

## TABLE OF CASES ANNOTATED IN VOLUME FIVE

Adams Recreation Palace, Inc. v. Griffith, Trustee.....	115	Kuhn, et al. v. Wolf.....	128
American Committee v. Cincinnati...	89	Land v. Bergin.....	243
Avondale Motor Car Co. v. Donovan	431	Lovell v. City of Griffin.....	89
Capital Loan & Savings Co. v. Biery, et al.....	240	Luntz v. Stern.....	417
Cleveland Trust Co. v. White.....	269	Merz v. Industrial Commission.....	139
Commonwealth v. Kimball.....	89	Mitchell v. Industrial Commission...	406
Curry v. Marquart.....	263	Pilkington v. Saas.....	122
Davis v. Davis.....	202	Reynolds v. Lathrop, et al., Board of Commissioners of Lucas County...	101
Dragonette v. Brandes.....	433	Schaefer v. First National Bank of Findlay .....	398
Fairlawn Hights Co. v. Theis.....	222	Sicard v. Kremer.....	119
Frankel Chevrolet Co., et al. v. Meerchaum, et al.....	236	Smith v. Lau, Marion Brass & Bronze Foundry .....	436
General Motors Acceptance Corp. v. Kehmert .....	373	State ex rel. The City Loan & Savings Co. v. Taggart, Recorder.....	255
Goodrich Silvertown Stores v. F. M. Rugg Motor Sales .....	373	State v. Childers.....	395
Group Health Association v. Moor, et al.....	98	State v. Duffy.....	400
Harbage v. Tracy, et al.....	214	State v. Gatton.....	412
Heckert v. Heckert.....	106	Triff, Admx. v. National Bronze & Aluminum Foundry Co.....	436
Herrell v. Hickok.....	110	U. S. ex rel. Weinberg v. Schlotfeldt.	365
Hickman v. Co.....	247	White-Allen Chevrolet, Inc. v. Auto Mechanics Local Union No. 314, et al.....	236
Hoffman v. Knollman.....	369	Wright v. Metropolitan Life Ins. Co.	234
Johnson v. Lamprecht.....	389	Yochem v. Gloria, Inc.....	260
Klosterman v. Klosterman.....	252		

### AUTHOR INDEX TO ARTICLES

HARRIS, SILAS A.....	<i>Shall We Have a Streamlined Procedure in Ohio?</i> .....	330
HAUSSER, ROBERT L. ....	<i>Limiting the Voting Power of the Supreme Court: Procedure in the States</i> ...	54
HOUGH, CHARLES MERRILL.....	<i>Concerning Lawyers</i> .....	1
MATHEWS, ROBERT E.....	<i>Survey of Ohio Practices in Issuance of Labor Injunctions</i> .....	289
MOYNAHAN, ROSALIE M.....	<i>Common-Law Marriage in Ohio</i> .....	26/175
ROWLEY, FRANK S.....	<i>The Uniform Trusts Act</i> .....	145
VANNEMAN, HARRY W.		

### INDEX TO BOOK REVIEWS

HALDANE, J. B. S.....	<i>The Marxist Philosophy and the Sciences</i> H. Gordon Hayes	444
HALL, JEROME.....	<i>Jurisprudence</i> ..... Anna Faye Blackburn	275
HAMILTON AND ADAIR.....	<i>The Power to Govern</i> .. Edward C. King	442
HARVEY, RAY FORREST.....	<i>Jean Jacques Burlamoqui</i> ... Paul T. Hart	281
LE BUFFE AND HAYES.....	<i>Jurisprudence</i> ..... Edward C. King	278
ODEGARD AND HELMS.....	<i>American Politics</i> ..... Ithamar D. Weed James F. Bell, Jr.	274
RADIN, MAX.....	<i>The Law and Mr. Smith</i> .. Karl Ruediger	282

