

Marquette Law Review

Volume 10
Issue 4 June 1926

Article 21

1926

Index-Digest, Volume 1 to 10

Marquette University

Follow this and additional works at: <https://scholarship.law.marquette.edu/mulr>



Part of the [Law Commons](#)

Repository Citation

Marquette University, *Index-Digest, Volume 1 to 10*, 10 Marq. L. Rev. 267 (1926).

Available at: <https://scholarship.law.marquette.edu/mulr/vol10/iss4/21>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Law Review by an authorized editor of Marquette Law Scholarly Commons. For more information, please contact elana.olson@marquette.edu.

INDEX—DIGEST

VOLUME 1 to 10

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

A

- | | Vol. : Page | | Vol. : Page |
|---|-------------|---|-------------|
| ABUTTING OWNERS | | —maritime liens | 4:120 |
| Right of abutting owner to restrain parking of vehicles upon street | 9:124 | —maritime torts | 4:125 |
| | | —salvage | 4:123 |
| | | —seamen's wages | 4:122 |
| ACCORD AND SATISFACTION | | ADOPTION | |
| Effect of part payment of existing debt | 6:89 | Effect of adoption upon right of adopted child to inherit from natural parent | 9:110 |
| ACTIONS | | Roman law no basis for interpretation of statutes on adoption | 9:239 |
| See also: <i>Case, Contracts (Actions) (Defenses), Dead Bodies, Ejection, Election of Remedies, Pleading, Replevin, Trespass, Trial, Trover and Conversion.</i> | | Under the civil law (old Roman law) | 9:240 |
| Conditions precedent: Notice as a condition precedent to bringing action: generally | 7:226 | Under the code of Justinian | 9:245 |
| —in actions involving personal injuries | 7:229 | ADVERSE EXAMINATION | |
| —in actions against railroads for injury to live stock | 7:229 | See <i>Discovery.</i> | |
| —in actions against municipalities for injury to person or property | 7:230 | ADVERSE POSSESSION | |
| Joinder of actions: What causes of action may be joined | 5:12 | In general: Under Wisconsin statutes | 8:104 |
| ADMINISTRATIVE LAW | | Effect of permissive adverse possession upon the operation of the statute of limitations | 8:112 |
| See also: <i>Constitutional Law.</i> | | Property acquired by as a vested right within constitutional provisions against impairment of vested rights | 6:139 |
| In general: Administrative bodies as having no jurisdiction under Federal and State Constitutions | 9:254 | Requisites: Actual possession | 8:107, 121 |
| Advantages of commissions over courts in matters of procedure and relief | 6:17 | Disseisin of true owner for requisite period | 8:118 |
| Powers of agencies: Limits of power of commission to deny issuance of certificate of "necessity" and "convenience" in the matter of street railway construction | 10:248 | Entry with intent to claim title | 8:110 |
| Power to define and prohibit unfair methods of competition | 9:137 | Exclusive, continuous and open possession | 8:108 |
| Power to establish standards for the gradation of food products | 9:148 | Necessity of good faith or of hostile possession | 8:106, 111 |
| ADMIRALTY | | Termination: By re-entry of true owner | 8:114 |
| Jurisdiction of courts of admiralty: generally | 4:118 | Temporary absence of adverse claimant not a termination | 8:116 |
| Subjects of jurisdiction: collisions at sea | 4:125 | AGENCY | |
| | | See <i>Principal and Agent.</i> | |
| | | ALIENS | |
| | | Naturalization: Effect of claim of exemption from war draft upon subsequent application for naturalization | 9:270 |
| | | Property: Construction of Enemy Trade Act with reference to confiscation of alien property | 9:204 |

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

- | ANIMALS | Vol. : Page | ATTACHMENT | Vol. : Page |
|---|-------------|---|---------------|
| Owner not liable for injuries by animal in absence of neglect or notice of vicious character | 10:163 | Right of creditors to attach corporate stock | 5:99 |
| APPEAL AND ERROR | | ATTORNEY AND CLIENT | |
| See also: <i>Trial (Instructions)</i> . | | See also: <i>Notice</i> . | |
| Appellate jurisdiction generally: | | Compensation: Code of Ethics too vague for determination of | 8:228, 237 |
| Appealability of orders enforcing discovery statute | 8:33 | Time element as the only element capable of reasonable calculation for the determination of lawyers' fees | 8:229 |
| Parties: Effect of appeal where there are several parties respondent | 5:16 | AUTOMOBILES | |
| Effect of appeal by one party to a judgment upon other parties thereto | 5:17 | See also: <i>Master and Servant, Negligence</i> . | |
| Record and case in appellate court: | | Automobilist not justified in violating statute because following directions of highway officer | 10:168 |
| Briefs: proper construction and subject matter of indexes of appeal briefs under the rules of practice of the Supreme Court of Wisconsin | 7:62 | Applicability of the family purpose doctrine to fix liability upon parent for torts of members of family while using automobile | 9:198, 10:252 |
| What defects are waived on appeal | 5:13 | Liability of parent for torts of minor son committed while using family automobile | 6:178 |
| Review: Discretionary power of court to reverse | 5:9, 13, 35 | | |
| Non-prejudicial error not ground for reversal | 5:7 | | |
| B | | | |
| BANKRUPTCY | | Validity of statute authorizing different mode of payment when presentment made through Federal Reserve Bank | 10:145 |
| Act of 1898 and amendments: Sec. | | Federal reserve: Control of banking corporations under the Federal Reserve Act | 5:124 |
| 3a (2) | 9:79 | Federal Reserve Banks as an outcome of the need for a national clearing house | 10:137 |
| Sec. 3a (3) | 9:80 | Par clearance in the Federal Reserve system | 10:134 |
| Sec. 57g | 9:87 | Purpose of the Federal Reserve Act | 5:124, 10:145 |
| Sec. 60 (a) | 9:81 | BILLS AND NOTES | |
| Sec. 60 (b) | 9:81, 86 | See also: <i>Banks and Banking, History of Law, Uniform Laws</i> . | |
| Sec. 60 (c) | 9:87 | Negotiable instrument act: Sec. 1 | 9:258 |
| Preferences: Elements of voidable preferences within the meaning of Sec. 60 of the National Bankruptcy Act | 9:82 | Sec. 3 (2) | 9:282 |
| New credits | 9:87 | Sec. 16 | 6:74 |
| Provable claims: New credits | 9:87 | Sec. 52 | 9:258 |
| Surrender of preferences by creditors having received voidable preferences as a condition precedent to recovery of claims by such creditors | 9:87 | Sec. 53 | 8:100, 103 |
| Recovery of property by trustee: Necessity and effect of demand by trustee to recover from creditors preferred by bankrupt | 9:86 | Sec. 55 | 6:75 |
| | | Sec. 58 | 6:74 |
| | | Sec. 66 | 8:100 |
| BANKS AND BANKING | | Practical application of uniformity of law in the act | 9:217 |
| See also: <i>Bills and Notes</i> . | | Purpose of the act | 9:218, 223 |
| Deposits: Payment of checks and drafts: Right of drawee bank to have checks presented for payment in the usual course of business | 10:141 | | |

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

Vol. : Page

Form: unconditional order or promise: Effect of words "as per contract" in a note 9:281

Checks: Effect of payment of forged check to innocent holder in due course 8:96

Defenses: in general: Analysis of defenses against a holder in due course 6:75

Effect of negotiable instrument in hands of holder in due course: illustration 9:258

Defenses: Forgery: Drawee bank liable upon payment of forged check to innocent holder 8:96

Defenses: non-delivery: Non-delivery of stolen negotiable instrument no defense against holder in due course 6:74

BILLS OF DISCOVERY

See *Discovery*.

