

DePaul College of Law

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

---

## Recommended Citation

DePaul College of Law, *Index to Volume 14*, 14 DePaul L. Rev. (1965)  
Available at: <https://via.library.depaul.edu/law-review/vol14/iss2/29>

This Index is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact [wsulliv6@depaul.edu](mailto:wsulliv6@depaul.edu), [c.mcclure@depaul.edu](mailto:c.mcclure@depaul.edu).

# INDEX TO VOLUME XIV

## TABLE OF ARTICLES—AUTHORS

|  |     |
|--|-----|
| ANDERSON, ARTHUR. Repudiation of a Contract under the Uniform Commercial Code . . . . .  | 1   |
| BASSIOUNI, M. CHERIF. The Nationalization of the Suez Canal and the Illicit Act in International Law . . . . .                     | 258 |
| BURNS, ROBERT EMMETT. A Compensation Award for Personal Injury or Wrongful Death is Tax-Exempt: Should We Tell the Jury? . . . . . | 320 |
| CELLER, EMANUEL. Case in Support of Application of the Expediting Act to Antitrust Suits . . . . .                                 | 29  |
| GANZ, ALAN S. Limitation of Liability under the Sales Provisions of the Uniform Commercial Code . . . . .                          | 73  |
| KRANZBUHLER, OTTO. Nuremberg Eighteen Years Afterwards . . . . .   | 333 |
| KRATOVIL, ROBERT, AND ROHDE, HARRY O. Mechanics' Lien Waivers and the Requirement of Consideration . . . . .                       | 243 |
| MORSE, HOWARD NEWCOMB. Theories of Legislation . . . . .   | 51  |
| PANNENBECKER, OTTO. The Nuremberg War-Crimes Trial . . . . .   | 348 |
| SCHOENFELD, C. G. The Superego's Influence on the Law . . . . .  | 299 |
| WURTENBERGER, THOMAS. Criminal Damage to Art—A Criminological Study  | 83  |

## TABLE OF ARTICLES—TITLES

|   |     |
|---|-----|
| CASE IN SUPPORT OF APPLICATION OF THE EXPEDITING ACT TO ANTITRUST SUITS: <i>Emanuel Celler</i> . . . . .                                | 29  |
| A COMPENSATION AWARD FOR PERSONAL INJURY OF WRONGFUL DEATH IS TAX-EXEMPT: SHOULD WE TELL THE JURY? <i>Robert Emmett Burns</i> . . . . . | 320 |
| CRIMINAL DAMAGE TO ART—A CRIMINOLOGICAL STUDY: <i>Thomas Wurtenberger</i>   | 83  |
| LIMITATION OF LIABILITY UNDER THE SALES PROVISIONS OF THE UNIFORM COMMERCIAL CODE: <i>Alan S. Ganz</i> . . . . .                        | 73  |
| MECHANICS' LIEN WAIVERS AND THE REQUIREMENT OF CONSIDERATION: <i>Robert Kratovil and Harry O. Rohde</i> . . . . .                       | 243 |
| THE NATIONALIZATION OF THE SUEZ CANAL AND THE ILLICIT ACT IN INTERNATIONAL LAW: <i>M. Cherif Bassiouni</i> . . . . .                    | 258 |
| NUREMBERG EIGHTEEN YEARS AFTERWARDS: <i>Otto Kranzbuhler</i> . . . . .  | 333 |
| THE NUREMBERG WAR-CRIMES TRIAL: <i>Otto Pannenbecker</i> . . . . .  | 348 |
| REPUDIATION OF A CONTRACT UNDER THE UNIFORM COMMERCIAL CODE: <i>Arthur Anderson</i> . . . . .   | 1   |
| THE SUPEREGO'S INFLUENCE ON THE LAW: <i>C. G. Schoenfeld</i> . . . . .  | 299 |
| THEORIES OF LEGISLATION: <i>Howard Newcomb Morse</i> . . . . .  | 51  |