# FIVE-YEAR SUBJECT MATTER INDEX

- ADMINISTRATIVE LAW**  
 Advisory Boards ..... 3-89  
 Deportation ..... 5-365  
 Ohio Conservancy Act..... 3-33
- ADVISORY OPINION**  
 Supreme Court, of..... 4-21
- AGENCY**  
 Agent for single undertaking.... 1-276  
 Delegation by agent..... 3-70  
 Establishment of relation..... 1-276  
 Independent Contractor contrasted. 2-325  
 Liability for act of agent of independent contractor..... 1-276  
 Liability of agent on corporation note ..... 1-274  
 Liability of employer of independent contractor..... 2-54  
 Liability where agent immune to suit ..... 1-271  
 Liability for acts of independent contractor ..... 3-101  
 Liability of servant to his assistant. 3-70  
 Liability of parent corporation for acts of its subsidiary..... 4-311  
 Misstatement of agent in application for insurance..... 2-166  
 Non-delegable duty, inherent danger ..... 2-54  
 Notice to sub-agent..... 4-113  
 Scope of employment..... 1-278, 276  
 Scope of employment..... 4-113  
 Termination of non-exclusive authority ..... 1-51
- ATTORNEY AND CLIENT**  
 Concerning lawyers..... 5-1  
 Designation of attorney in will... 2-77  
 Fee in partition, Statutory..... 5-252
- BAILEES**  
 Negligence of ..... 4-131
- BAILMENTS**  
 Liability of parking-lot owner... 2-61
- BANKRUPTCY**  
 Farmer, definition of..... 2-282  
 Interpretation of the term farmer. 4-347  
 Pre-bankruptcy claims..... 1-141  
 Preferences, time of determination. 2-276  
 Priority of municipal corporations. 2-279  
 Right of creditor to sue after trustee appointed..... 1-287
- BANKS AND BANKING**  
 Augmentation of assets by cash items ..... 1-128  
 Depositors right to preference on insolvency ..... 3-212  
 Marshaling partnership assets.... 3-245
- BLOOD GROUP TESTS**  
 Admissibility ..... 1-47  
 Admissibility in evidence..... 3-226  
 Use in Ohio Courts..... 2-203
- BULK SALES**  
 Chattel Mortgages..... 1-289
- CAPITAL**  
 Attitude of Supreme Court on capital and labor issues..... 1-102
- CHATTEL MORTGAGES**  
 Bulk Sales Act..... 1-289  
 Floor Plan Rule in Ohio..... 5-442  
 Ohio Chattel Loan Act..... 5-240  
 Recording as protection to chattel mortgage ..... 5-373
- COMMERCE**  
 Commerce Clause from Gibbons v. Ogden to the Wagner Act cases. 3-307
- CONFESSION**  
 Admissibility of, to impeach credibility of witness..... 3-228
- CONDITIONAL SALES**  
 Floor Plan Rule in Ohio..... 5-422  
 Recording ..... 2-287  
 Vendee's receiver priority in unrecorded sales..... 2-287
- CONFLICT OF LAWS**  
 Effect of foreign divorce decree... 3-348  
 Foreign divorce decrees..... 5-202  
 Federal power over things affecting interstate commerce..... 4-56
- CONSTITUTIONAL LAW**  
 A.A.A. decision..... 2-122  
 Certificate of Title Act, Constitutionality ..... 5-255  
 Commerce powers..... 3-307  
 Civil and property rights..... 4-183  
 Constitutionality of Ohio Arbitration Act..... 1-82  
 Constitutionality of Statute allowing proof of other crimes as evidence ..... 5-232  
 Executive veto in Ohio..... 2-99  
 Federal power over things affecting interstate commerce..... 4-56  
 Finality of legislative records... 5-213  
 Free Speech and Free Press..... 5-89  
 Full faith and credit-foreign divorce .....  
 Heart balm legislation..... 3-338  
 Interstate Commerce, sales tax... 2-260  
 Milk business as affected with public interest..... 1-29  
 Motor Car Dealer Law..... 5-377  
 Municipal corporations, powers vested in county..... 2-308