BLUE SKY LAWS

Theory and purpose: Generally 3:143, 8:135

Vol. : Page

Validity: Blue Sky laws upheld as valid under the police power 3:144

BONDS

In general: Nature of a contract bond 10:154

Surety bonds as contracts of insurance 1:148

Particular bonds or classes of bonds. Contractors Bonds: Nature of contract bonds generally 10:154

Municipal or County Bonds: their general theory and purpose 3:35

—Municipal bonds as proper only for payment of extraordinary expenditures 3:35

Actions on: Right of third parties to sue on surety bonds 1:151

Validity of provision in surety bond limiting time of commencement of action thereon 1:149

C

CASE

Allegations necessary to sustain the action: generally 4:152

Defenses pleadable: generally 4:155

Scope and nature of the action 4:152

CHARITIES

See also: *Rule Against Perpetuities*.

In general: History and development of the Wisconsin Charity doctrine 8:168, 10:183

—present uncertainty in the Wisconsin law 8:172

History of the charity doctrine in America 10:181

Educational: Church purposes as an educational charity 7:138

Public: Religious purposes within the meaning of a public charity: enumeration, development and distinctions 7:133

Religious: Under the Statute of Elizabeth: enumerated 10:180

—much extended to embody modern religious purposes 7:132

CHATTEL MORTGAGES

See also: *Election of Remedies*.

In general: Elementary principles 10:65, 212

What constitutes a chattel mortgage 10:66

Recording and registry: Effect of unrecorded chattel mortgage

as against subsequent purchasers with notice 10:67

CIVIL LAW

See *Adoption*.

COMMERCE

See *Constitutional Law (Legislative Powers)*, *Interstate Commerce*.

COMMON LAW

The common law as a basis for the determination of the constitutionality of statutes 8:215

What is the common law of Wisconsin 1:22

COMPROMISE AND SETTLEMENT

See *Evidence (Admissions) (Admissibility)*.

CONSTITUTIONAL LAW

See also: *Administrative Law, Corporations (State Regulation), Courts, Elections, History of Law, Home Rule, International Law, Interstate Commerce, Jury, Police Power, Schools*.

Adoption of constitutions: Events leading up to the creation and adoption of the Federal Constitution 7:201

Construction and interpretation of constitutions: Authoritative construction of Constitutional provisions by the courts, and liberal construction of the powers of congress as a cause for the perpetuity of the Federal

INDEX-DIGEST

- References in heavy-faced type are to **LEADING ARTICLES**; in plain type to **NOTES AND COMMENT**
- | | Vol. : Page | | Vol. : Page |
|---|-------------|---|--------------|
| Constitution | 7:183, 186 | In the matter of compulsory public school attendance | 7:101, 10:94 |
| Of the Federal Constitution: Under the decisions of John Marshall | 7:115, 183 | Invaded by the expansion of the powers of the Federal Government by amendments and judicial interpretation | 8:240 |
| Leading constitutional cases in Wisconsin | 5:63 | Judicial powers: in general: History and nature of the power to declare laws unconstitutional | 7:5, 8:212 |
| Russian Constitution compared with the Constitution of the United States | 4:61 | Power of judicial review of acts of Congress as an element of the perpetuity of the Federal Constitution | 7:183 |
| Separation of powers: Principles governing the separation of the powers of the State and Federal Governments | 5:53 | Functions of Courts generally | 5:59 |
| Impairing contract obligations: Applicability of the contract clause to changes in decisions of courts | 6:130 | Vested powers of the United States Supreme Court under the Constitution | 10:204 |
| Bona fide exercise of the police power not restricted by contract clause of Federal Constitution | 6:130 | Judicial powers: delegation of powers: Power of administrative department to issue orders defining and prohibiting unfair methods of competition not an unconstitutional delegation of power | 9:137 |
| Scope and construction of constitutional provision prohibiting impairment of contract obligations | 6:129 | Legislative powers: commerce: Development and control of water power of navigable streams not within commerce clause of Federal Constitution | 8:7 |
| What contracts are within the constitutional restriction | 6:132 | Congressional control of corporations engaged in interstate and foreign commerce | 5:108 |
| Personal rights: Constitutional rights of an accused as hindrances to justice | 10:6 | Source and extent of the power of Congress to control commerce | 5:109 |
| Making an accused testify against himself | 5:82 | Legislative powers: delegation of powers: Power of administrative department to establish standards for the gradation of food products | 9:148 |
| Parental rights violated under proposed Federal Bureau of Education | 10:35 | Power of administrative department to issue orders prohibiting unfair methods of competition not an invalid delegation of legislative power | 9:137 |
| The Fourteenth Amendment as a basis for the protection of the right of parents to control the education of their children | 8:54 | Legislative powers: taxation: Federal taxation of corporations | 5:145 |
| Vested rights: Creation or extension of a statute of limitations as an invasion of vested rights | 6:135 | Limits of the power of a state to tax corporations on the basis of their capital stock | 10:96 |
| Inchoate right of dower not a vested right | 6:140 | Privileges and immunities: Jurisdiction over non-resident motorists by substituted service upon state official | 10:44 |
| Reversions and remainders as vested rights | 6:139 | Equal protection of the laws: Exemption of banks, loan associations, insurance companies | |
| Revival by legislature of right of action barred by statute of limitations as an invasion of vested rights | 6:138 | | |
| The Fourteenth Amendment as the basis for protection against impairment of vested rights | 6:134 | | |
| Title acquired by adverse possession a vested right | 6:139 | | |
| State rights: Ability of State to prescribe maximum of instruction for private schools | 8:56 | | |