## COMMENTS

|  |     |
|--|-----|
| ASPECTS OF THE NO-STRIKE CLAUSE IN LABOR ARBITRATION . . . . .                                       | 94  |
| CHOICE OF LAW IN A PHYSICAL TORT . . . . .   | 419 |
| COMPENSATION CLAIMS FOR LOSSES OF ACCESS RIGHTS TO INTERSTATE HIGHWAYS. . . . .                      | 130 |
| ESTATE PROBLEMS IN ILLINOIS—POWERS OF APPOINTMENT AND RIGHTS OF WITHDRAWAL—THE CURTIS CASE . . . . . | 370 |
| FREEDOM OF THE ROAD: PUBLIC SAFETY V. PRIVATE RIGHT . . . . .  | 381 |
| THE PLACE OF AESTHETICS IN ZONING . . . . .  | 104 |
| PRESUMPTION OF A LOST GRANT—A METHOD OF REPAIRING THE CHAIN OF TITLE . . . . .                       | 428 |
| THE RAILWAY WORK RULES DISPUTE—A PRECEDENT FOR COMPULSORY ARBITRATION . . . . .                      | 115 |
| SCOPE OF PROTECTION FOR COMPUTER PROGRAMS UNDER THE COPYRIGHT ACT . . . . .                          | 360 |

## LEGISLATION NOTES

|  |     |
|--|-----|
| <i>Air Pollution</i> —AUTOMOBILE SMOG: A PROPOSED REMEDY . . . . .               | 436 |
| <i>Barratry</i> —A COMPARATIVE STUDY OF RECENT BARRATRY STATUTES . . . . .       | 146 |
| <i>Criminal Law</i> —“INFAMOUS CRIMES” IN ILLINOIS TODAY . . . . .               | 138 |
| <i>Criminal Law</i> —REQUIRING CITIZENS TO AID A PEACE OFFICER . . . . .         | 159 |
| <i>Motor Vehicles</i> —A COMPARATIVE ANALYSIS OF SEAT BELT LEGISLATION . . . . . | 152 |

## CASE NOTES

|   |     |
|---|-----|
| <i>Antitrust—Restraint of Trade</i> —CONSIGNMENT CONTRACT BETWEEN OIL COMPANY AND FILLING STATION OPERATOR—IS IT ILLEGAL AS AGREEMENT FOR RESALE PRICE MAINTENANCE? . . . . . | 165 |
| <i>Commercial Law</i> —SUBROGATION AND PRIORITY OF LIENS ON CHATTELS UNDER THE UNIFORM COMMERCIAL CODE . . . . .  | 172 |
| <i>Commercial Law—Warranties</i> —PRIVITY AND THE UNIFORM COMMERCIAL CODE . . . . .   | 177 |
| <i>Constitutional Law—Freedom of Press</i> —MISSTATEMENT OF FACT HELD PRIVILEGED IN LIBEL ACTION BY PUBLIC OFFICIAL . . . . .   | 181 |
| <i>Constitutional Law—Right to Counsel</i> —WHEN DOES IT ACCRUE? . . . . .  | 187 |
| <i>Constitutional Law—Taxation—Interstate Commerce</i> —CONGRESSIONAL STOP-GAP LEGISLATION AND STATE TAXATION OF INCOME FROM ORDER-TAKING IN INTERSTATE COMMERCE . . . . .    | 195 |
| <i>Constitutional Law—Twenty-first Amendment</i> —EFFECT OF SECTION TWO ON STATE'S REGULATORY POWER OVER INTOXICATING LIQUORS . . . . .                                       | 445 |
| <i>Criminal Law—Statutory Rape</i> —REASONABLE BELIEF OF AGE . . . . .  | 449 |
| <i>Evidence—Torts</i> —STANDARD OF CARE REQUIRED OF A PHYSICIAN TESTIFYING AS AN EXPERT WITNESS . . . . .   | 453 |