Parking meter ordinances.....	4-198	<b>COURTS</b>
Power over navigable waters.....	2-32	Attitudes of Supreme Court on
Religious freedom, flag salute....	2-151	Capital and Labor.....
Remitting penalties on delinquent		Conduct of jury in jury room....
taxes .....	4-191	Modification of criminal verdict on
Reserved powers of states.....	2-122	appeal .....
Right of private utility to attack		New glasses for old eyes.....
grant of funds to a local sub-		Rule making power.....
division to construct a compet-		Shall the Supreme Court have new
ing power plant.....	4-205	blood? .....
Right to jury trial.....	2-44	Unofficially reported cases as au-
Separation of powers-court and		thority .....
Legislature .....	5-213	<b>COVENANTS</b>
Supreme Court and the advisory		Express-implied, not to compete
opinions .....	4-21	after term of employment....
Tax on authorized capital stock of		Running of covenants to pay as-
foreign corporations.....	4-208	sessments .....
Tennessee Valley Authority.....	2-32	<b>CREDITORS</b>
Zoning ordinance—Constitutional-		Rights of dissolution of a partner-
ity of.....	4-352	ship .....
<b>CONSTRUCTIVE TRUST</b>		Rights of, to reach cestui's interest.
Murder of joint owner.....	1-131	5-128
Remedy in Ohio.....	3-1	<b>CRIMINAL LAW</b>
<b>CONTRACTS</b>		Extradition—Insanity as a bar to..
(Assumption) by grantee of mort-		Games of chance and lottery....
gagor and reconveyance as re-		Law of arrest.....
scission .....	3-371	Manslaughter in the second degree
Consideration for abatement of		Modification of verdict on appeal.
rent .....	5-115	Murder by poison, proof of other
Employment contract, necessity of		crimes .....
writing .....	5-263	Spring guns .....
Excuse for non-performance of		<b>CRIMINAL PROCEDURE</b>
conditions .....	4-363	Jurisdiction of justice of peace in
Insurance contract, disability provi-		misdemeanor cases.....
sion .....	5-234	Right of State to review.....
Land contract, action upon.....	5-222	<b>CIVIL LIBERTIES</b>
Liability of infant on contract to		Free speech and free press.....
lease .....	2-46	<b>DAMAGES</b>
President's reemployment agree-		Improper measure of.....
ment .....	1-155	In lieu of Specific Performance...5-247
<b>CONVICTION</b>		Rationale of punitive damages....1-5
Admissibility of, to impeach credi-		<b>DEATH</b>
bility of witness.....	3-228	Conclusiveness of finding of date,
<b>CORPORATIONS</b>		presumed decedent.....
Abolishing accrued dividends.....	5-389	Finding of time of death of pre-
Amendment to articles.....	5-389	sumed deceased .....
Capital Stock reduction, protection		2-176
of creditors.....	2-220	<b>DECEDENTS ESTATES</b>
Constitutionality of tax on author-		Liability for interest for unreason-
ized capital stock.....	4-208	able delay.....
Cooperative medicine, legal aspects		2-51
5-98		<b>DECEIT</b>
Corporation notes, liability of		Necessity of scienter or negligence.
agent .....	1-274	3-341
Holding company and subsidiary..	3-216	<b>DECLARATORY JUDGMENT</b>
Receiver by consent.....	2-63	Alternative remedy and limitations
Responsibility for parent for acts		of .....
of subsidiary.....	4-311	Alternative remedy in Ohio.....
<b>COUNTIES</b>		Appealability of.....
Home Rule in Ohio.....	1-11	Appellate review .....
Liability for personal injuries aris-		Courts discretion to refuse a declar-
ing from labor disputes.....	5-101	ation .....
Vesting of municipal powers in...2-308		4-16
		<b>DEEDS</b>
		Escrow, rights of bona fide pur-
		chasers .....

## DEFAMATION

- Liability of radio station.....1-180
- Libel by publication of picture....2-291
- Oral statements as libel.....3-344
- Slander—extent of privilege.....4-96

## DELINQUENT TAXES

- Constitutionality of remitting penalty on.....4-191

## DESCENT

- Inheritance by murderer.....1-131
- Inheritance of designated heir through declarant.....4-97

## DIVORCE

- Absolute, adjudication in other state as grounds for.....5-202
- Action on, divorce and alimony...5-106
- Alimony and separation agreement incorporated in decree.....2-157
- Decree, modification of.....5-106
- Desertion as gross neglect of duty..2-48
- Effect of foreign decrees.....3-348
- Foreign decree.....5-202
- Modification of alimony.....5-202
- Modification of divorce decree based on agreement.....2-49

## DOMESTIC RELATIONS (SEE DIVORCE, HUSBAND AND WIFE, INFANTS)

- Alimony in separation agreement incorporated in divorce decree..2-157
- Common Law Marriage.....5-175
- Common Law Marriage.....5-26
- Contempt, failure to pay alimony..2-157
- Contracts and Quasi-contracts of parent and child.....4-359
- Desertion as gross neglect of duty..2-48
- Divorce decree, modification of...5-106
- Effect of foreign divorce.....3-348
- Foreign divorce decrees.....5-202
- Heart balm legislation.....3-338
- Modification of divorce decree based on agreement.....2-49

## DOWER

- In perpetual leasehold.....1-308
- Merger of legal and equitable interest.....1-308
- Purchase of money mortgages....2-305

