Chicago-Kent Law Review

Volume 21 | Issue 4 Article 6

September 1943

Index to Volume 21

Chicago-Kent Law Review

Follow this and additional works at: https://scholarship.kentlaw.iit.edu/cklawreview



Part of the Law Commons

Recommended Citation

Chicago-Kent Law Review, Index to Volume 21, 21 Chi.-Kent L. Rev. 353 (1943). $Available\ at:\ https://scholarship.kentlaw.iit.edu/cklawreview/vol21/iss4/6$

This Index is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact dginsberg@kentlaw.iit.edu.

INDEX — DIGEST

VOL. XXI

Page numbers in bold-face type are to Leading Articles; in italics, to Book Reviews and Book Notes; in plain type, to Notes and Comments and Discussion of Recent Decisions

Α

ACTIONS

Wrongful death: Right of legal representative of deceased employee to maintain action for wrongful death against the employee of another 271-3

APPEAL AND ERROR

See also Courts

In general: Survey of Illinois law for the year 1941-1942 33-8

Jurisdiction: Whether or not Illinois Supreme Court has jurisdiction of appeal taken in case where claims involving a freehold are combined with separate monetary demands 332-4

Record and proceedings not in record: Whether trial court has jurisdiction, after expiration of time allowed by rules of court in which to prepare and file record, to grant extension of time to appellant for such purpose 247-9

Requisites for transfer of causes:
Whether defect in notice of appeal requires dismissal of appeal 97-8

Right of review: Whether attorney

ordered to withdraw from case has such an interest in the subject matter as to entitle him to appeal from such order 186-7

Time of taking appeal: Whether date court indicates decree or date of signing and enrolling decree controls 98-100

ASSIGNMENTS

Necessity for notice: Whether holder of assignment of open account receivable is entitled to preference in bankruptcy over other creditors when no notice of assignment has been given 253-6

ATTORNEY AND CLIENT

See also Appeal and Error

Compensation and lien of attorney:
Extent of compensation permitted in probate matters 61-3
Whether an attorney has a right to recover on contract for contingent fee where death of attorney intervenes before recovery by client 337-9

Whether or not attorney's lien attaches to the fund or merely imposes personal liability 69-70

В

BANKS AND BANKING

In general: Survey of Illinois law for the year 1941-1942 1-2

Insolvency: Right to preference where trust funds are deposited in savings account 61

BANKRUPTCY

Assignment, administration, and distribution of bankrupt estate: Whether holder of assignment of open account receivable is entitled to preference over other creditors when no notice of assignment has been given 253-8

C

CHARITIES

Torts: Effect of public liability insurance on liability of charitable corporation for the negligence of its agents 256-9
Liability of charitable corporation for negligence of its agents 7-8

CHATTEL MORTGAGES

In general: Survey of Illinois law for the year 1941-1942 57-8

Priority of lien: Whether duly recorded chattel mortgage takes priority of lien over earlier judgment rendered in county into which mortgaged property is subsequently removed 39

Recordation: Whether or not change of registered office of corporation filed with Secretary of State but not recorded affects duty of holder of chattel mortgage to record same in appropriate county 259-62

COMMERCE

Power to regulate sale and production of goods: Status of loft building maintenance employees under the Fair Labor Standards Act of 1938 103-7

CONFLICT OF LAWS

In general: Survey of Illinois law for the year 1941-1942 68-71

Domicile: Whether court of place of probate and administration should apply foreign statute in determining validity of bequest of personal estate to local charity 268-71

CONSTITUTIONAL LAW

See also Commerce, Courts

In general: Survey of Illinois law for the year 1941-1942 71-4

Due process: Whether the Fourteenth Amendment guarantees an indigent defendant the right to counsel in a non-capital criminal case 107-12

Freedom of religion: Religion and the Law 156-80

Breach of peace involved in the free exercise of religion 169-80

Restraints on the distribution of religious literature 165-9

Restraints on the free exercise of religion 162-5

Restraints upon a free press as providing analogies to restraints upon freedom of religion 158-62

Statutory restraints upon religious practices amounting to a breach of the peace 173-7