|   |     |
|---|-----|
| <i>Fair Trade</i> —VALIDITY OF DELEGATION OF LEGISLATIVE POWER TO PRIVATE PERSONS . . . . .   | 457 |
| <i>Foreign Corporations</i> — <i>Jurisdiction</i> —DEGREE OF BUSINESS ACTIVITY NECESSARY TO SUBJECT THE FOREIGN CORPORATION TO JURISDICTION . . . . . | 462 |
| <i>Husband and Wife</i> — <i>Torts</i> —INTERSPOUSAL IMMUNITY: PROCEDURAL OR SUBSTANTIVE BAR? . . . . .   | 467 |
| <i>Jurisdiction</i> — <i>Torts</i> —APPLICATION OF "SINGLE ACT" STATUTE BY FORUM STATE WHEN ACTUAL DAMAGE OCCURRED IN SISTER STATE . . . . .          | 202 |
| <i>Patents</i> —FACTUAL APPLICATION OF THE OLD COMBINATION DOCTRINE . . . . .   | 478 |
| <i>Patents</i> — <i>Contributory Infringement</i> —HISTORY AND TREND: CONVERTIBLE TOP CASES . . . . .   | 473 |
| <i>Patents</i> — <i>Originality of Invention</i> —SUGGESTIONS TO INVENTORS . . . . .  | 207 |
| <i>Real Property</i> — <i>Tax Deeds</i> —MAY A PERSON NOT OF RECORD ATTACK ORDER ISSUING TAX DEED? . . . . .  | 212 |
| <i>Taxation</i> —APPLICATION OF POSSESSORY INTEREST TAX TO POSSESSOR OF FEDERAL PROPERTY . . . . .  | 217 |
| <i>Taxation</i> —PUBLIC RECORDS DOCTRINE AS LIMITED BY TAXPAYER'S CONSTITUTIONAL RIGHTS . . . . .   | 482 |
| <i>Torts</i> — <i>Strict Liability</i> —APPLICATION TO AUTOMOBILE MANUFACTURERS AND DEALERS. . . . .  | 488 |

## BOOK REVIEWS

|  |     |
|--|-----|
| ANDERSON: <i>The Federal Bulldozer (Thomas Grippando)</i> . . . . .                              | 501 |
| BELLI: <i>Modern Trials (James Wall)</i> . . . . .   | 493 |
| CHARLES: <i>Minister of Relief, Harry Hopkins and the Depression (Mark J. Satter)</i> . . . . .  | 230 |
| COWANS: <i>Bankruptcy Law and Practice (Theodore Gulino)</i> . . . . .                           | 236 |
| DRYDEN: <i>Royal Flush (Ferdinand J. Ward)</i> . . . . .   | 223 |
| DUMBAULD: <i>The Constitution of the United States (Robert. G. Weclaw)</i> . . . . .             | 224 |
| EVERLING: <i>The Right of Establishment in the Common Market (Richard Scott)</i> . . . . .       | 495 |
| HAAR (ed.): <i>Law and Land, Anglo-American Planning Practice (Robert E. Beck)</i> . . . . .     | 227 |
| PACKARD: <i>The Naked Society (Robert Emmett Burns)</i> . . . . .                                | 225 |
| ROTHBLATT: <i>Successful Techniques in the Trial of Criminal Cases (Chester Lizak)</i> . . . . . | 499 |
| STERN: <i>The Great Treasury Raid (Burton G. Ross)</i> . . . . .                                 | 233 |
| TULL: <i>Father Coughlin and the New Deal (Mark J. Satter)</i> . . . . .                         | 506 |

## BOOKS RECEIVED

|                                     |     |
|-------------------------------------|-----|
| AUTUMN-WINTER COMPILATION . . . . . | 238 |
| SPRING-SUMMER COMPILATION . . . . . | 508 |

## INDEX DIGEST

|   |   |  |
|---|---|--|
| A | <p><b>AIR POLLUTION</b></p> <p>Automobile Smog: A Proposed Remedy . . . . . 436</p> <p><b>ANTITRUST</b></p> <p>Case in Support of Application of the Expediting Act of Antitrust Suits . . . . . 29</p> <p>Restraint of Trade—Consignment Contract Between Oil Company and Filling Station Operator—Is It Illegal as Agreement for Resale Price Maintenance? . . . . . 165</p>      | <p>Warranties—Privity and the Uniform Commercial Code . . . 177</p> <p><b>COMMON MARKET</b></p> <p>Book Review: Everling: The Right of Establishment in the Common Market . . . . . 495</p> <p><b>CONFLICT OF LAWS</b></p> <p>Choice of Law in a Physical Tort 419</p> <p><b>CONSTITUTIONAL LAW</b></p> <p>Book Review: Dumbauld: The Constitution of the United States . . . . . 224</p> <p>Freedom of the Road: Public Safety v. Private Right . . . 381</p> <p>Misstatement of Fact Held Privileged in Libel Action by Public Official . . . . . 181</p> <p>Right to Counsel—When Does It Accrue? . . . . . 187</p> <p>Twenty-First Amendment—Effect of Section Two on State's Regulatory Power over Intoxicating Liquors . . . . . 445</p> |
| B | <p><b>BANKRUPTCY</b></p> <p>Book Review: Cowans: Bankruptcy Law and Practice . . . 236</p> <p><b>BARRATRY</b></p> <p>A Comparative Study of Recent Barratry Statutes . . . . . 146</p> <p><b>BIOGRAPHY</b></p> <p>Book Review: Charles: Minister of Relief, Harry Hopkins and the Depression . . . . . 230</p> <p>Book Review: Tull: Father Coughlin and the New Deal . . . 506</p> | <p><b>CONTRACTS</b></p> <p>Repudiation of a Contract under the Uniform Commercial Code 1</p> <p><b>COPYRIGHT</b></p> <p>Scope of Protection for Computer Programs under the Copyright Act . . . . . 360</p> <p><b>CRIMINAL LAW</b></p> <p>Criminal Damage to Art—A Criminological Study . . . . 83</p> <p>“Infamous Crimes” in Illinois Today . . . . . 138</p> <p>Requiring Citizens to Aid a Peace Officer . . . . . 159</p> <p>Statutory Rape—Reasonable Belief of Age . . . . . 449</p>  |
| C | <p><b>COMMERCIAL LAW</b></p> <p>Limitation of Liability under the Sales Provisions of the Uniform Commercial Code . . . 73</p> <p>Repudiation of a Contract under the Uniform Commercial Code 1</p> <p>Subrogation and Priority of Liens on Chattels under the Uniform Commercial Code . . . . . 172</p>  |  |

