Index to Volume 13

Chicago-Kent Law Review

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

Part of the Law Commons

Recommended Citation
Available at: https://scholarship.kentlaw.iit.edu/cklawreview/vol13/iss4/7

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

References in bold-faced type are to LEADING ARTICLES; in italics to BOOK REVIEWS and BOOK NOTES; and in plain type to CASE NOTES and DISCUSSION OF RECENT DECISIONS.

AGENCY

Bibliography: Murray: The Rights of Employers in the Inventions of Employees 392

Misrepresentations of agent:
Purchaser's rescission of contract for fraud of vendor's agent where vendor was innocent 70-72

BANKS AND BANKING

See also Negotiable Instruments

Repurchase agreements: Validity of agreements by bank to repurchase bonds sold by it as affected by public policy 241-257

Contracts of banking institutions as quasi-public and

within the scope of police power 243-248

The banking statute as declaratory of public policy 248-251

Repurchase agreements as void because against public policy 251-257

CARRIERS

Interstate commerce: Where to draw the line between interstate and intrastate commerce 216-218

Liability of carriers: Employment under Federal Employers' Liability Act 191-218

Definitions of terms used in the Act 193-195

Test of engagement in interstate commerce or closely related work as to bring case under Act 203-205

Remote participation in interstate commerce affecting liability under the Act 213-218

CONFLICT OF LAWS

See also Workmen's Compensation

Bibliography: Restatement of the Law of Conflicts of Laws 187-188

CONSTITUTIONAL LAW

See also Carriers, Corporations

C

Police power: Constitutionality of Illinois anti-injunction labor law 170-172

Constitutionality of state statute prohibiting advertising by dentists 258-260

Limitation that exercise of police power must be reasonable with respect to imposing expense of grade crossing upon railroad 262-265

Raising the question of constitutionality: Can the Supreme Court raise the question of the constitutionality of a statute on its own motion† 86-89

CORPORATIONS

Bibliography: Magill and Hamilton: Cases on Business Organization 303

Foreign corporations: "Doing business" in a state for the purpose of service of process on a foreign corporation 328-346

Origin of doctrine of allowing service of process 329-330

393
## INDEX-DIGEST

### Classes of cases involving question of doing business
- Corporations engaged in interstate commerce as not doing business: 334-336
- Single acts or solicitation of orders not doing business: 336-339
- Actual open transaction of business for which corporation was formed as doing business: 340-345

### Affirmative and negative rules for determining what constitutes doing business
- Ultra vires: Modern tendency to restrict defense of ultra vires: 377-379

### CRIMINAL PROCEDURE
- Reversal of conviction: Where relationship between juror and injured party is ground for reversal: 82-84

### DOMESTIC RELATIONS
- See also Marriage

### EQUITY
- See also Mortgages, Trusts
- Equitable restrictions: Equitable restrictions on the use of real property and their relation to covenants running with the land: 33-55
- Distinction between equitable restrictions and covenants running with the land: 33-35
- Necessity for notice to grantee in order to bind him by the covenant: bona fide purchaser for value without notice as not bound: 36-42
- Reciprocal burdens and benefits of equitable servitudes: 42-43
- Whether an equitable easement is property within the meaning of the constitutional provisions, state and Federal, which prohibit the taking of private property for public use without just compensation: 43-45
- How equitable easements may be created, and requirement of writing: 46-47
- Invalidity of covenants in general restraint of trade: 48-52

### Bibliography: Goldstein: The Family in Court: 185-186

### D

### E
- Loss of benefits under restrictive covenants: 52-53
- Affirmative covenants and enforcement theory: 53-55
- Historical development: Nineteenth century equity: a study in law reform: maturity and reform: 305-327
- Establishment of Court of Chancery as an institution independent of the king's council: 307-309
- Growth of rules and certainty in equity: 309-311
- Equity procedure and the organization of the Court of Chancery: 312-314
- Complexity of nineteenth century equity pleading: 315-317
- The reformers in equity and their efforts to correct abuses: 317-324
- Reform through Parliamentary action and the accomplishments of the reform period: 324-327
- Interpleader: Whether privity between claimants is still requisite to a bill of interpleader: 281-284
- Jurisdiction: Whether a legal
remedy available only in a foreign jurisdiction is sufficiently adequate to exclude equity jurisdiction 56-61

Power of a court of equity to give relief from decrees of the probate court 91-113

Equitable relief where the will is probated by accident or mistake, or the probate procured by fraud 95-102

Difference between fraud in obtaining a will and fraud in obtaining probate of a will— intrinsic and extrinsic fraud 103-113

Form of relief granted by equity for extrinsic fraud in obtaining probate 113

Equitable jurisdiction to avoid multiplicity of suits 271-273

Specific performance: Specific performance of parol promise to convey interest in land 385-387

EVIDENCE

See also Procedure

Admissibility: Hospital records in evidence 347-354

Hospital records admissible as regular entries in the course of business 347-348

Classes of rulings of the courts on the question 351-352

Objections raised to admissibility of such records, and conflicting solutions 352-354

Presumptions: Presumption of death after seven years' absence as fulfilling the condition of death in life insurance policies 61-69

FRAUD

See also Agency, Equity

INSURANCE

See also Evidence

Adverse claims: Right to proceeds of insurance policy upon mortgaged property after repairs have been made 387-389

JUDGMENTS

See also Procedure

Revival: Jurisdiction of circuit court to revive municipal judgment, transcript of which has been filed 379-380

JURIES

See also Criminal Procedure

Endorsement of indictments: Signature of foreman of grand jury as directory, not mandatory 365-366

Selection of grand juries: Provisions for selection of grand juries as directory or mandatory 77-79