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

- | | Vol. : Page | | Vol. : Page |
|---|-------------|--|-------------|
| and public utilities from operation of act prohibiting unfair competition not arbitrary classification | 9:136 | CONSTRUCTIVE TRUSTS | |
| Gifts inter vivos made within six years of donor's death as an invalid classification for purposes of inheritance taxation | 9:5 | See <i>Trusts</i> . | |
| Regulation of hours of labor and wages on public works as a denial of equal protection | 5:156 | CONTRACTS | |
| Due process of law: in general. As the equivalent of the "law of the land" | 7:154 | See also: <i>Bonds, Corporations, Municipal Corporations, Statute of Frauds, Vendor and Purchaser.</i> | |
| Due process of law: liberty to contract: Compulsory public school attendance as a violation of | 7:100 | Construction: Of instalment contracts: generally | 8:248 |
| Regulation of hours of labor and wages on public works as affecting freedom of contract | 5:156 | —after acceptance of a partial performance | 8:248 |
| Due process of law: religious liberty: Compulsory public school attendance as a violation of | 7:99 | Manner in which question of whether contract is entire may arise | 9:283 |
| Proposed Federal Bureau of Education as a violation of religious liberty | 10:35 | Consideration: Present binding obligation not a good consideration | 6:87 |
| The Fourteenth Amendment a protection of religious liberty against State invasion | 8:56 | Sufficiency of consideration for settlement by a partial payment | 6:89 |
| Due process of law: property rights: Excessive special assessment not a taking without due process in absence of timely objection thereto | 9:193 | Performance: incomplete performance: Effect of partial performance of ultra vires contracts of corporations | 5:211 |
| Property acquired by adverse possession as a vested right | 6:139 | Impossibility of performance as basis for recovery under an entire contract | 9:283 |
| Zoning: Creation of restricted residence districts from which business buildings are excluded as a taking for a public use | 2:29 | Extinguishment: rescission: By infant, and recovery of consideration | 6:77 |
| Due process of law: civil remedies: Defense of statute of limitations as a vested right | 6:135 | Right of rescission after partial performance: of severable contracts generally | 8:259 |
| Jurisdiction over non-resident motorists by substituted service upon state official | 10:45 | —upon failure to perform or expression not to perform | 8:254 |
| Due process of law: regulation of trade or business: Prohibition of unfair methods of competition valid under Fourteenth Amendment | 9:135 | —where benefit has accrued | 8:255 |
| CONSTRUCTIVE NOTICE | | Right of rescission of partially executed ultra vires contracts | 5:221 |
| See <i>Notice, Records and Recording Laws.</i> | | Rescission of instalment contract upon but partial performance of an instalment | 8:260 |
| | | Actions: Necessary allegations: in actions on specialty and simple contracts generally | 4:146 |
| | | —in special assumpsit | 4:146 |
| | | Remedies on contract: in general: Before full performance and after partial performance of severable contracts | 8:250 |
| | | Remedies on contract: specific performance: Delivery of ordinary personal property where legal remedy is inadequate | 10:59 |
| | | Zoning ordinance as an encumbrance sufficient to deny remedy of specific performance to vendor under a land contract | 10:162, 166 |
| | | Defenses: Adequacy of legal remedy as a defense in suit for | |

INDEX-DIGEST

References in heavy-faced type are to **LEADING ARTICLES**; in plain type to **NOTES AND COMMENT**

- | | Vol. : Page | Vol. : Page |
|---|----------------------|-------------|
| specific performance of contract for delivery of ordinary personal property | 10:59 | |
| —necessity for a completely adequate legal remedy | 10:60 | |
| CONTRIBUTION | | |
| See <i>Joint Tort Feasors.</i> | | |
| COPYRIGHT | | |
| See also: <i>Trade Marks and Trade Names.</i> | | |
| History and nature of the right | 4:81, 85 | |
| What are proper subjects of copyright | 4:86 | |
| CORPORATIONS | | |
| See also: <i>Blue Sky Laws, Constitutional Law (Legislative Powers: Taxation), Election of Remedies, Estoppel, Foreign Corporations, Process, Public Utilities.</i> | | |
| Creation and organization: Creation of corporations by estoppel to deny existence | 4:217, 5:46 | |
| De facto corporations: requirements necessary for the existence of corporations de facto | 3:137, 4:217 | |
| Power of Federal Government to create | 5:110 | |
| Steps in the incorporation of a Wisconsin corporation | 3:64 | |
| What constitutes evidence of incorporation | 5:46 | |
| Dissolution, forfeiture of franchise: Payment of dividends from proceeds of sales of stock as grounds for ouster | 10:98 | |
| Right of minority stockholder to compel dissolution of solvent going corporation on ground of mismanagement | 9:285 | |
| State regulation: Control of corporations under the Clayton Anti-Trust Act | 5:133 | |
| —under the Sherman Anti-Trust Act | 5:122 | |
| Effectiveness of regulation under the reserve clause as compared with regulation under the police power | 7:74 | |
| Extent of Federal control of corporations | 5:114 | |
| Extent of corporate regulation under the police power | 7:72 | |
| Regulation of sale of corporate securities | 8:135 | |
| Voting trust agreements: Validity in general | 3:164 | |
| View that voting trusts are not contrary to public policy | 3:161, 163, 164, 163 | |
| View that such agreements are void as creating a separation of ownership and the right to vote | 3:162, 165 | |
| Corporations de facto: Collateral attack: Corporation de facto subject only to direct attack by the State in quo warranto | 3:139, 5:51 | |
| Differences between corporations de facto and corporations created by estoppel of the parties | 5:46 | |
| Requirements for the existence of a de facto corporation | 3:137, 4:217 | |
| Capital, stock, and dividends: Advantages of no par value stock | 7:78 | |
| Effect of payment of dividends from proceeds of sales of stock | 10:98 | |
| Nature and provisions of the Uniform Stock Transfer Act | 5:91 | |
| Valuation of property, labor or services taken in payment for stock | 3:195 | |
| —the “good faith” rule | 3:197 | |
| —the “true value” rule | 3:199 | |
| Contracts: Effect of partial performance of ultra vires contracts | 5:211 | |
| Directors: in general: Directors as agents of the corporation | 7:159 | |
| Relation of directors to the corporation and stockholders | 5:169 | |
| Directors: liabilities: Degree of diligence required to avoid liability to the corporation; slight care | 7:161 | |
| —care of prudent men in own affairs | 7:163 | |
| —care of prudent men in similar circumstances | 7:165 | |
| Stockholders: in general: Relation of stockholders to directors | 5:169 | |
| Stockholders: rights: Right to sue for wrongs committed to corporation prior to acquisition of stock | 6:171, 175 | |
| Right to vote: validity of voting trust agreement | 3:161 | |
| Right of minority stockholders to compel dissolution of solvent going corporation on ground of mismanagement | 9:285 | |
| Stockholders: liabilities: Liability to creditors of corporation where full value has not been paid for stock: view that the | | |

