

INDEX

OF

ARTICLES, NOTES AND PROGRESS OF THE LAW ACCORDING TO SUBJECTS.

(Articles and notes are indicated. Subjects not so indicated are in the Progress of the Law.)

ACCORD AND SATISFACTION.

State Statutes Changing Common Law Rule of *Foakes v. Beer*, 203.

ACTIONS FOR DEATH IN THE ADMIRALTY COURTS (*note*), 252.

ADVERSE POSSESSION.

Tax Deed: Color of Title, 62.

True Owner in Possession as Tenant, 350.

AGENCY. See *Principal and Agent*.

Failure to Renew Lease: Tort: Breach of Fiduciary Duty, 203.

Liability of Agent in Tort for Breach of Fiduciary Duty (*note*), 201.

ANTI-TRUST LAW AS APPLIED TO LABOR CASES (*note*), 339.

ASSUMPSIT.

Limitations of the Action of, as Affecting the Right of Action of the Beneficiary (*article*), 73.

ATTACKING AN ERRONEOUS JUDGMENT BY MEANS OF THE WRIT OF HABEAS CORPUS (*note*), 255.

BANKS AND BANKING.

When is a Bank the Bona Fide Owner of a Check Left for Collection? (*article*), 375.

BILLS AND NOTES. See *Banks and Banking, Payment*.

Doctrine of *Price v. Neal*: Effect of Endorsement by Holder (*note*), 122.

BILLS AND NOTES (Continued).

- Effect of Negotiable Instruments Act on the Liability of a Surety (*note*), 341.
- Endorsement: Cashier, 351.
- Forged Check: Right of Action for money Had and Received (*note*), 395.
- Forged Check Payable to Bearer: When Indorser is Liable to Drawer, 127.

BOUNTIES. See *Constitutional Law*.

CARRIERS.

- Duty of Carriers: Protection from Insult, 62.
- Express Companies: As Insurers, 267.
- Liability of Railroad Company for Acts of Conductors, 63.

CHARITIES.

- Liability for the Negligence of Servants (*note*), 124.

CHECKS. See *Bills and Notes*.

COMMON CARRIERS. See *Carriers*.

COMPENSATION TO THE ABUTTER FOR A NEW USE MADE OF THE HIGHWAY (*note*), 116.

CONFLICT OF LAWS.

- Telegraph Company: Failure to Deliver Message, 204.

CONSIDERATION. See *Contracts*.

CONSTITUTIONALITY OF A STATE APPROPRIATION TO A PRIVATE ASSOCIATION (*note*), 119.CONSTITUTIONALITY OF STATUTES REQUIRING CORPORATIONS TO PAY EMPLOYEES' WAGES IN MONEY (*note*), 194.CONSTITUTIONAL LAW. See *Eleventh Amendment, Interstate Commerce*.

- Bounties: What Constitutes a Public Purpose, 127.
- Division of Legislative Power Between Congress and the States (*article*), 361.
- Employers' Liability Act (*note*), 257.
- Equitable Jurisdiction to Restrain Legal Proceedings under Alleged Unconstitutional Statute (*note*), 197.
- Municipal Ordinance: Right to Restrain Passage, 205.

CONSTITUTIONAL LAW (Continued).

- Police Regulation: Liquor License, 204.
- Right of State to Expel a Foreign Corporation: Reasonableness of Railroad Rates, 63.
- Statute Requiring Payment of Wages in Money, 206.
- Tort on High Sea: Liability under State Statute, 268.

CONTEMPT OF COURT.

- Publication of Decision, 268.

CONTRACTS. See *Assumpsit, Statute of Frauds.*

- Assignments: Bankruptcy, 351.
- Options: Consideration of One Dollar, 207.
- Right of Third Party to Sue (*note*), 398.

COPYRIGHT.

- In Musical Compositions: Perforated Rolls, 407.

CORPORATIONS. See *Constitutional Law, Municipal Corporations, Principal and Agent.*

- Dividends: Scrip-Dividends: Income and Principal: Life Tenant: Remainderman, 64.
- Liability of Stockholders upon Unpaid Stock Subscriptions (*note*), 57.
- Liability on Unpaid Subscriptions, 65.
- Statutes Requiring Corporations to Pay Employes' Wages in Money (*note*), 194.

CRIMINAL LAW. See *Homicide, Jeopardy.*

- Evidence: Identification by Voice Alone, 65.
- False Pretence: Value, 408.
- Former Jeopardy, 269.
- Jurisdiction: United States Court for China, 269.

COURTS FROM THE REVOLUTION TO THE REVISION OF THE CIVIL CODE (*article*), 88.COURTS OF PENNSYLVANIA IN THE EIGHTEENTH CENTURY PRIOR TO THE REVOLUTION (*article*), 28.DAMAGES. See *Compensation, Principal and Agent.*

- Mental Suffering in Tort and Contract, 270.

DISCOVERY.

- Exhuming Dead Body, 207.
- Manner of Objecting to a Bill for Discovery Objectionable on its Face (*note*), 199.

DISCOVERY (Continued).