CRIMINOLOGY

Criminal Damage to Art—A  
Criminological Study . . . . . 83

D

DAMAGES

A Compensation Award for Per-  
sonal Injury or Wrongful Death  
is Tax-Exempt: Should We Tell  
the Jury? . . . . . 320

E

ESTATE PLANNING

Estate Problems in Illinois—  
Powers of Appointment and  
Rights of Withdrawal—The  
Curtis Case. . . . . 370

EVIDENCE

Torts—Standard of Care Re-  
quired of a Physician Testifying  
as an Expert Witness . . . . . 453

F

FAIR TRADE

Validity of Delegation of Legisla-  
tive Power to Private Persons . . . . . 457

FOREIGN CORPORATIONS

Jurisdiction—Degree of Business  
Activity Necessary to Subject  
the Foreign Corporation to  
Jurisdiction . . . . . 462

H

HIGHWAYS

Compensation Claims for Losses  
of Access Rights to Interstate  
Highways . . . . . 130

HUSBAND AND WIFE

Torts—Interspousal Immunity:  
Procedural or Substantive Bar? . . . . . 467

I

INTERNAL REVENUE

Book Review: Stern: The Great  
Treasury Raid . . . . . 233

INTERNATIONAL LAW

Book Review: Haensel: Das Ge-  
richt vertagt sich (The Tri-  
bunal Shall Adjourn) . . . . . 237

The Nationalization of the Suez  
Canal and the Illicit Act in In-  
ternational Law . . . . . 258

Nuremberg Eighteen Years After-  
wards . . . . . 333

The Nuremberg War-Crimes  
Trial . . . . . 348

J

JURIES

A Compensation Award for Per-  
sonal Injury or Wrongful Death  
Is Tax-Exempt: Should We  
Tell the Jury? . . . . . 320

JURISDICTION

Application of "Single Act"  
Statute by Forum State When  
Actual Damage Occurred in  
Sister State . . . . . 202

JURISPRUDENCE

The Nationalization of the Suez  
Canal and the Illicit Act in In-  
ternational Law . . . . . 258

Theories of Legislation . . . . . 51

L

LABOR ARBITRATION

Aspects of the No-Strike Clause  
in Labor Arbitration . . . . . 94

The Railway Work Rules Dis-  
pute—A Precedent for Com-  
pulsory Arbitration . . . . . 115