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

- capital stock, to the extent of the difference in value, is a trust fund for the benefit of the creditors 3:195
—view that good faith in the valuation of property or services given in exchange for stock is sufficient 3:197
—view that the true value of the property or services must be paid for the stock to forestall personal liability. 3:199
- COURT COMMISSIONERS**
Powers and duties of court commissioners: in Wisconsin 1:176, 184
- COURT OF CLAIMS**
See *Courts (Particular Courts)*.
- COURTS**
See also: *History of Law, International Law, Trial*.
In general: Progress in judicial administration and procedure: in Wisconsin 5:3
Some popular criticisms of courts 5:58
Powers: The power to declare laws unconstitutional: its history, nature and effect 7:5, 8:212
—duty of courts to exercise the power 7:30
—necessity for the power 7:32
—remedy for danger of possible abuse of the power 8:218
Power of court of equity to try title to office of a de facto officer in injunction proceedings 1:48
Power of Federal courts to disregard Congressional rules of procedure 10:209
Setting aside verdicts, an unconstitutional assumption of power by the courts 10:129
Vested powers of the United States Supreme Court 10:204
Rules of decision: stare decisis: Doctrine and history of stare decisis 6:65
Effect of a final decision of a court of last resort 8:150
Particular courts: admiralty: Jurisdiction of courts of admiralty generally 4:118
Particular courts: federal courts
- generally: Underlying principles governing the removal of causes from State to Federal courts 8:63
Classes of cases removable: generally 8:67
—cases based on diverse citizenship 8:69
—cases involving separable controversies between citizens of different states 8:71
—cases involving a federal question 8:69
Removal by a non-resident defendant on ground of prejudice or local influence 8:77
Particular courts: municipal courts: Abolition of municipal courts in county seats as a means of simplifying the organization of the courts of Wisconsin 9:25
Establishment of more municipal courts as a means for improvement of the judicial system in Wisconsin 9:33
Particular courts: probate courts: Decrees subject to direct attack only 6:160
Effect of fraud in obtaining decree upon its finality 6:162
Finality of decrees in the construction of wills 7:149
Particular courts: United States court of claims: Its jurisdiction 8:275
Pleading and practice in 8:287
Appeals from 8:296
Particular courts: United States supreme court: The vested powers of the United States Supreme Court 10:204
- COVENANTS AND CONDITIONS**
See also: *Estoppel*.
Covenants running with land: Restriction imposed by zoning ordinance subsequently repealed as an implied covenant running with the land 10:165
- CRIMINAL LAW**
See *Constitutional Law (Personal Rights), Descent and Distribution, History of Law (Courts and Procedure), Homicide, Trial (Conduct and Disposal)*.

D

DAMAGES

- In general: Futility of requesting inflated or excessive damages 10:78

- Outline of the law of damages 8:174
Exemplary or punitive: Exemplary damages as a deformity in the law 2:57

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

- | | Vol. : Page |
|--|------------------|
| As a departure from the logical rule of damages in civil cases | 2:61 |
| Measure of damages: contracts: Where contract is ultra vires and partially executed | 5:219 |
| DANGEROUS PREMISES | |
| See <i>Landlord and Tenant</i> . | |
| DEAD BODIES | |
| In general: Nature of the interest in a corpse:—a property right | 9:19 |
| Actions: Replevin as the proper remedy to secure possession and control over a dead body | 9:23 |
| DECLARATORY RELIEF | |
| In Wisconsin | 4:111, 5:17 |
| Existence or non-existence of a legal relation as a basis for declaratory relief | 4:113 |
| DEEDS | |
| See also: <i>Tax Deeds</i> . | |
| Exception and reservation: Construction of reservations and grants of flowage rights | 9:90 |
| —reservations considered as easements appurtenant | 9:91, 92, 95, 97 |
| DESCENT AND DISTRIBUTION | |
| Right to inherit: Rights of husband and wife: Husband and wife as heirs to each other | 9:101 |
| Right to inherit: effect of homicide: Murderer as unable to acquire title to property, as heir or devisee, by reason of wrong | 4:34 |
| View that a murderer acquires full title to property acquired as a result of his act | 4:35 |
| View that a murderer becomes a constructive trustee of property acquired by wrongful act | 4:40 |
| DISCOVERY | |
| See also: <i>Appeal and Error, Evidence, Foreign Corporations</i> . | |
| In general: Nature of an adverse examination | 2:142 |
| EASEMENTS | |
| Definition and elements: Easements appurtenant | 9:95 |
| Creation: Easements appurtenant created by grant or reservation of flowage rights | 9:91, 92, 95, 97 |
| EJECTMENT | |
| Allegations necessary to sustain the action | 4:151 |
| Requisites and sufficiency of affidavit to obtain | 8:25 |
| Production of documents and articles: How compelled | 8:24 |
| Use upon trial: Relevancy, competency, and admissibility of testimony taken upon an adverse examination as evidence upon trial | 8:17 |
| DISTRICT AND PROSECUTING ATTORNEYS | |
| See also: <i>Trial (Conduct and Disposal)</i> . | |
| The office and duties of a district attorney | 5:190 |
| DIVORCE | |
| See also: <i>Husband and Wife (Rights of Wife), Wills (Revocation)</i> . | |
| In general: Aspects of Federal control of | 5:56 |
| Jurisdictional facts necessary for order for service of process by publication | 4:99 |
| Property rights: In community property | 6:28 |
| Grounds for divorce: Cruel and inhuman treatment as a ground for divorce | 10:218 |
| —what constitutes cruel and inhuman treatment | 10:219 |
| Decree: Conclusiveness of decree obtained by collusion: as between the parties | 9:288 |
| DOMICILE | |
| In General: Elements and nature | 8:222 |
| Distinguished from residence | 8:222 |
| DOWER | |
| Dower rights of a widow: generally | 8:158, 9:103 |
| Inchoate right of dower not a vested right | 6:140 |
| DUE PROCESS OF LAW | |
| See <i>Constitutional Law</i> . | |

E

- | | |
|--|-------|
| Defenses maintainable generally | 4:151 |
| Scope of the action | 4:151 |
| ELECTION OF REMEDIES | |
| See also: <i>Workmens Compensation Acts</i> . | |
| In general: Doctrine of election of remedies applicable only where two or more causes of | |

INDEX-DIGEST

References in heavy-faced type are to **LEADING ARTICLES**; in plain type to **NOTES AND COMMENT**

