

HARVARD LAW REVIEW

SEPTEMBER, 1948

EFFECTIVE COMPETITION AND THE ANTITRUST

LAWS *M. A. Adelman*

THE EVOLUTION OF LIMITED LIABILITY IN

AMERICAN INDUSTRY: MASSACHUSETTS *E. Merrick Dodd*

AN "ENLIGHTENED JUDGMENT" APPROACH TO

RATE OF RETURN *Harrop A. Freeman*

COMPLETE TABLE OF CONTENTS, PAGES IV AND V

HARVARD LAW REVIEW

VOLUME LXI

SEPTEMBER, 1948

NUMBER 8

CONTENTS

LEADING ARTICLES

- Effective Competition and the Antitrust
Laws *M. A. Adelman* . . . 1289
- The Evolution of Limited Liability in
American Industry: Massachusetts . . . *E. Merrick Dodd* . . . 1351
- An "Enlightened Judgment" Approach
to Rate of Return *Harrop A. Freeman* . . . 1380

NOTES

- Co-operative Apartment Housing 1407
- Price Fixing through Patent Licensing — A Bastion Is Undermined . . . 1427
- The Law of Fact: Findings of Fact under the Federal Rules 1434

RECENT CASES

- Administrative Law — Judicial Control — Judicial Review of Deportation
Order Is Available under § 10 of Administrative Procedure Act (*United States ex
rel. Trimler v. Carusi*, C. C. A. 3d 1948) 1445
- Admiralty — Federal Legislation — Action at Law under the Jones Act Does Not
Bar Suit in Behalf of Another Beneficiary under the Death on the High Seas Act
(*The Four Sisters*, D. Mass. 1947) 1446
- Admission — By Parties and Privies — Admission Introduced against Party Held
Thereafter Competent as Substantive Proof in His Favor (*Link v. Eastern Air-
craft*, N. J. Ct. Err. & App. 1948) 1447
- Bankruptcy — Corporate Reorganization — State Court Holds Stockholders Con-
tract for Attorney Fees in Exclusive Bankruptcy Jurisdiction although Bank-
ruptcy Court Earlier Held *Contra* (*Leiman v. Guttman*, N. Y. 1948) 1449
- Constitutional Law — Equal Protection of the Laws — Judicial Enforcement of
Racial Restrictive Covenants Is State Action Prohibited by the Fourteenth
Amendment (*Shelley v. Kraemer*, U. S. 1948) 1450
- Constitutional Law — Searches and Seizures — Seizure Incident to Lawful Ar-
rest Held Improper when Officers Had Sufficient Time and Information to Obtain
a Search Warrant (*Trupiano v. United States*, U. S. 1948) 1452
- Divorce — Operation and Effect of Divorce — Right to Alimony under Separation
Decree Rendered at Matrimonial Domicil Held to Survive *ex Parte* Foreign
Divorce (*Estin v. Estin*, U. S. 1948) 1454

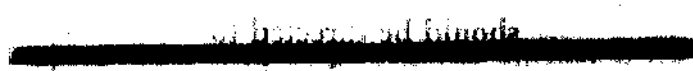
Jury —Challenges and Objections—Challenging Peremptorily All Negroes on Jury Panel by Federal Prosecutor Held Not Improper (<i>Hall v. United States</i> , App. D. C. 1948)	1455
Labor Law —Labor Management Relations Act, 1947—Section 9(b)(2) Held Not to Prohibit Consideration of Collective Bargaining History in Determining Appropriate Unit (<i>National Tube Co.</i> , NLRB 1948)	1457
Labor Law —Statutes and Interpretation—Anti-Injunction Act Held Not to Require Negotiation as a Condition Precedent to Injunction against Union Not Filing Non-Communist Affidavits (<i>Fulford v. Smith Cabinet Mfg. Co.</i> , Ind. 1948)	1458
Libel and Slander —Remedies—Choice of Law in Multistate Defamation Refers Court to Each State of Impact (<i>Hartmann v. Time, Inc.</i> , C. C. A. 3d 1948)	1460
Patents —Licenses—Non-Exclusive Licensee Held Not Evicted by District Court's Decree of Invalidity in Suit by Patentee against Third Party (<i>Appleton Toy & Furniture Co. v. Lehman Co.</i> , C. C. A. 7th 1948)	1461
Res Judicata —Matters Concluded—Collateral Estoppel Held Inapplicable in Tax Case where Original Judgment No Longer in Accord with Law (<i>Commissioner v. Sunnen</i> , U. S. 1948)	1463
Taxation —Power to Tax: Interstate Commerce—Apportioned Property Tax by Non-Domiciliary State upon Vessels Not Having Actual Home Port There Held Unconstitutional (<i>Ott v. DeBardeleben Coal Corp.</i> , C. C. A. 5th 1948)	1464
Taxation —Refunds—Compromise Not Specifically Authorized by Internal Revenue Code Is Binding on Taxpayer after Expiration of Commissioner's Period of Limitations (<i>Guggenheim v. United States</i> , Ct. Cl. 1948)	1465
Workmen's Compensation Acts —Compensation—Veteran's Subsistence Allowance Included in "Average Weekly Wages" in Determining Amount of Award (<i>Wood Mercantile Co. v. Cole</i> , Ark. 1948)	1467

BOOK REVIEWS

Lewis: An Analysis of Knowledge and Valuation	<i>Felix S. Cohen</i>	1469
Chamberlain: The Union Challenge to Management Control	<i>Benjamin M. Selekman</i>	1473

BOOK NOTES

Moser and Lavine: Radio and the Law	1479
Symposium on Medicolegal Problems	1480



The HARVARD LAW REVIEW is published eight times a year (November, January, February, April, May, June, July, September) at Gannett House, Cambridge, Mass. Entered as second-class matter June 23, 1948, at the Post Office at Boston, Mass., under the Act of March 3, 1879.
 Subscriptions: \$5.50 per annum payable in advance, \$1.00 a number; foreign: \$6.00 per annum payable in advance, \$1.10 a number.