## EDUCATION

- Power of board to compel flag salute.....2-151
- Value of Legal Aid Clinics, as...3-300

## EQUITY

- Damages in lieu of specific performance.....5-247
- Defaulting vendee.....5-222
- Defectively executed leases.....3-242
- Fusion of law and.....5-222
- Jurisdiction to appoint receiver by consent.....2-63
- Jurisdiction of, to enjoin citizens resident in foreign country....3-353
- Jurisdiction of, to relieve one convicted by perjury.....3-223

- Murderer as constructive trustee...1-131
- Privacy—injunction to protect the right of.....4-396
- Protection of rights of personality by injunction.....1-59
- Right to jury trial in.....2-47
- Specific Performance—conditions..4-363
- Statutory interpleader.....2-170

## ESCROW

- Rights of bona fide purchaser under deed in.....3-220

## EVIDENCE

- Admissibility of former testimony where witness unavailable.....1-311
- Admissibility of prior convictions, etc., to impeach credibility.....3-228
- Blood group test.....1-47
- Blood group tests in Ohio.....3-226
- Blood tests as proof of non-paternity.....2-203
- Burden of proof, probate and contests.....2-292
- “Dead Man” statute.....3-200
- Hearsay, exception for prior testimony.....1-311
- Illegally obtained evidence.....3-73
- Illegally obtained, admissibility of..4-242
- Impeachment of one's witness...5-400
- Inference on an inference.....4-99
- Judicial notice of ordinance.....2-164
- Necessity of knowledge of defendant to take negligence case to jury.....3-229
- Presumption of contributory negligence from plaintiff's evidence..4-367
- Presumption against suicide.....5-406
- Privilege against self-incriminations 5-412
- Privilege, doctor and patient....3-79
- Privilege, lawyer and client.....3-232
- Privilege, Physical-patient.....4-103
- Privity, testimony in prior suit, hearsay, exception.....1-311
- Proof of other crimes as.....5-232
- Testimony at former trial, necessity of privity.....1-311
- Wire-tapping.....4-242

## EXEMPTION

- Workmen's Compensation award..2-194

## EXTRADITION

- Insanity as a bar to.....4-356

## FARMER

- Insanity as a bar to.....4-347

## FIXTURES

- Priority of lien upon, over mortgage on real estate.....4-246

## FLAG SALUTE

- Constitutionality of requirement..2-151

## FOREIGN CORPORATIONS

- Constitutionality of tax on authorized capital stock of.....4-208

## FRAUD

- See deceit

**FRAUDS, STATUTE OF**  
 Unique services .....1-137

**FRAUDULENT CONVEYANCES**  
 Suit after debtor's bankruptcy...1-287

**FREEDOM OF SPEECH—PRESS—GUARANTY OF FUTURE INTERESTS** .....5-89  
 Acceleration of, in Ohio.....3-171  
 Determinable fee in absence of reservation of possibility of reverter .....4-106

**GAMBLING**  
 Games of chance and lotteries...4-237

**GIFTS**  
 Imperfect, as trusts.....2-74

**GUEST STATUTE**  
 Automobile Liability Insurance...5-110

**HOLDING COMPANY**  
 Liability of, for acts of subsidiaries .....3-216

**HOME OWNERS LOAN CORPORATION**..1-77

**HUSBAND AND WIFE (See Divorce, Domestic Relations)**  
 Action of divorce and alimony...5-106  
 Common Law Marriage.....5-26  
 Common Law Marriage.....5-175  
 Divorce decree, modification of...5-106  
 Foreign decree, divorce.....5-202  
 Liability of husband's employer for injuries to wife.....1-271

**INDORSEMENT**  
 Recovery by drawee bank of payment of check when forged...4-254

**INFANTS (See Domestic Relations)**  
 Liability for breach of contract to lease .....2-46

**INITIATIVE**  
 Municipal Utilities .....1-292  
 Repeal of initiated ordinance....2-56

**INJUNCTION**  
 Against picketing .....5-236  
 Protection of rights of personality.1-59  
 To protect right of privacy.....4-396  
 Use of, to prevent breach of contract .....3-365

**INSANITY**  
 As a bar to extradition.....4-356

**INSOLVENT ESTATES**  
 Augmentation of assets by cash items .....1-128  
 Receivership, remedy at low not exhausted .....2-63

