

# UNIVERSITY OF MIAMI LAW REVIEW



**THE LEGAL AND GOVERNMENTAL STATUS OF THE  
METROPOLITAN SPECIAL DISTRICT**

**ROBERT W. TOBIN**

**AIRCRAFT MORTGAGE — A STUDY IN COMPARATIVE  
AVIATION LAW IN THE WESTERN HEMISPHERE** S. A. BAYITCH

**AIRCRAFT MANUFACTURERS' AND OVERHAULERS'  
LIABILITY FOR DEFECTS IN CONSTRUCTION,  
DESIGN AND OVERHAUL — THE EXTENSION OF  
THE MACPHERSON v. BUICK RULE FROM THE  
TERRESTRIAL TO THE CELESTIAL**

**DANIEL E. MURRAY**

**SUBSTITUTED SERVICE OF PROCESS: NON-RESIDENTS DOING  
BUSINESS WITHIN THE FORUM**

**TAX ASPECTS OF COVENANTS NOT TO COMPETE**

**RELATIONSHIP OF A JUROR TO A PERSON INJURED BY THE  
COMMISSION OF A CRIME AS GROUNDS FOR CHALLENGE**

**WINTER 1958**

**VOL. XIII**

**NO. 2**

# UNIVERSITY OF MIAMI LAW REVIEW

Copyright 1958, by University of Miami Law Review  
Member, National Conference of Law Reviews  
Member, Southern Law Review Conference

VOLUME XIII

WINTER, 1958

NUMBER 2

## LEADING ARTICLES

- THE LEGAL AND GOVERNMENTAL STATUS OF THE  
METROPOLITAN SPECIAL DISTRICT ● *Robert W. Tobin* 129
- AIRCRAFT MORTGAGE — A STUDY IN COMPARATIVE  
AVIATION LAW OF THE WESTERN HEMISPHERE ● *S. A. Bayitch* 152
- AIRCRAFT MANUFACTURERS' AND OVERHAULERS'  
LIABILITY FOR DEFECTS IN CONSTRUCTION,  
DESIGN AND OVERHAUL — THE EXTENSION OF  
THE MACPHERSON V. BUICK RULE FROM THE  
TERRESTRIAL TO THE CELESTIAL ● *Daniel E. Murray* 189

## COMMENTS

- SUBSTITUTED SERVICE OF PROCESS:  
NON-RESIDENTS DOING BUSINESS WITHIN THE FORUM 205
- TAX ASPECTS OF COVENANTS NOT TO COMPETE 218
- RELATIONSHIP OF A JUROR TO A PERSON INJURED BY THE  
COMMISSION OF A CRIME AS GROUNDS FOR CHALLENGE 227

## CASES NOTED

- TORTS — REAR-END COLLISION — PRESUMPTION OF FAULT  
(*McNulty v. Cusack*, 104 So.2d 785 — Fla. App.) 236
- CONFLICT OF LAWS — NON-JUDICIAL DIVORCES  
(*Shikoh v. Murff*, 257 F.2d 306) 240
- DUE PROCESS — JURISDICTION OVER NON-RESIDENT TRUSTEES  
(*Hanson v. Denkla*, 357 U.S. 235, 78 S.Ct. 1228) 246
- AUTOMOBILES — DANGEROUS INSTRUMENTALITY — RENTAL OWNERS  
(*Leonard v. Susco Car Rental Sys.*, 103 So.2d 243 — Fla. App.) 250

SALES — IMPLIED WARRANTY — PRIVILEGE UNNECESSARY ( <i>Continental Copper and Steel Indus., Inc. v.</i> <i>E. C. "Red" Cornelius, Inc.</i> , 104 So.2d 40 — Fla. App.)	252
---	-----

### BOOK REVIEWS

WILLIAM H. DAVENPORT: VOICES IN COURT: A TREASURY OF THE BENCH, THE BAR AND THE COURTROOM	<i>Dillard S. Gardner</i> 257
HUGH L. SOWARDS: COMMENTS, CASES AND MATERIALS ON CORPORATIONS AND PARTNERSHIPS	<i>Arthur H. Seltzer</i> 258

### BOOKS RECEIVED 260

---

Subscription price \$4.00 per annum	Per number \$1.50
1st Survey of Florida Law (1951-53) — \$2.00	
2nd Survey of Florida Law (1953-55) — \$3.00	
3rd Survey of Florida Law (1955-57) — \$3.00	
Cumulative Index Vols. I-X (1947-56) — \$1.00	

Subscription price includes Symposium issues and Survey of Florida Law.

Unless notice to the contrary is received at the editorial office, it is assumed that a renewal of the subscription to the Law Review is desired.

---

The University of Miami Law Review is published four times a year, Fall, Winter, Spring and Summer, by the Students of the Law School of the University of Miami, Coral Gables 46, Florida. Entered as second class matter at the post office at Miami, Florida, December 21, 1948, under the Act of March 3, 1879.

---

Address:

University of Miami Law Review  
University of Miami  
Coral Gables 46, Florida