- | | Vol. : Page | Vol. : Page |
|---|-------------|--|
| action arise from transaction | 3:152 | Estoppel of principal to deny agents authority where no apparent authority is vested in agent |
| Choice of remedies: In the enforcement of a judgment upon shares of a stockholder | 3:155 | Estoppel of undisclosed principal to deny agency where third party deals with agent as principal |
| In the foreclosure of a pledge or chattel mortgage | 3:156, 157 | |
| Effect of election: Generally | 3:152 | |
| Effect of mistaken remedy or action | 5:14 | |
| ELECTIONS | | EVIDENCE |
| Removal of objections to method of choosing presidential electors by states: a new law in Wisconsin | 10:22 | See also: <i>Jury, Trial (Instructions), Witnesses.</i> |
| EMINENT DOMAIN | | In general: The law of evidence in Wisconsin: an outline |
| What is a taking: Creation of restricted residential districts as a taking | 2:29 | 4:45, 94, 158 |
| Procedure: Necessity for trial by jury in determination of necessity for taking under constitutional provision providing for "verdict" of jury | 10:245 | Presumptions: Particular presumptions: Adverse possession: presumption of title in favor of true owner of property held adversely |
| EMPLOYER AND EMPLOYEE | | 8:117 |
| See <i>Patents.</i> | | Inheritance taxes: gifts inter vivos made within six years of donor's death conclusively presumed to be in contemplation of death |
| ENCUMBRANCES | | 9:2 |
| See <i>Contracts (Remedies on: Specific performance), Vendor and Purchaser, Zoning.</i> | | Receipt: presumption of receipt of mail matter placed within mails |
| EQUITY | | 10:99 |
| See <i>Contracts (Remedies on) (Defenses), Courts (Powers), Injunction.</i> | | Stock: presumption arising upon issuance of corporate stock in exchange for overvalued property or services |
| ESTOPPEL | | 3:198, 202 |
| See also: <i>Judgments.</i> | | Wills: presumption of validity of will made by blind person |
| In general: What is an estoppel | 4:6 | 9:207 |
| Effect of estoppel: Upon title to property subsequently acquired | 4:6, 7:85 | Wills: presumption that testator predeceased his wife in common disaster |
| Effect upon title to property where a mortgage has been executed | 7:83 | 10:247 |
| Estoppel by deed: Effect: under a warranty deed | 7:83 | Relevancy and materiality: Character as evidence: generally |
| —under a quitclaim deed | 7:84 | 4:46 |
| Equitable estoppel or estoppel in pais: In general: As to corporate existence | 4:217, 5:50 | Conduct as evidence |
| —to whom applicable | 4:222 | 4:47 |
| Equitable estoppel or estoppel in pais: By character or relation of parties: Estoppel of corporation, to deny the powers of its officers or agents | 4:219 | Admissions and confessions: General rules governing |
| Estoppel of members and officers of a corporation to deny the corporate existence | 4:221 | 4:53 |
| | | Admissibility of admissions made in course of negotiations for compromise |
| | | 10:252 |
| | | Instructions to jury as to admissions |
| | | 5:30 |
| | | Hearsay: The hearsay rule and its exceptions |
| | | 4:96 |
| | | Opinions and conclusions: In general: General rules |
| | | 4:50 |
| | | Opinions and conclusions: Expert testimony: Basis and admissibility in handwriting cases |
| | | 1:127 |
| | | Force and effect to be accorded expert medical testimony |
| | | 1:105 |
| | | Methods of overcoming effect of |

INDEX-DIGEST

References in heavy-faced type are to **LEADING ARTICLES**; in plain type to **NOTES AND COMMENT**

		Vol. : Page
testimony of a disqualified medical witness	1:101	
Weight accorded testimony of handwriting experts	1:136	
Real evidence: Exhibition and view to jury, when permitted	4:45	
Documentary evidence: Authentication: general rules	4:100	
Proof and admission of genuine writings as standards of comparison for disputed documents	1:127, 134	
Rules of preference for documentary originals	4:94	
Use of extrinsic writings to prove authorship of questioned documents: English and American common law rule	1:115, 127	
—exceptions to common law rule	1:119, 121, 122	
—statutory changes of common law rule	1:123	
Admissibility: Admissions made in course of negotiations for settlement	10:252	
“Dead man” statutes: persons entitled to protection of	1:65, 72	
Extrinsic writings in proof of authenticity of disputed documents	1:115, 127, 134	
FEDERAL COURTS		
See <i>Courts</i> .		
FEDERAL LAWS		
Some important Federal laws and their effect upon corporations and commerce	5:108, 149	
FEDERAL RESERVE		
See <i>Banks and Banking</i> .		
FEDERAL TRADE COMMISSION		
Control of corporations by	5:129	
FIXTURES		
Portable garage as a fixture	9:289	
FOOD		
See also: <i>Police Power</i> .		
Validity of act authorizing an administrative department to establish standards for the gradation of food products	9:148	
FOREIGN CORPORATIONS		
In general: Regulation of foreign corporations under Wisconsin statutes	2:45	
Photographic reproductions or enlargements in handwriting cases	1:125	
Testimony taken upon adverse examination before trial as evidence upon trial	8:17	
Weight and sufficiency: Force and effect to be given expert medical testimony	1:105	
Instructions to jury as to the weight and sufficiency of evidence	5:22, 25, 26	
Sufficiency of proof of office custom of mailing to raise presumption of receipt by addressee	10:99	
Weight to be accorded testimony of handwriting experts	1:136	
EXCEPTIONS AND RESERVATIONS		
See <i>Deeds</i> .		
EXECUTORS AND ADMINISTRATORS		
See also: <i>Witnesses</i> .		
Trust companies as not proper agencies to act in the administration of estates	4:195	
EXEMPLARY DAMAGES		
See <i>Damages</i> .		
F		
See also: <i>Constitutional Law (Legislative Powers: Taxation), Corporations</i> .		
Jurisdiction: Necessary steps in obtaining jurisdiction of foreign corporations in discovery proceedings	8:30	
Doing business within state: What constitutes doing business within state	2:49, 51	
What transactions by foreign corporations constitute interstate commerce	2:52	
FRAUD		
See also: <i>Sales</i> .		
Effect of fraud upon the finality of probate court decrees	6:162	
Effect of fraudulent transfer of corporate stock	5:101	
Fraud as an element of constructive trusts	7:51	
Fraud as an element of estoppel in pais as affecting title to real property	7:90	

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

G

GIFTS

Inter vivos: Validity of classification of gifts inter-vivos made

Vol. : Page
within six years of donor's death for inheritance taxation purposes 9:5

H

HIGHWAYS

See also: *Municipal Corporations (Actions Against)*.

Street car as a "vehicle" within meaning of the law of the road with reference to right of way 9:294

HISTORY OF LAW

See also: *Copyright*.

In general: History of the Marquette Law School 8:298

Lawyers memorialized in the Supreme Court Reports of Wisconsin 9:106

Comparison of constitutions of Russia and the United States 4:61

Administrative law: Growth of the separation of functions and powers of courts and commissions 6:5

Adoption: History of the law of adoption: under the old civil law 9:240

—under the civil code of Justinian 9:245

Bills and notes: History of the doctrine of negotiability 6:71

Charities: Development of the Wisconsin charity doctrine 8:168, 10:183

History of the charity doctrine in America 10:181

Constitutional law: In general: History of local self-government: in America 7:193

—in Wisconsin 7:195

Home Rule Amendment in Wisconsin 10:69

Wisconsin and its Constitution 2:37

Development of civil government in Wisconsin 2:64

Constitutional law: Adoption of Constitutions: History of events leading up to the creation and adoption of the Federal Constitution 7:201

Constitutional law: Judicial powers: History of the power of courts to declare laws unconstitutional 7:5

Power of judicial review of con-

gressional acts as a cause for the perpetuity of the Federal Constitution 7:183

Constitutional law: Legislative powers: Liberal construction of the powers of Congress as a cause for the perpetuity of the Federal Constitution 7:186

Corporations: History of legislation in Wisconsin relative to foreign corporations (regulation of) 2:45

Courts and procedure: Advantages and distinguishing features of practice and procedure under Judicature Act of 1873 8:38, 43, 46, 51

Contrasts between present day English criminal trials and modern American trials 10:27

Contrasts of exterior features of English and American courts 10:46

Establishment of more municipal courts as a means for improving the judicial system of Wisconsin 9:33