**INSURANCE**  
 Automobile indemnity.....5-110  
 Determination of *voir dire*.....2-318  
 Guest Statute.....5-110  
 Insured defendant status of, Auto Liability .....5-417  
 Liability for wilful misconduct...3-98  
 Misstatement by agent in application .....2-166  
 Mortgagee's right.....2-168  
 Permanent disability, proof of...5-234

Right to terminate non-exclusive authority .....1-151

**INTEREST**  
 Delay as grounds for.....2-51

**INTERPLEADER**  
 Restrictions on Statutory interpleader .....2-170

**INTERSTATE COMMERCE**  
 Federal power over things affecting .....4-56

**JOINDER OF ACTIONS**  
 Master and servant.....5-243  
 Wrongful death cases.....4-127  
 Tort & Contract in food warranty.3-106

**JOINT ESTATES**  
 Incidents of survivorship.....3-48  
 Murderer's right to survivorship..1-131

**JUDGES**  
 Proposed changes in the selection and tenure of, in Ohio.....4-157

**JUDICIAL NOTICE**  
 Ordinances .....2-164

**JURY**  
 Law in jury room.....2-1  
 Restrictions on right of trial by...3-184

**JUSTICE OF PEACE**  
 Jurisdictions in misdemeanors...1-303  
 Liability of bondsman for acts of.4-265

**LABOR**  
 Attitudes of Supreme Court on capital-labor issues.....1-102

**LABOR LAW**  
 Anti-trust act, picketing as violation .....2-301  
 Collective bargaining under New Deal .....1-214  
 Definition of labor disputes.4-110; 5-236  
 Employer associations.....5-236  
 Injunction to prevent breach of contract .....3-365  
 Liability of county for personal injury arising from labor dispute .....5-101  
 National Labor Board and National Labor Relations Board...1-214  
 Picketing, injunction against...5-236  
 President's Reemployment Agreement .....1-155  
 Reinstatement and back pay under National Labor Relations Act..4-372  
 Sit down strike, legal aspect of...3-237  
 Status of strike for closed shop...3-358  
 Trade Dispute .....2-301

**LAND TRUST CERTIFICATES**  
 Devisability of.....4-260

**LANDLORD AND TENANT**  
 Breach of covenant to repair, landlord's tort liability.....1-315  
 Certificate of acknowledgment of lease .....3-83  
 Landlords tort liability to tenants invitee .....1-315