- Production of Documents Before Trial, 352.
- Scope of the Remedy of Discovery (*note*), 262.

DIVIDENDS. See *Corporations*.

DIVORCE.

- Evidence: Sufficiency, 128.

DOCTRINE OF *PRICE v. NEAL*; EFFECT OF ENDORSEMENT BY HOLDER (*note*), 122.

EFFECT OF THE NEGOTIABLE INSTRUMENTS ACT ON THE LIABILITY OF A SURETY (*note*), 341.

EMPLOYEES' LIABILITY ACT (*note*), 257.

ELEVENTH AMENDMENT.

- Suit against Attorney-General, 353.
- When a State is a Party within It (*note*), 52.

EQUITABLE JURISDICTION TO RESTRAIN LEGAL PROCEEDINGS UNDER ALLEGED UNCONSTITUTIONAL STATUTE (*note*), 197.

EQUITY.

- Injunctions Against Nuisances and the Rule of First Establishing a Right at Law (*article*), 289.
- Unfair Competition: Relief by Injunction Refused, 270.

EQUITY PLEADING.

- Manner of Objecting to a Bill for Discovery Objectionable on its Face (*note*), 199.

EVIDENCE. See *Criminal Law, Discovery, Divorce, Sales, Wills*.

- Character: Whether Personal Opinion of Witness is Admissible, 128.
- Production of Documents Before Trial Authorized by Statute (*note*), 400.
- Statements Calling for Denial: Presence of Defendant, 66.

EXPRESS COMPANIES. See *Carriers*.

FIXTURES.

- Unlawful Attachment, 271.

FOREIGN ATTACHMENT IN PENNSYLVANIA (*article*), 137.

FRAUD.

Liability for False Prospectus: Intent, 208.

GIFTS.

Causa Mortis: Delivery, 66.

GUARANTY.

Notice of Acceptance, 408.

HABEAS CORPUS.

Attacking Erroneous Judgment, 271.

Attacking Erroneous Judgment by Means of (*note*), 255.

HALE, SIR MATTHEW (*article*), 384.HIGHWAYS. See *Negligence*.

Compensation for a New Use Thereof (*note*), 116.

HOMICIDE.

Spring-Guns: Warning: Intent, 272.

Trial: Instructions: Request, 409.

INJUNCTIONS. See *Equitable Jurisdiction, Equity*.INJUNCTIONS AGAINST NUISANCES AND THE RULE REQUIRING THE PLAINTIFF TO ESTABLISH HIS RIGHT AT LAW (*article*), 289.

INNKEEPERS.

Boarding-House Keepers: Distinction in Regard to Liability for Theft, 272.

INSURANCE.

Life Insurance: Designation of Beneficiary: Vested Interests, 67.

Recovery where Insured is Executed for Crime, 353.

INTENTION AND WISDOM OF THE DIVISION OF LEGISLATIVE POWER BETWEEN CONGRESS AND THE STATES (*article*), 361.JAMES WILSON AND THE SO-CALLED YAZOO FRAUDS (*article*), 1.JEOPARDY. See *Criminal Law*.

What Constitutes Being Put in Jeopardy of Life and Limb, 209.

LABOR QUESTIONS. See *Anti-Trust Law, Constitutionality, Constitutional Law, Equity*.

- LEGACIES. See *Wills*.
- LIABILITY OF AGENT IN TORT FOR BREACH OF FIDUCIARY DUTY (*note*), 201.
- LIABILITY OF A CHARITY FOR THE NEGLIGENCE OF ITS SERVANTS (*note*), 124.
- LIABILITY OF STOCKHOLDERS UPON UNPAID STOCK SUBSCRIPTIONS (*note*), 57.
- LIABILITY OF WHOLESALE MANUFACTURER TO CONSUMER (*note*), 55.
- LIMITATIONS OF THE ACTION OF ASSUMPSIT AS AFFECTING THE RIGHT OF ACTION OF THE BENEFICIARY (*article*), 73.
- MASTER AND SERVANT. See *Negligence*.
- MORAL DUTY TO AID OTHERS AS A BASIS OF TORT LIABILITY, PARTS I, II (*article*), 217, 316.
- MUNICIPAL CORPORATIONS. See *Constitutional Law*.
 Actions for Negligence: Notice of Injury, 129.
 Disposal of Electric Power, 68.
 Right of City to Dispose of Surplus Electric Power for Private Purposes (*note*), 60.
- NEGLIGENCE. See *Municipal Corporations, Street Railroads*.
 Contributory Negligence of Child Under Ten, 68.
 Duty to Trespasser: Opening near Highway: Province of Court and Jury, 130.
 Highways: Liability of Persons Causing Obstructions, 273.
 Liability of Charity for Acts of Servants, 129.
 Liability of Charity for Servants' Negligence (*note*), 124.
 Liability of Wholesale Manufacturer to Consumer (*note*), 55.
 Liability of Wholesaler to Consumer, 69.
 Master and Servant: Dangerous Premises: Duty of Master, 275.
 Persons Liable: Liability of Lessor of Machinery, 274.
- NEGOTIABLE INSTRUMENTS ACT.
 Effect on Liability of Surety (*note*), 341.
- NUISANCE.
 Establishment of Right at Law (*article*), 289.
- OPTIONS. See *Contracts*.