History of the doctrine of Stare Decisis 5:86

Injustices of old English criminal trials and their effect in constitutional provisions for the protection of the accused 10:1

Progress of judicial administration and procedure: in Wisconsin 5:3

Simplifying the organization of the courts in Wisconsin: abolition of municipal courts in the county seats 9:25

Property: Law of dead bodies: In England 9:18

Development of inheritance rights as between husband and wife: in Wisconsin 9:101

Development of women's rights in the law 8:152

Development of property rights of married women: in Wisconsin 1:15, 53

Growth of the system of community property 6:28

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

	Vol. : Page		Vol. : Page
Right of private property as having no basis in law	9:11	HUSBAND AND WIFE	
Schools: History of the separation of church and state in the matter of religious education in public schools	9:155	See also: <i>Divorce, Parent and Child, Principal and Surety.</i>	
HOME RULE		Custody of children: Advancement in the law relative to the right of wife to have custody of her children	8:164
History of local self-government: in America	7:193	Extent of husband's right to custody of the person and estate of minor child	1:59
—in Wisconsin	7:195	Rights of husband: Against wife's separate estate for expenses of wife's funeral	10:72
Matter of education a matter of state control and not within amendment granting home rule to municipalities	10:69, 101	—for medical expenses of wife's last illness	10:73
HOMESTEAD		In community property	6:28
In general: The homestead law in Wisconsin	2:19	Liabilities of husband: For torts of wife: common law and present rule	577
Nature of a homestead right	2:21	Rights of wife: In general: Nature of wife's interest in community property	6:28
What constitutes a homestead	2:20	Right of wife in homestead	2:23
Alienation: Extent of exemption of proceeds from sale of homestead	2:22	Rights of wife: In husband's property: Development of inheritance rights of widow in property of deceased husband	9:101
Validity of transfer by husband without joinder of wife	2:23	upon divorce or annulment of marriage	8:165
Abandonment: Intent as a proper element in determination of fact of abandonment	2:22	Wife's separate estate: Husband's right of reimbursement for expenses of wife's funeral and last illness	10:72
HOMICIDE		Property rights of married women generally	1:16, 53, 5:79, 6:28
As affecting the devolution of property	4:34	—under Married Woman's Property Act	8:156
Death caused by ordinary negligence in operation of automobile contrary to statute, as manslaughter	10:113		
Necessity for criminal intent in crime of involuntary manslaughter	10:113		

I

INCOME TAXES		INJUNCTION	
Important decisions construing the Wisconsin Income Tax Act	1:191	Nature and scope: As improper remedy for the recovery of a dead body	9:24
INFANTS		As proper remedy to prevent disturbance of the office of a de facto officer	1:46
Contracts: Right of recovery by infant of consideration paid under contract subsequently avoided	6:77	As proper remedy to prevent illegal use of trade marks	9:167
INHERITANCE TAXES		Effectiveness of remedy to prevent search of premises for liquor	9:291
Nature: Theory of succession taxation	9:262	INSTRUCTIONS TO JURY	
Property subject to tax: In general	9:266	See <i>Trial.</i>	
Gifts made within six years of donors death as not properly the subject of taxation	9:5	INSURANCE	
		Nature of contract: Surety bonds as contracts of insurance	1:148

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

- | | | Vol. : Page |
|---|-----------------|--|
| Warranties and representations: | | |
| Concealments, representations and warranties as affecting contracts of fire insurance: in Wisconsin | 2:118, 120, 122 | |
| Proceeds: Right of married women to proceeds of life insurance generally | 8:157, 160 | |
| State control of companies: Control of foreign insurance companies in Wisconsin prior to passage of statute excluding operation of all unlicensed foreign corporations | 2:46 | |
| INTERNATIONAL LAW | | |
| In general: As the present law between nations | 10:11 | |
| Need for genuine and effective code of international laws as a basis for the formation of a world court | 10:15 | |
| Treaties: In general: Advice and consent of the Senate as necessary elements in the making of a valid treaty | 4:167 | |
| The treaty making power of the Constitution | 4:167 | |
| Treaties: Construction: Law of contracts inapplicable in the construction of treaties | 10:15 | |
| League of Nations: Creation of an international commonwealth or state, with three departments of government, as a | | |
| | | method of attaining world peace 3:58 |
| | | —plans for the creation of such a state 3:59 |
| | | World court: Expediency of adherence to a world court 10:20 |
| INTERSTATE COMMERCE | | |
| | | See also: <i>Constitutional Law (Legislative Powers)</i> , <i>Foreign Corporations</i> . |
| | | Powers of Congress: Extent of Federal control of corporations engaged in 5:108, 149 |
| | | Federal development and control of water power of navigable streams as not within the commerce clause of the Federal Constitution 8:7 |
| | | Burdens imposed by states: Compulsory inspection of food products shipped out of a state not an unconstitutional interference with interstate commerce 9:149 |
| | | When will a tax on capital stock of corporations not be considered a burden upon interstate commerce 10:97 |
| INTERSTATE COMMERCE COMMISSION | | |
| | | Federal control of interstate carriers through the commission 5:116 |
| INTERVENING CAUSE | | |
| | | See <i>Proximate Cause</i> . |
| J | | |
| JOINDER OF ACTIONS | | |
| | | See <i>Actions</i> . |
| JOINT TORT FEASORS | | |
| | | See also: <i>Judgments</i> . |
| | | In general: Concerted wilful wrong as an essential element for application of rule against contribution 1:142 |
| | | Contribution: Nature and effect of rule against indemnity for liability between joint tortfeasors 1:141 |
| | | Rule against contribution inapplicable except in cases of intentional wrong 1:142 |
| JUDGMENTS | | |
| | | See also: <i>Appeal and Error (Parties)</i> , <i>Election of Remedies</i> . |
| | | Effect and conclusiveness: Conclusiveness of judgments of probate courts: generally 6:159 |
| | | —in the construction of a will 7:149 |
| | | —where decree is obtained by fraud 6: 162 |
| JURISPRUDENCE | | |
| | | See also: <i>History of Law</i> . |
| | | Nature of law: Nature, sources, and classification: generally 6:162 |
| | | Pragmatism as a philosophy of law 9:63 |
| | | True concept of the nature of natural law 3:91 |
| | | In general: Relation of economics and jurisprudence 5:177, 6:34 |
| | | Relation of logic to law 3:205 |
| | | Relation of psychology to law 1:196 |
| JURY | | |
| | | See also: <i>History of Law (Courts and Procedure)</i> , <i>Trial (Conduct and Disposal) (Instructions)</i> . |
| | | Right to trial by jury: As an effective survival 8:125 |
| | | In determination of question of |

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

	Vol. : Page
necessity for the taking of property under the power of eminent domain	10:245
Not created or guaranteed by Magna Charta	8:127
Not denied by allowing court to determine preliminary proof	10:129
of genuineness of extrinsic standards for handwriting comparison purposes	1:125
Setting aside verdicts as a violation of	10:129
Waiver of jury trial: By motion to direct verdict	5:16