- Liability of infant on contract to lease .....2-46  
 Oral lease.....3-86  
 Rent, reduction of, after fire....5-115  
 Tort liability to tenants invitee...2-303
- LEASES**  
 Defectively executed, effect in equity .....3-242
- LEGAL AID CLINICS**  
 Educational value.....3-300  
 Report of, 1936-37.....4-178  
 Report of, 1937-38.....5-359
- LEGAL PHILOSOPHY**  
 Pareto and legal science.....2-133  
 Physics as a way of thinking....2-241
- LEGISLATION**  
 Advisory boards.....3-89  
 Anti heart balm.....3-338  
 Auto Certificate of Title Act.....5-255  
 Auto guest statutes.....3-356  
 Declaration of emergency.....1-40  
 Finality of legislative records....5-213  
 Judges tenure in Ohio.....4-157  
 Moratory acts .....1-33  
 Motor Car Dealer Law, Constitutionality of.....5-377  
 National Labor Relations Act—reinstatement and back pay....4-372  
 New Federal Rules.....4-143  
 New Ohio Appellate Practice Act.1-186  
 Ohio Chattel Loan Act.....5-240  
 Ohio Guest Act.....5-110, 2-20  
 Ohio Mechanic's Lien Law.....1-198  
 Ohio pleading and practice statutes 1-70  
 Proposed Uniform Trusts Act...5-145  
 Protection of Corporation creditors, reduction of stock.....2-220  
 Review of Ohio Legislation, 1933-1934 .....1-24  
 Right of legislators to mileage...5-213  
 Statutory Attorney Fees.....5-252  
 Unicameral body.....1-121
- LIBEL**  
 Defamation by radio.....1-180  
 Publication of pictures.....2-291
- LIBEL AND SLANDER**  
 Oral statements as libel.....3-344  
 Privilege, extent of slander....4-96
- LIENS**  
 Innkeepers, on mortgaged car...5-373  
 Priority of, on fixtures, over real estate mortgage.....4-246
- MANSLAUGHTER**  
 In the second degree.....4-234
- MASTER AND SERVANT**  
 Course of Employment-Workmans Compensation .....5-139  
 Election of remedies.....5-243  
 Employee associations.....5-236  
 Joinder in tort action.....5-243  
 Liability for act of another servant hired for single occasion.....1-276  
 Notice to sub-agents.....4-113  
 Picketing, injunction against....5-236  
 Protection from competition of former employees .....5-263  
 Scope of employment.....4-113  
 Tests for establishing relationship.4-117  
 Trade disputes defined.....5-236  
 When relation exists.....1-276  
 Workmens Compensation.....4-119  
 Workmens Comp., C. L. remedy, non-compensable disease.....5-436
- MECHANICS LIENS**  
 Ohio Statute .....1-198
- MORTGAGES**  
 Acceptance of grantee's "assumption" and reconveyance as rescission .....3-371  
 Foreclosure of estate of deceased mortgagor .....2-42  
 Mortgagees consent to partition...5-252  
 Mortgagee's right to insurance...2-168  
 Ohio Chattel Loan Act.....5-240  
 Personal representative as party to foreclosure against property of estate .....2-42  
 Purchase money, dower in.....2-305  
 Release of equity of redemption..3-95  
 Right of mortgagee to recover for damage to mortgaged premises in Ohio .....3-161  
 Right of surety's mortgage to exoneration from principal.....1-49
- MUNICIPAL CORPORATIONS**  
 Amendment to initiated ordinances 2-56  
 Bankruptcy, priority in.....2-279  
 Initiative, municipal utilities....1-292  
 Liability for unemployment insurance .....4-250  
 Pledge of receipts as indebtedness.1-55  
 Parking meter ordinance.....4-198  
 Power to incur debt.....1-55  
 Powers, vesting in county.....2-308  
 Repeal of initiated ordinances...2-56  
 Zoning ordinances.....4-352
- NATIONAL INDUSTRIAL RECOVERY ACT**  
 President's reemployment agreement .....1-155
- NATIONAL LABOR RELATIONS ACT**  
 Collective bargaining.....1-214
- NEGLIGENCE**  
 Assumption of risk.....4-409  
 "Assured clear distance ahead"...1-284  
 Duty of school bus driver.....3-374  
 Intoxication, negligence *per se*...2-313  
 Liability for act of independent contractor .....3-101  
 Liability of bailee, parking lot owner .....2-61  
 Liability of insurer for wilful misconduct .....3-98  
 Liability of manufacturers and vendors .....5-119

Liability of motorcycle policeman.....2-184	Proposed changes in pleading and practice.....1-70
Liability of school bus driver.....3-374	Set-off as a defense under N.I.L....2-173
Of bailees.....4-131	Set-off, banker and depositor....2-67
Presumption of contributory negligence from plaintiff's evidence.....4-367	<b>PLEADING AND PRACTICE</b>
Proximate cause.....4-377	Proposed changes in Ohio Statute.....1-170
Proximate cause.....2-187	<b>PRACTICE</b>
<i>Res ipsa loquitur</i> .....2-150	Burden of Proof, effect of presumption against suicide.....5-406
Rights of injured automobile passengers.....2-150	Modification of divorce decree based on agreement.....2-49
Street car companies duty to warn of duty in streets.....4-124	Proposed changes for pleading and practice.....1-70
Violation of pure food laws as...5-260	Order granting new trial, when not final.....5-369
Violation of statute, negligence <i>per se</i> .....2-184	Voir doir examination, automobile insurance.....2-318
Wanton misconduct.....2-315	<b>PRESUMPTION</b>
Wilful misconduct contracted.....3-98	Death, finding of date.....1-126
<b>NEGOTIABLE INSTRUMENTS</b>	Presumption against suicide, effect on burden of proof.....5-406
Drawee bank's recovery of payment made on check with forged instrument.....4-254	<b>PRIVACY</b>
Holder in due course—Chattel Loan Act.....5-240	Rights of.....4-396
Liability of agent on corporation notes.....1-274	<b>PRIVATE UTILITY</b>
Set-off as a defense.....2-173	Constitutionality of its right to attack grant of funds to a local subdivision to be used to construct a competing power plant.....4-205
<b>PARKING METER ORDINANCES</b>	<b>PRIVILEGE</b>
Constitutionality of.....4-198	Against Self Incrimination.....5-412
<b>PARTICIPATION TRUSTS</b>	Doctor and patient, waiver.....3-79
Purchase of certificates.....2-192	Extent of privilege in slander.....4-96
<b>PARTIES</b>	Lawyer and client.....3-232
Personal representative as party to foreclosure against property of estate.....2-42	Physician-patient, waiver.....4-103
<b>PARTNERSHIP</b>	<b>PROBATE PRACTICE</b>
Dissolution and assumption of debt.....4-391	Burden of proof, application for probate.....2-292
Family partnerships—Taxation of.....4-228	Finding time of presumed decedents death.....2-176
Marshaling depositor v. individual creditor.....3-245	Representative as party to foreclosure.....2-42
<b>PERSONAL PROPERTY</b>	Time of death of presumed decedent.....1-126
Rights of finder.....3-104	<b>PROXIMATE CAUSE</b>
<b>PHYSICS</b>	Unlikelihood of physical recovery as bar.....4-377
Physics as a way of thinking.....2-241	<b>QUASI CONTRACTS</b>
<b>PICKERING</b>	Of parent and child.....4-359
Anti-trust act.....2-301	<b>RADIO</b>
Injunction against.....5-236	Defamation by.....1-180
Trade dispute, necessity.....2-301	<b>REAL PROPERTY</b>
<b>PLEADING</b>	Covenants to pay assessments.....4-93
Alternative remedies, alternative pleading.....5-247	Land contracts, action upon.....5-222
Amendment to criminal pleadings.....4-214	Partition of (see Landlord and Tenant).....5-252
Appealability of declaratory judgment.....4-257	Rule against perpetuities.....2-189
Damage to person and property; concept of cause of action.....3-378	<b>RECEIVERS</b>
Election of remedies.....3-380	Action in foreign jurisdiction.....1-322
Election of remedies—master & servant.....5-243	Appointment, remedy at law not exhausted.....2-63
Joinder of actions in wrongful death.....4-127	Collateral attack against appointment.....2-63
New Federal Rules.....4-143	