The true basis of restraint upon intolerant so-called religious practices 169-80

Tolerance as an inseparable companion to freedom of religion

Freedom of speech: Whether power of a state to enjoin peaceful picketing violates right to free speech 112-6

CONTRACTS

See also Assignments, Government, Insurance

In general: Survey of Illinois law for the year 1941-1942 15-18

Breach: Forfeiture of contract for sale of lands by reason of nonpayment of installments of price 52-3

Contingent contracts: Whether an attorney has a right to recover on contract for contingent fee where death of attorney intervenes before recovery by client 337-9

Illegality: Sub-contractor's right to lien for materials furnished as affected by illegality in contract with the principal contractor 199-201

Requisites and validity: Consideration necessary for an heir's promise to pay ancestor's debt so as to toll the statute of limitations and bind the estate 188-92

CORPORATIONS

See also Banks and Banking, Charities, Municipal Corporations

In general: Survey of Illinois law for the year 1941-1942 1-8

C (Cont.)

Corporate powers and liabilities:
Effect of public liability insurance on liability of charitable corporation for the negligence of its agents 256-9

Whether or not change of registered office of corporation is effective as to third persons before certificate thereof has been filed with Secretary of State and also recorded 259-62

Corporate proverty, funds and securities: Whether transferor or transferee of shares held by shareholder who dissented from sale of substantially all of corporation's assets has right to recover award by appraisers fixing value of stock 192-4

Directors: Personal liability of directors arising from improper conduct of business and declaration of dividends 5-7

Name: Use of deceptively similar corporate name with permission 3

Treasury Stock: Treasury stock in its relation to earned surplus 328-32

COURTS

See also Appeal and Error, Practice and Pleading

In general: Survey of Illinois law for the year 1941-1942 34-6

Jurisdiction: Whether jurisdiction of city courts in Illinois extends to civil causes arising out of the city 116-9

Jurisdiction and powers of federal courts: Whether interference with interstate commerce is ground for exercise of jurisdiction by federal district court in a labor dispute between citizens of the same state 262-5

Rules: Effect of inartificial compliance with rules of court regulating appeal 33-4

Separation of powers: Power of judiciary to exercise control over legislative action or inaction 72-3

CREDITORS' RIGHTS

See also Judgments

In general: Survey of Illinois law for the year 1941-1942 38-40

Statutory provisions: Whether statutory provision for citation to discover assets abolishes judgment creditor's right to resort to a creditor's bill 334-6

CRIMINAL LAW

See also Constitutional Law

In general: Survey of Illinois law for the year 1941-1942 41-5

Defenses: Irresistible impulse as a defense in criminal cases 94-7

Evidence: Effect of detention in police custody for lengthy period prior to preliminary examination upon admissibility of confession otherwise voluntarily given 340-5

Whether or not persons whose names and places of residence are learned by illegal search and seizure of records may testify as to matters contained in such records 345-7

Right to counsel: Whether the Fourteenth Amendment guarantees an indigent defendant the right to counsel in a non-capital criminal case 107-12

DAMAGES

In general: Survey of Illinois law for the year 1941-1942 30-3

DESCENT AND DISTRIBUTION

See also Executors and Administors, Wills and Administration

In general: Survey of Illinois law for the year 1941-1942 61-8

DIVORCE

Alimony: Equitable enforcement of foreign alimony decree 46-7

D

 \mathbf{E}

EMINENT DOMAIN

In general: Survey of Illinois law for the year 1941-1942 51-2

EQUITY

See also Courts, Trusts

In general: Survey of Illinois law for the year 1941-1942 21-24

EVIDENCE

See also Criminal Law

In general: Survey of Illinois law for the year 1941-1942 29-30

Bibliography: King and Pillinger:
A Study of the Law of Opinion
Evidence in Illinois 207

Physical examination of parties:

Compulsory physical examination of plaintiff in personal injury cases 181-5

EXECUTORS & ADMINISTRATORS

See also Wills and Administration

In general: Survey of Illinois law for the year 1941-1942 61-8

Appointment, qualification and tenure: Whether person nominated by one member of class takes precedence over others in same class as to right to administer estate 194-5

Management of estate: Right to pay real estate property taxes unpaid at time of decedent's death 119-23