LEGISLATION

Theories of Legislation . . . . . 51

M

MECHANICS' LIENS

Mechanics' Lien Waivers and the  
Requirement of Consideration . . . . . 243







BIBLIOGRAPHY OF THE LATE PROFESSOR  
RAPACZ'S WORKS

- Operative Facts Which Justify a Tenant in Abandoning Leased Premises—Constructive Eviction, et Cetera*, ILLINOIS CONTINUING LEGAL EDUCATION, Jan. 1963, p. 47.
- Theories of Defense When Tenants Abandon the Premises Because of the Condition Thereof*, 4 DE PAUL L. REV. 173 (1955); cited in 1955 ANN. SURVEY AM. L. 499 n. 160; 1 AMERICAN LAW OF PROPERTY (Supp. 1962 at 26 n. 11).
- Origin and Evolution of Constructive Eviction in the United States*, 1 DE PAUL L. REV. 69 (1951); cited in 1952 ANN. SURVEY AM. L. 525; KRATOVIL, REAL ESTATE LAW 464 (3rd ed. 1958); REAL ESTATE LAW 421 (2nd ed. 1952); BADE, CASES ON REAL PROPERTY AND CONVEYANCING 488 n. 15 (1954); 2 POWELL, REAL PROPERTY (Supp. 1963, at 58 n. 28); FRIEDMAN, PREPARATION OF LEASES 73 (Practicing Law Institute 1960); 24 ILLINOIS LAW AND PRACTICE 537 (1956).
- Progress of the Property Law Relating to Married Women*, 11 U. KAN. L. REV. 173 (1943).
- Rules Governing the Allowance of the Privilege Against Self-Incrimination*, 19 MINN. L. REV. 426 (1935); cited in *State v. Beery*, 198 Minn. 550, 553, 270 N.W. 600, 601 (1936); MORGAN & MCGUIRE, CASES ON EVIDENCE 445 n. 24 (3rd ed. 1951); CASES ON EVIDENCE 498 n. 6 (2nd ed. 1942); Comment, 49 YALE L.J. 1059, 1067 n. 40 (1940).
- Effect of the Eighteenth Amendment upon the Amending Process*, 9 NOTRE DAME LAW. 313 (1934).
- Limiting the Plea of Self-Incrimination and the Recent New York Immunity Statutes*, 20 GEO. L.J. 329 (1932).
- Protection of Officers Who Act Under Unconstitutional Statutes*, 11 MINN. L. REV. 585 (1927); cited in PROSSER, TORTS 105 n. 62, 783 n. 36 (2d ed. 1955); TORTS 154 n. 84 (1st ed. 1941); PROSSER & SMITH, CASEBOOK ON TORTS 156 (3rd ed. 1962); SMITH & PROSSER, CASEBOOK ON TORTS 196 n. 84 (2nd ed. 1957); Jennings, *Tort Liability of Administrative Officers*, 21 MINN. L. REV. 263, 314 n. 166 (1937).

# Acknowledgement of DEEDS

De Paul University College of Law, Chicago

We the students of the Law of Property  
of this College, do Certify that:

Professor Max Peter Rapacz

has conveyed to us for Thirtysix years,  
*Inspiration, Enlightenment* and a sense  
of the *Wisdom of the Law*. He has proven  
by *Example* that *Great Lawyers* are first  
of all *Great Men*. His words and deeds  
will ever *Illumine* the path of our chosen  
profession ... *The Law*.

*Given under our hands  
this 6<sup>th</sup> day of May 1964*



The Students of  
De Paul University  
College of Law

# Max Peter Rapacz

1892-1964

PROFESSOR MAX PETER RAPACZ was probably the most distinguished member of the law faculty in the history of De Paul University College of Law. He occupied a position of prominence in the property field which few law professors and legal scholars have ever attained. His death represents an inestimable loss to De Paul University, to legal education, and to the legal profession.

Professor Rapacz was a dedicated law teacher, a devoted family man, and a devout Catholic. He was a kind man. I have never known him to do an unkind act or say an unkind word of or about anyone. He was indeed a crystallization of Cardinal Newman's concept or definition of a gentleman as "one who never causes pain."

Although a man of extraordinary intellect and erudition, Max Rapacz did not lack the common touch. Born in North Dakota and reared on a Minnesota farm, he, in many ways, always remained the Minnesota farm boy at heart—quick to help others, eager to accept challenges, oblivious to obstacles. You could not talk with Max Rapacz for five minutes before he would veer the conversation toward the soil, the crops, the rainfall. Twenty years afterward, he could remember not only a former student's name but, in most instances, the student's idiosyncrasies and academic performance as well.

Behind him Max Rapacz has left a legacy of great published works and deep affection and profound respect for him in the hearts of all of us who knew him. If we who knew Max Rapacz well had to sum him up in a few words, we could, by using the very old and time-worn expression—an expression suddenly taking on a new and fresh meaning—say he was in the very true sense a gentleman and a scholar . . . a gentleman and a scholar devoted to God.

*Requiescat in Pace*

DEAN PHILIP ROMITI