- Foreign .....1-322  
 Jurisdiction by consent of insolvent .....2-63  
 Power of corporation to consent to appointment .....2-63
- RECORDING**  
 Chattel mortgagee of car, conditional vendor of tires attached..5-373  
 Chattel mortgagee of car, Inn-keeper lien .....5-373  
 Conditional sale, priority of vendee's receiver.....2-287
- REMEDIES**  
 Alternative .....5-247  
 Declaratory judgment.....4-1  
 Declaratory judgment, alternative remedy, limitations of.....5-398  
 Election of.....3-380  
 Election of, master and servant...5-243  
 Land contract, defaulting vendee..5-222
- REPORTS**  
 American Law reports.....4-331  
 Unofficially reported case.....1-135
- RIGHTS OF PERSONALITY**  
 Protection by injunction.....1-59
- RULE MAKING POWER OF COURTS**
- SALES (See Conditional Sales)**  
 Auto Certificatae of Title Act....5-255  
 Bulk sales, chattel mortgages....1-289  
 Floor Plan Rule, Ohio.....5-422  
 Implied warranties in cases of sealed packages .....4-403  
 Implied warranty of food in restaurant .....3-106  
 Privity of contract in implied food warranty .....2-180  
 Water as food, warranties.....5-260
- SALES TAX**  
 Economic and legal aspects.....1-192
- SEARCH AND SEIZURE**  
 Illegally obtained evidence.....3-73
- SET-OFF AND COUNTERCLAIM**  
 Between banker and depositor...2-67
- SPECIFIC PERFORMANCE**  
 Damages in lieu of.....5-247  
 Excuse for non performance of conditions .....4-363
- STARE DECISIS**  
 Trends in doctrine.....1-169
- STATUTE OF FRAUDS**  
 Oral lease .....3-86  
 Parol release of equity of redemption .....3-95  
 Unique services .....1-137
- STATUTE OF LIMITATIONS**  
 Equitable relief to one convicted by perjury .....3-223
- STATUTES**  
 "Dead Man" statutes in Ohio...3-200  
 Election of remedies (G.C. 11363).3-380  
 Exemptions, express and implied..2-184  
 Guest, who is.....5-110,4-411  
 Ohio Chattel Loan Act.....5-240  
 Parking meter ordinance.....4-198  
 Status of rider under auto guest laws .....3-356  
 Veto power in Ohio.....3-259  
 Violation as negligence *per se*...2-184  
 Violation as negligence *per se*...2-187  
 Zoning ordinance.....4-352
- STRIKES**  
 Status of, for closed shop.....3-358
- SUPREME COURT**  
 Advisory opinion of.....4-21  
 Limiting voting power of.....5-54  
 New glasses for old eyes.....3-145
- SURETYSHIP**  
 Acceptance of grantee of mortgage and reconveyance as rescission .....3-371  
 Bondsman's liability for acts of justice of peace.....4-265  
 Right of surety's mortgagee to exoneration from principal.....1-49
- SURVIVORSHIP**  
 Incident of, in Ohio.....3-48  
 Murderer's right, as to.....3-48
- TAXATION**  
 Cestui's interest in trust.....2-321  
 Federal tax as burden on State Instrumentalities .....1-248  
 Federal tax on admissions to State University athletic event.....1-248  
 Misconception of Profits Tax....3-284  
 Of family partnership.....4-228  
 Ohio Sales Tax.....1-192  
 Ohio Use Tax.....2-115  
 On stock of foreign corporations, constitutionality of .....4-208  
 Sales tax and interstate commerce...2-260
- TRADE REGULATION**  
 Competition of former employee..5-263
- TORTS (See specific torts)**  
 Assumption of risk.....4-409  
 Conversion, dominion required...5-431  
 Damage to persons and property by single act.....3-378  
 Dogs, liability for injury by.....5-433  
 Guest statute .....4-411  
 Immunity of employer from common law action.....1-317  
 Interference with expectancies under a will.....3-385  
 Negligence, duty of school bus driver .....3-374  
 Negligence of bailees and judicial notice thereof .....4-131  
 Of trustees.....4-289  
 Ordinances as safety and indemnity measures .....4-131  
 Privacy, right of.....4-396  
 Proximate cause.....3-384  
 Release by sole beneficiary under wrongful death act.....5-122



