# Southwestern Law Journal

**Volume 20**  
March 1966  
**Number 1**

## CONTENTS

### LEADING ARTICLES

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assumed Risk</td>
<td>Joe Greenhill</td>
<td>1</td>
</tr>
<tr>
<td>The 1965 General Arbitration Statute of Texas</td>
<td>Paul Carrington</td>
<td>21</td>
</tr>
<tr>
<td>A Survey of Federal District Court Opinions: West</td>
<td>Allan D. Vestal</td>
<td>63</td>
</tr>
<tr>
<td>After-Acquired Title in Texas</td>
<td>Richard W. Hemingway</td>
<td>97</td>
</tr>
</tbody>
</table>

### STUDENT EDITORIAL BOARD                                             | 134               |

### INTER ALIA                                                          | 135               |

### COMMENTS                                                            |                   |

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incompetency and Inadequacy of Counsel as a Basis for Relief in Federal Habeas Corpus Proceedings</td>
<td>Ronald L. Palmer</td>
<td>136</td>
</tr>
<tr>
<td>Partnerships—Continued Liability of a Retiring Partner Receiving Payments</td>
<td>James H. Wallenstein</td>
<td>151</td>
</tr>
</tbody>
</table>

### NOTES                                                                |                   |

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charitable Immunity in Texas Reconsidered</td>
<td>Jones</td>
<td>163</td>
</tr>
<tr>
<td>Divorces Obtained Abroad by American Domiciliaries—Recognition in the United States</td>
<td>Karlsberg</td>
<td>174</td>
</tr>
<tr>
<td>Federal Taxation—Tax Lien—The Role of a State Recording Statute</td>
<td>McMullen</td>
<td>186</td>
</tr>
<tr>
<td>Reciprocal Dealing in Conglomerate Mergers</td>
<td>Jones</td>
<td>192</td>
</tr>
<tr>
<td>The Doctrine of Negligent Entrustment in Texas</td>
<td>Burford</td>
<td>202</td>
</tr>
<tr>
<td>The Unit of Time Argument—Inherently Prejudicial?</td>
<td>Davis</td>
<td>208</td>
</tr>
</tbody>
</table>
ESSENTIAL BOOKS TO A TEXAS PRACTICING ATTORNEY

- Moffett's Texas Civil Form Book 10th ed. $12.00
- Lieck's Legal Trail Aid In Texas (revised ed.) $25.00
- Rayburn's Tex Law of Condemnation and Land Property $25.00
- Gilbert's Texas Estates Manual with Forms loose-leaf $25.00
- Service Moffett's Texas Civil Form Book 10th ed. $12.00
- Lieck's Legal Trail Aid In Texas (revised ed.) $25.00
- Rayburn's Tex Law of Condemnation and Land Property $25.00
- Gilbert's Texas Estates Manual with Forms loose-leaf $25.00

ADD 2% SALES TAX IN TEXAS

Please send items checked above to:

Name
Address
City .............................................. State .......................... Zip ............

check enclosed delivery paid ... bill 30 days

THE SOUTHWESTERN LAW JOURNAL

1966 Revised Price List

One Year Subscription .................................. $ 7.50
Three Year Subscription ................................ $ 20.00
Complete Set (Volumes 1-19)—Unbound ........ $118.00
   With One Year Subscription ...................... $124.50
   With Three Year Subscription ................. $135.50
Complete Set (Volumes 1-19)—Bound ............. $214.00
   With One Year Subscription ...................... $220.50
   With Three Year Subscription ................. $231.50

(Plus 2% Sales Tax)


Published Quarterly by the Southern Methodist University School of Law, Dallas, Texas 75222
RECENT DECISIONS

Antitrust—Enforcement of Federal Trade Commission Orders . . 220

Community Property—Probate Code
   Section 46—Williams v. McKnight . . . . . . . . . . 221

Discovery—Rule 186b—Limitations
   on Scope of Examination . . . . . . . . . . . . . . . . 223

Habeas Corpus—State Can Waive Requirement That
   Applicant Exhaust Available State Remedies . . . . . . 225

Procedure—Finality of Judgments—Appeal . . . . . . . . . . 227

Procedure—Time Limits for Perfecting Appeals . . . . . . . 228

Restitution—Defaulting Purchaser . . . . . . . . . . . . . . 229

Taxation—Grant of Formulas—Ordinary Income . . . . . . 231

Taxation—Section 1221 (1)—Property
   Held Primarily for Sale . . . . . . . . . . . . . . . . . 233

Taxation—Subchapter S—Classes of Stock . . . . . . . . . 234
"We need your opinion, counselor..."

Mercantile Trust Officers seek and rely upon your counsel and advice for all legal problems which arise in the administration of estates and trusts of those who name us as Executor or Trustee. This policy assures you of representation of our mutual clients for years after their death, law business which might otherwise be lost.

Trust Department
MERCANTILE NATIONAL BANK at DALLAS
MEMBER F.D.I.C.
CALL 214-741-4181