ORDINANCES. See *Constitutional Law*.

PAYMENT.

Pre-existing Debt: Promissory Note: Presumption, 410.

PERPETUITIES.

Suspension of Absolute Power of Alienation: Life Estate, 209.
Vested and Contingent Interests and the Rule against Perpetuities (*article*), 245.

POLICE DEPARTMENT. See *Constitutional Law*.

Bertillon System of Measurement: Mandamus, 276.

PRINCIPAL AND AGENT.

Unauthorized Sale by Stockholder: Measure of Damages, 131.

PRINCIPAL AND SURETY.

Departure from Contract Obtained by Fraud of Principal, 409.

RAILROADS. See *Constitutional Law, Corporations, Street Railroads*.

REASONABLENESS OF RATES. See *Constitutional Law*.

Exclusion of Freight Traffic in Estimation Thereof (*note*), 405.

RECOVERY FOR DAMAGES FOR MENTAL SUFFERING IN
TORT AND CONTRACT (*note*), 260.

RESTRICTIONS UPON THE USE OF LAND (*note*), 344.

REVIVAL OF A REVOKED WILL (*note*), 347.

RIGHT OF ACTION FOR MONEY HAD AND RECEIVED ON
A FORGED CHECK (*note*), 395.

RIGHT OF A CITY TO DISPOSE OF SURPLUS ELECTRIC
POWER FOR PRIVATE PURPOSES (*note*), 60.

RIGHT OF A THIRD PARTY TO SUE ON A CONTRACT (*note*),
398.

SALES. See *Guaranty*.

Bailment or Conditional Sale: Parol Testimony, 69.

By Dealer: Implied Warranties: Fitness for Purpose Intended, 354.

Fraudulent Conveyances: Retention of Possession by Vendor,
411.

On Approval or Trial: Acts Constituting Election, 132.

Statute of Frauds: Acceptance and Receipt, 355.

Vendor's Mistake Known to Vendee, 133.

SCOPE OF THE REMEDY OF DISCOVERY (*note*), 262.

SECTION 724 REVISED STATUTES OF THE UNITED STATES
AUTHORIZING PRODUCTION BEFORE TRIAL
(*note*), 400.

STATE APPROPRIATION.

To a Private Association, Constitutionality of (*note*), 119.

STATUTES. See *Constitutionality, Constitutional Law, Employers' Liability Act, Equitable Jurisdiction.*

Authorizing Production of Documents before Trial (*note*),
400.

Requiring Corporations to Pay Employes' Wages in Money
(*note*), 194.

STATUTE OF FRAUDS. See *Sales.*

Agreements Not to be Performed Within a Year, 355.

STOCKHOLDERS.

Liability upon Unpaid Subscriptions (*note*), 57.

STREET RAILROADS.

Crossing Track: Contributory Negligence, 210.

"Volenti Non Fit Injuria" Applied to Those Riding in Ex-
posed Places (*note*), 402.

SURETYSHIP. See *Principal and Surety.*

TELEGRAPH COMPANIES. See *Conflict of Laws, Torts.*

TORTS. See *Agency, Carriers, Damages, Constitutional Law, Fraud, Negligence.*

Mental Suffering as a Cause of Action: Telegraph Company:
Insult, 133.

Mental Suffering: Recovery in Tort and Contract (*note*), 260.

Moral Duty to Aid Others as a Basis of Liability (*article*)
217, 316.

VESTED AND CONTINGENT INTERESTS AND THE RULE
AGAINST PERPETUITIES (*article*), 245.

"VOLENTI NON FIT INJURIA" AS APPLIED TO PERSONS
RIDING IN EXPOSED PLACES ON STREET RAIL-
WAY CARS (*note*), 402.

WATER-COURSES.

Removal of Artificial Constructions, 412.

WHEN A STATE IS A PARTY WITHIN THE ELEVENTH AMENDMENT (*note*), 52.

WHEN IS A BANK THE BONA FIDE OWNER OF A CHECK LEFT FOR DEPOSIT OR COLLECTION? (*article*), 375.

WHETHER IN ESTIMATING THE REASONABLENESS OF RATES PRESCRIBED FOR PASSENGER TRAFFIC THE COURT SHOULD TAKE INTO CONSIDERATION THE EARNINGS DERIVED FROM PASSENGER TRAFFIC ONLY, OR SHOULD TAKE INTO CONSIDERATION THE EARNINGS FROM BOTH FREIGHT AND PASSENGER TRAFFIC (*note*), 405.

WILLS.

Parol Evidence of Intent to Change Legacies on Land, 211.

Passing of After-Acquired Real Property, 357.

Revival of Revoked Will (*note*), 347.

Signing: Making a Mark for a Signature, 356.

Testamentary Capacity: Belief in Spiritualism as Evidence, 70.