F

FAMILY

See also Divorce, Infants

In general: Survey of Illinois law for the year 1941-1942 45-8

G

GOVERNMENT

See also Constitutional Law

Bibliography: Bonnet: The United Nations on the Way 206-7

Office of Civilian Defense: Civilian Defense Manual on Legal Aspects of Civilian Protection 274

Peaslee: A Permanent United Nations 206-7

Contracts: Some Aspects of the Law of Government Contracts 300-27

Advertising for bids 303-5
Approval by senior officials 307-8
Compromise of claims arising under government contracts 317-9

Existence of an implied contract 308-13

Limitations on agent's authority to bind government 301-3

Measure of damages for breach by government 313-6

Necessity for a written contract 305-7

Renegotiation of terms of cost, etc., in government contracts 320-3

Standard provisions in government contracts for termination at government's election 323-7

Tender of performance by private contractor 316-7

Ι

INFANTS

See also Family, Trusts

Disabilities in general: Whether infant is liable for negligence under doctrine of respondent superior 195-7

Parental control: Tort liability for punishment inflicted pursuant to express delegation of parental authority 87

INSURANCE

In general: Survey of Illinois law

I (Cont.)

for the year 1941-1942

15-18

Beneficiary: Payment of proceeds of fire insurance policy to mort-

gagee named in mortgage clause as affecting amount due on mortgage 265-8

J

JUDGMENTS

See also Creditors' Rights, Practice and Pleading

Actions on judgments: Whether interest on a judgment is a part of it with regard to the statute of limitation 197-9

Bibliography: Restatement of the Law of Judgments (Am. Law Inst.) 351-2

Confession of judgment: Effect of motion to vacate judgment on ground power of attorney had become functus officio 28

Rendition, form and requisites in general: Whether more than

one judgment may be rendered in the same case against several defendants sued as joint tort-feasors 249-52

Summary judgment: Legislative amendments to statute dealing with summary judgment 28

JURISPRUDENCE

Bibliography: Shriver: The Judicial Opinions of Oliver Wendell Holmes 127-8

JURY

Demand for trial by jury: Time of making demand when equity proceeding transferred to law docket 28-9

 \mathbf{L}

LABOR LAW

See also Constitutional Law, Master and Servant, Workmen's Compensation

In general: Survey of Illinois law for the year 1941-1942 9-12

Injunctions: Whether federal district court has jurisdiction to issue an injunction in labor dispute between citizens of same state on ground of interference with interstate commerce 262-5 Power to regulate sale and production of goods: Status of loft building maintenance employees under the Fair Labor Standards Act of 1938 103-7

LIMITATIONS

See also Practice and Pleading

Tolling of statutory period: Consideration necessary to support an heir's promise to pay ancestor's debt so as to toll the statute of limitations 188-92

M

MASTER AND SERVANT

See also Labor Law, Workmen's Compensation

In general: Survey of Illinois law for the year 1941-1942 8-9

Tort liability of principal: Whether infant is liable for negligence of agent under doctrine of respondeat superior 195-7

MECHANICS' LIENS

In general: Survey of Illinois law for the year 1941-1942 58

Right to lien: Whether a statute providing for lien for materials used in form work is constitutional 199-201

MORTGAGES

See also Chattel Mortgages, Me-

M (Cont.)

chanics' Liens

In general: Survey of Illinois law for the year 1941-1942 53-8

Payment: Whether or not use of insurance money to rebuild premises after loss, pursuant to agreement between mortgagor and mortgagee, operates to reduce the mortgage indebtedness

Redemption: Operation and effect of deficiency judgment 201-4

MUNICIPAL CORPORATIONS

See also Government, Taxation, Torts, Workmen's Compensation In general: Survey of Illinois law for the year 1941-1942 75-7

Public utilities: Right of municipal corporation to intervene in rate-making proceedings 79

The Illinois Revised Cities and Villages Act: A study 129-55

General changes effected in the former law 137-40

Preparation and adoption of the revised act 132-7

Prior legislation 129-31

Specific changes effected in the former law 140-55

The Municipal Code Commission 131-2

N

റ

NE EXEAT

Proceedings to procure writ: Whether plaintiff may be excused from filing bond with good and sufficient surety 133-5