JURISPRUDENCE

See also Equity

Bibliography: Robson: Civilisation and the Growth of Law 390-391
INDEX-DIGEST

MARRIAGE
See also Real Property
Alimony: Whether alimony may be garnished or attached as a debt 148-156

MORTGAGES
Assumption of mortgage: How a grantee assents to the clause in a deed by which he assumes the mortgage 293-296
Foreclosure sale: Bidding in property at foreclosure sale as a

NEGOTIABLE INSTRUMENTS
Checks: Certified check not preferred claim against closed bank in hands of receiver 376-377
Ratification of delivery of check to unauthorized agent

PROCEDURE
Amendment: Extent of amendment permitted in complaint after statute of limitations has run on original cause of action 299-302
Appeal: Right to take an appeal from an order granting a motion for a new trial 84-86
Whether the provisions for appeal in the Illinois Civil Practice Act apply to reviews of judgments of the criminal court 168-169
When a report of proceedings is improperly filed: election not to file: time for appeal after election 297-299
Necessity of assigning cross-errors on appeal 380-381
Bill of review: Jurisdiction to entertain a bill in the nature of a bill of review to impeach a decree of another court on grounds of fraud 79-82
Directed verdict: Directed verdict
privilege of trustee or as duty at discretion of chancellor 160-165
Power of court to set upset price in foreclosure sale: duty and right of trustee to bid for bondholders 355-357
Proof of claim in bankruptcy: Mortgagee's right after foreclosure to prove claim in bankruptcy in full where bankrupt has conveyed subject to mortgage 357-359
as including ratification of forged signature of principal 379-383
Validity of title: What constitutes notice of an infirmity in the title of a vendor of negotiable paper 284-288

dict under the Civil Practice Act 260-261
General verdict: Presumption of malice under a general verdict 279-281
Jointer of parties: Duty of plaintiff to discover relations of joined defendants to cause of action prior to trial 165-168
Lis pendens: Whether lis pendens operates as to unknown owners when bill is filed or when affidavits requisite to publication are filed 157-160
Report of proceedings: When the trial judge may correct a report of proceedings 365
Reversal of judgment: Right of appellate court to decree partial reversal of judgment against joint tortfeasors 285-288
Writ of prohibition: Power of Superior Court to issue writ of prohibition to Municipal Court of Chicago as inferior court 273-276
INDEX-DIGEST

REAL PROPERTY
See also Equity

Bibliography: Kulp: Cases on Oil and Gas 303-304
Creation of estates: Enlargement

SALES
Conditional sales: Some limitations on the remedies of vendor 1-32
Remedies available to vendor 3-6
Election of remedies and effect of election to sue for purchase price or retake goods 6-16
Effect of provision in contract against waiver 12-13
Uniform Conditional Sales Act as changing election of remedies 13-16
Duty of vendor to return payments after retaking goods 16-17

STATUTES
See also Constitutional Law

TAXATION
Situs: Intention of owner of tangible chattel as affecting determination of situs for inheritance tax 176-182

TORTS
See also Negotiable Instruments, Trusts
Nuisance: Effect of delay in asserting right to abate a public nuisance 73-77
Slander and libel: Conditional privilege in the law of slander and libel 219-240
Necessity for interest or duty to disclose for privilege to exist, as well as absence of malice 219-220
Family relationship as ground for privilege 221-226
Employer-employee relationship as ground for privilege 226-232
Common membership in a religious, fraternal or social organization as ground for privilege 232-235
Common interest in the subject matter as ground for privilege 235-240
Tort liability of municipalities: Removal of refuse and garbage as a proprietary rather than governmental function of a municipality as far as liability of the municipality for the torts of its servants is concerned 371-374
Trespass: Trespass ab initio as applied to the law of arrest 268-271

TRUSTS
Liability of trustees: Liability of trustee under land trust for injuries due to condition of trust property 383-385
Trust investments: Distribution to income and corpus of return from trust investments 362-365
# INDEX-DIGEST

## WILLS

See also **Equity**

**Construction of wills:** Effect of provision in will for employment of a named attorney upon executor's right to select another 366-369

Latent ambiguity caused by misdescription of a legatee 369-371

**Lapsed legacies and devises:**
- Anti-lapse statutes as preventing intestacy 141-148
- **Power of appointment:** Sufficiency of residuary clause in will to execute power of appointment 182-184

## WORKMEN'S COMPENSATION

See also **Insurance**

**Conflict of laws:** Extraterritorial application of workmen's compensation acts 114-140

Extent to which one state will enforce its own act when the accident occurs outside of its own boundaries 117-118

Difference in application of elective and compulsory acts 118-123

Lapsed legacies and devises: Anti-lapse statutes as preventing intestacy 141-148

**Power of appointment:** Sufficiency of residuary clause in will to execute power of appointment 182-184

**Lapse of legacies and devises:** Anti-lapse statutes as preventing intestacy 141-148

**Power of appointment:** Sufficiency of residuary clause in will to execute power of appointment 182-184

**Extent to which one state will enforce the act of another state** 117-118

**Extent to which one state will enforce its own act when the accident occurs outside of its own boundaries** 117-118

**Difference in application of elective and compulsory acts** 118-123

**General principles of conflict of laws applicable** 123-129

**Enforcement of foreign acts** 130

Injuries incurred on United States property 130-135

**Definitions:** Relief worker as "employee" under Workmen's Compensation Act 174-176

**In general:** Principles underlying workmen's compensation acts 116-117

**Rules of decisions:** Illinois decisions on applicability of state Workmen's Compensation Act to injuries occurring outside the state 135-138

## ZONING

See **Statutes**