L

LANDLORD AND TENANT

See also: *Tenancy at Will.*

Rights and liabilities of parties:

Liability of landlord for dangerous condition of leased premises where there is an express covenant to repair 7:222

Liability of landlord in absence of covenant to repair: with reference to portions of leased premises under exclusive control of tenant 7:214

—with reference to premises over which landlord retains control 7:218

Liability of tenant where landlord has covenanted to repair 7:223

Liability of tenant in absence of any covenant to repair: with reference to portions of premises under tenant's exclusive control 7:220

—with reference to those portions of premises under landlord's control 7:220

Right of lessee of homestead property to quit where wife of lessor fails to join 10:48

Surrender: Effect of re-leasing of premises by landlord upon surrender 10:51

Rights of landlord upon abandonment of premises: generally 10:50

Right of tenant after surrender to re-enter and remove portable garage 9:290

LAWYERS AND LEGAL EDUCATION

See also: *Attorney and Client, History of Law, Jurisprudence, United States.*

In general: Elements of consideration in the choice and establishment of a law practice 1:159

Lawyers memorialized in the Wisconsin Reports 9:106

Things a lawyer beginning

practice should do and know 10:151

Education: Advantages and value of a law school training 8:203, 205

Importance of early legal training 8:198

Purpose of thorough legal education 8:199

John Marshall: His constitutional decisions and their effect upon the interpretation of the Federal Constitution 7:111

Roujet D. Marshall: His influence upon the Wisconsin Charity doctrine 10:177

LIBEL AND SLANDER

Words actionable: Words imputing crime and immorality as actionable per se 9:115

LICENSES

Particular subjects of license: License to operate beauty parlor not necessary under statute requiring license for barbering 9:117

LIENS

See also: *Admiralty.*

Nature and requisites: Nature of a lien generally 2:70, 74

Requisites and nature: of specific or particular liens 2:70

—of general liens 2:72

Property subject to: Generally 2:70

Right of lien on chattels held without authority of owner 2:73

Loss or waiver: Loss of lien where goods pass out of bailee's possession 2:74

LIMITATIONS OF ACTIONS

See also: *Adverse Possession, Tax Deeds.*

Creation or extension of statute of limitations as an impairment of vested rights 6:135

Validity of provision in surety bond limiting time of commencement of action thereon 1:149

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

M

- | | Vol. : Page | | Vol. : Page |
|--|--------------|---|-------------|
| MARITIME LIENS | | In general: Defined | 7:192 |
| See <i>Admiralty</i> . | | Milwaukee's budget system | 4:13 |
| MARRIAGE | | Powers and functions: In general: | |
| Validity of common law marriages in Wisconsin | 6:82 | Powers to contract: generally | 6:58 |
| MASTER AND SERVANT | | Power to regulate hours and wages of labor on public work | 5:150 |
| See also: <i>Patents, Principal and Agent, Workmen's Compensation Acts</i> . | | What constitutes a governmental function: in Wisconsin | 1:166, 172 |
| Relation of master and servant necessary to fix liability upon parent for torts of child committed while using family automobile | 6:178, 9:199 | Powers and functions: Borrowing money: General theory and purpose of municipal bonds | 3:35 |
| Validity of hour and wage regulations on public works | 5:150 | Municipal bonds as proper only for the payment of extraordinary expenditures | 3:35 |
| MECHANICS LIENS | | Powers and functions: Taxes: Sources of revenue under the power to tax | 3:33 |
| See <i>Liens</i> . | | Powers and duties of officers: Of a city clerk | 3:127 |
| MILITARY LAW | | —of a mayor | 3:40 |
| See also: <i>War</i> . | | Torts: Liability for nuisances maintained in the performance of governmental functions | 1:173 |
| Nature and sources of military law | 3:26 | Actions against: Notice as a condition precedent to bringing actions for injuries sustained by a defective highway or bridge | 7:230 |
| Contrast of dignity of military and civil courts | 3:188 | | |
| Tribunals which administer military law | 3:28 | MUNICIPAL COURTS | |
| MINIMUM WAGE | | See <i>Courts (Particular Courts)</i> . | |
| Regulation of upon public works, by contract, statute or ordinance | 5:150 | | |
| MORTGAGES | | | |
| See also: <i>Chattel Mortgages</i> . | | | |
| Discharge: By tender of payment into court | 7:234 | | |
| MUNICIPAL CORPORATIONS | | | |
| See also: <i>Home Rule, Public Improvements</i> . | | | |

N

- | | | | |
|--|-----|--|--------------|
| NATIONAL BANKRUPTCY ACT | | Imputed negligence as applied against a guest in a private conveyance | 3:169, 6:181 |
| See <i>Bankruptcy</i> . | | Liability of a manufacturer or vendor to third parties for negligence: in the construction or preparation of manufactured goods generally | 1:93 |
| NATURALIZATION | | —in the preparation of food products | 9:196 |
| See <i>Aliens</i> . | | NOTICE | |
| NAVIGABLE WATERS | | See also: <i>Actions, Animals, Chattel Mortgages, Records and Recording Laws</i> . | |
| See also: <i>Waters</i> . | | Imputed: Imputation of attorney's knowledge of facts to client | 9:114 |
| Extent of Federal control of navigable streams under the commerce clause of the United States Constitution | 8:7 | | |
| Water power of navigable streams a property right of riparian owners | 8:3 | | |
| NEGLIGENCE | | | |
| See also: <i>Homicide, Proximate Cause</i> . | | | |

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

P

- | | Vol. : Page |
|--|--------------|
| PARENT AND CHILD | |
| See also: <i>Adoption.</i> | |
| Education of Child: Compulsory public school attendance as a violation of parental rights secured by the Fourteenth Amendment | 7:96 |
| Proposed Federal Bureau of education of violation of parental rights | 10:35 |
| The Fourteenth Amendment a basis for the protection of rights of parents to control the education of their children | 8:54 |
| Torts of child: Liability of parent for torts of child committed while using family automobile | 6:178, 9:198 |
| —effect of general authorization allowing use of automobile for all occasions | 6:180 |
| PATENTS | |
| Rights of employer and employee to inventions and patents developed by the employee during the course and within the scope of employment | 7:206 |
| —where no express provision is made for their assignment | 7:207 |
| PERPETUITIES | |
| See <i>Rule Against Perpetuities.</i> | |
| PLEADING | |
| In general: Framing of pleadings by the aid of an adverse examination before trial | 8:17 |
| Outline of the law of common law pleading | 4:130 |
| In courts of Admiralty, generally | 4:128 |
| In United States Court of Claims | 8:287 |
| Complaint: In general: Exaggeration of facts in complaint as a cause of total failure of recovery | 10:78 |
| Complaint: Necessary allegations: In particular classes of actions: | |
| Case | 4:152 |
| —contract | 4:146 |
| —ejectment | 4:151 |
| —replevin | 4:157 |
| —trespass | 4:149 |
| —trover | 4:156 |
| Demurrers: Nature and effect of demurrers: generally | 4:130 |
| —effect of demurrer in opening the record | 4:133 |
| Pleas and answers: Dilatory pleas: when applicable generally | 4:137 |
| Pleas by way of traverse: form and effect | 4:135 |
| Pleas in confession and avoidance: nature and requisites | 4:136 |
| Motions based on pleadings: Motion in arrest of judgment: when applicable | 4:144 |
| Motion for judgment notwithstanding the verdict | 4:145 |
| PLEDGES | |
| See also: <i>Election of Remedies.</i> | |
| Nature and requisites of a pledge | 2:75 |
| POLICE POWER | |
| See also: <i>Blue Sky Laws, Constitutional Law, Corporations.</i> | |
| In general: Bona fide exercise of of police power not restricted by contract clause of Constitution | 6:130 |
| Compulsory public school attendance as an invalid exercise of the police power | 7:103 |
| The reverse clause of a Constitution as a more effective means of regulating corporations than the police power | 7:74 |
| As to use and enjoyment of property: Creation of restricted residence districts from which business buildings are excluded as an unlawful exercise of the police power | 2:27 |
| Restrictions on contracts and business: Compulsory inspection of food products shipped out of a state as within the police power | 9:151 |
| Prohibition of unfair methods of competition in business as within the police power | 9:135 |
| Health, morals, and general welfare: Destruction of property or closing up of businesses during epidemics as a valid exercise of the police power | 3:46 |
| PRACTICE | |
| See <i>Actions, Appeal and Error, Courts (Particular Courts), Discovery, History of Law (Courts and Procedure), Injunction, Pleading, Process, Tender, Trial, United States.</i> | |