- Slander, extent of privilege.....4-96  
 Spring guns.....5-395  
 Status of rider under auto guest statutes .....3-356  
 Unfair competition.....2-263
- TRIAL BY JURY**  
 Restrictions on.....3-184
- TRUSTS**  
 Augmentation of assets .....1-128  
 Constructive .....1-131  
 Constructive .....3-1  
 Creditors right to reach cestui's interest .....5-128  
 Deviation from terms of.....4-268  
 For upkeep of graves.....2-189  
 Gifts for charitable purposes.....2-189  
 Imperfect gifts as.....2-74  
 Imperfect gift as.....4-134  
 Incorporation of amendable trust into will.....2-72  
 Living, validity of.....5-269  
 Participation trusts .....2-192  
 Reservation of power to revoke...4-137  
 Reservation of powers living trust.5-269  
 Taxation of cestui's interest.....2-321  
 Tort liability for acts of trustee...4-289  
 Tracing assets .....1-128  
 Uniform Trusts Act.....5-145  
 Validity of participation trusts...2-192
- UNEMPLOYMENT INSURANCE**  
 Liability of municipal corporation for .....4-250
- UNICAMERAL LEGISLATURE**.....1-121
- UNIQUE SERVICES**  
 Statute of frauds.....1-137
- UNOFFICIALLY REPORTED CASE**  
 Citation as authority.....1-135
- VETO POWER**  
 History of, in Ohio.....2-99  
 Legal aspects in Ohio.....3-259
- WARRANTY**  
 Implied in cases of sales of sealed packages .....4-403  
 Privity of contract, implied food warranty .....2-180
- WILLS**  
 Devise of property to trust company by.....5-269  
 Incorporation by reference, amendable trusts.....2-72  
 Interference with expectancies...3-385  
 Power to designate attorney.....2-77  
 Republication in Ohio.....3-247  
 Testamentary capacity.....3-108  
 Undue influence.....3-108
- WITNESSES**  
 Admissibility of prior arrest, etc. to impeach credibility.....3-228  
 "Dead man" statute.....3-200
- WORKMEN'S COMPENSATION**  
 Aggressor in an affray, right to...5-139  
 Attending conventions .....4-119  
 Common law remedy, when.....5-436  
 Course of Employment.....5-139  
 Exemption of award.....2-194  
 Going and coming rule.....4-119  
 Home work as factor in scope...1-320  
 Hours of labor statute, non legal trauma .....1-144  
 Immunity from common law suit..1-137  
 Independent contractor contrasted.2-325  
 Legal trauma.....1-317  
 Occupational disease .....1-317  
 Occupational disease non-compensable under .....5-436
- ZONING ORDINANCES**  
 Constitutionality of.....4-352