OIL AND GAS

In general: Survey of Illinois law for the year 1941-1942 48-50 Lease of lands: Application of payments made to trustee as lessor under oil and gas lease 60-1

P

PARTNERSHIP

In general: Survey of Illinois law for the year 1941-1942 14

Name: Necessity for registration of assumed or trade name 85-6

PAYMENT

Overpayment: Right of shareholdet in closed bank to recover payments made in excess of claims of unpaid depositors 1

PRACTICE AND PLEADING

See also Actions, Appeal and Error, Evidence, Ne Exeat

In general: Survey of Illinois law for the year 1941-1942 18-40

Amendment: Limitation on right to amend pleadings after trial 244-7 Right to amend complaint so as to prevent operation of statute of limitations 100-2

Dismissal and nonsuit: Whether plaintiff in Illinois may prevent judgment on merits and compel nonsuit by deliberately absenting himself from trial 348-50

Judgment: Whether more than one judgment may be rendered in same case against several defendants sued as joint tort-feasors 249-52

Process: Service of summons on partnership 14

PUBLIC UTILITIES

In general: Survey of Illinois law for the year 1941-1942 77-9

R

REAL PROPERTY

See also Mortgages, Oil and Gas, Titles, Trusts

In general: Survey of Illinois law for the year 1941-1942 48-53

Bibliography: Burby: Handbook of the Law of Real Property 274

Clarkson and Warren: The Law of Property in Shakespeare and the Elizabethan Drama 126-7

S

SALES

See also Commerce

In general: Survey of Illinois law for the year 1941-1942 18

Taxation of transfers: Application of Retailers' Occupation Tax Act to sales to purchaser outside of state 83-4

T

TAXATION

In general: Survey of Illinois law for the year 1941-1942 79-84

TITLES

In general: Survey of Illinois law for the year 1941-1942 48-51

TORTS

See also Charities, Infants, Workmen's Compensation

In general: Survey of Illinois law for the year 1941-1942 86-93

Damages: Punitive damages in action for assault and battery 32-3

Municipal corporations: Liability of municipality for damage inflicted by police in suppressing riot 75-6

Trover: Action based on illegal pledge of assets to secure public deposits 2

TRADE REGULATION

See also Commerce

In general: Survey of Illinois law for the year 1941-1942 84-6

TRUSTS

In general: Survey of Illinois law for the year 1941-1942 58-61

Conflict of laws: Whether jurisdiction over trustee is limited to state in which will creating trust was probated 71

Modification: The Chancellor in Loco Parentis: Modification of Trusts for Children 275-99

Equitable jurisdiction over minors 296-8

Modification of private trusts 276-88

- 1. Where power to modify is reserved 276-7
- 2. Where power to modify is not reserved 277-83
- Modification of trusts for children 287-96
 - 1. By compromise of minor's claims 289-93
 - 2. Changing accumulation provisions 293-6

V

VENDOR AND PURCHASER

See also Contracts

In general: Survey of Illinois law for the year 1941-1942 52-3

W

WILLS AND ADMINISTRATION

See also Executors and Administrators

In general: Survey of Illinois law for the year 1941-1942 61-8

Management of estate: Right to pay real estate property taxes unpaid at time of decedent's death 119-23

Restrictions on devises and bequests for charitable and religious purposes: Whether court of place of probate and administration should apply foreign statute in determining validity of bequest of personal estate to local charity 268-71

WORKMEN'S COMPENSATION

In general: Survey of Illinois law for the year 1941-1942 12-14

Effect of act on other statutory or common law rights of action: Meaning of "bound by the act" as applied to right of legal representative of deceased employee to maintain action for wrongful death against the employee of another 271-3

Municipal employment: Relationship between municipal employment and workmen's compensation 209-43

Confusion in existing statutes bearing on subject of workmen's compensation for municipal employees 211-2

General considerations affecting municipal duty to provide compensation 209-12

Pertinent questions to be resolved in determining municipal liability to compensate injured employee 242-3

Specific statutory requirements affecting right of municipal employees to workmen's compensation 212-42

Notice of accident or injury:
Whether death must occur
within one year from date of
accident 204-5