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

- Vol. : Page
- PRINCIPAL AND AGENT** Vol. : Page
See also: *Estoppel, Master and Servant.* *Homestead, Landlord and Tenant, Records and Recording Laws.*
- Who are agents: Directors as agents of a corporation 7:159
- Liabilities of principal: Liability of undisclosed principal for unauthorized contracts of agent within the apparent scope of the agency 4:6
- where third party is ignorant of agency and deals with agent as the principal 4:7
- PRINCIPAL AND SURETY**
See also: *Bonds.*
Ability of married woman to become surety for third persons 8:162
- PROBATE COURTS**
See *Courts, Judgments.*
- PROCESS**
- Service and execution: by publication: Nature of service by publication 6:106, 113
- Averments necessary in application for order for publication 6:104
- Jurisdictional facts necessary to establish for the basis of an order for publication 6:98, 104
- where defendant is a corporation organized within the state 6:99
- Preparation of papers to obtain order for publication 6:101
- Procedure to obtain proper publication and service 6:109
- Service and execution: by substitution: Validity of statute authorizing substituted service upon non-resident motorists by service on state official 10:43
- PROPERTY**
See *Adverse Possession, Dead Bodies, Easements, History of Law,*

PROXIMATE CAUSE

- Effect of intervening causes: Where same are not reasonably attributable to the injured party 4:75
- where the intervening event is an act of God 4:78

PUBLIC BUILDINGS

- See also: *Landlord and Tenant.*
Statutory duty of owner of a public building to keep same in repair 7:224

PUBLIC IMPROVEMENTS

- In general: Power of State or municipality to establish a minimum wage and to limit the hours of labor on public work 5:150
- Procedure: Procedure in cities of the second, third and fourth classes, in making local improvements: in Wisconsin 7:169
- Steps in the creation of a drainage district 4:214

PUBLIC UTILITIES

- See also: *Corporations (State Regulation).*
- What callings are public: Under the common law 3:68
- Regulation: in general: Extent and basis of governmental regulation of public service corporations 3:67
- Extent of Federal control and power over carriers and corporations engaged in interstate or foreign commerce 5:114

PUNITIVE DAMAGES

- See *Damages.*

R

RAILROADS

- Actions against: Notice as a condition precedent to the commencement of action for injuries to property or live stock 7:229
- Construction: Commission not authorized to deny certificate of "necessity" and "convenience" because of detriment or absence of necessity as to individuals along proposed right of way 10:250

- Limits of discretion of commission in denying certificate of "necessity" 10:248

REAL PROPERTY

- See *Adverse Possession, Easements, Estoppel, History of Law, Landlord and Tenant, Records and Recording Laws, Tax Deeds.*

RECORDS AND RECORDING LAWS

- See also: *Torrens System.*
Proposed system for recording of titles to real property as a

INDEX-DIGEST

References in heavy-faced type are to **LEADING ARTICLES**; in plain type to **NOTES AND COMMENT**

Vol. : Page

means of relief against dangers
of constructive notice 1:73

Validity of unrecorded chattel
mortgage as against subse-
quent purchaser with notice
10:67

REMEDIES
See *Election of Remedies.*

REPLEVIN
As the proper remedy to secure
possession and control of a
dead body 9:23
Defenses proveable generally
4:157
Necessary allegations generally
4:157
Scope of the action 4:156

RESIDENCE
See *Domicile.*

RESULTING TRUSTS

See *Trusts.*

REVERSIONS AND REMAIN- DERS

As within provisions of Constitu-
tion forbidding impairment of
vested rights 6:139

ROMAN LAW

See *Civil Law.*

RULE AGAINST PERPETUI- TIES

Applicability of the rule to per-
sonal property: in Wisconsin
10:243

Effect of the rule upon the Wis-
consin Charity doctrine 10:195

Query as to whether the Wis-
consin rule will remain solely
a rule of suspension of aliena-
tion 10:241

S

SALES

Uniform sales act: Sec. 45 8:265

Uniform conditional sales act:

Sec. 1 10:212

Sec. 18 10:212

Sec. 23 10:212

Rights and remedies of buyer:

Specific performance of con-
tracts for the delivery of or-
dinary personal property 10:59

Representations of seller: Effect
of misrepresentation as to mat-
ters of law 10:105

Implied warranties: In sale of
food products by manufacturer
or dealer 9:195

SCHOOLS

See also: *Constitutional Law (Per-
sonal Rights) (State Rights)
Due Process of Law, Parent
and Child, History of Law.*

SEARCH AND SEIZURE

See *Injunction.*

SPECIAL VERDICT

See *Trial.*

STARE DECISIS

See *Courts (Rules of Decision).*

STATUTE OF FRAUDS

See also: *Contracts.*

Interests in land: Validity of parol
trusts: in Wisconsin 7:53

Promises to Answer for debt of
another: Promises that are
within the statute 2:150

Promises not within the statute
2:145

STATUTE OF LIMITATIONS

See *Limitations of Actions.*

STATUTES

See also: *Adverse Possession.*

Validity: in general: History and
nature of the power of the
courts to declare laws uncon-
stitutional 7:5, 8:212

The common law as a basis for
determination of constitution-
ality 8:215

Construction: particular classes of
statutes: Zoning laws 2:27

Adoption Statutes 9:239

Construction: particular statutes:

Clayton Anti-Trust Act 5:133

Declaratory Relief Statute, Wis-
consin 4:111, 5:17

Drainage Law, Wisconsin 4:213

Federal Reserve Act 5:124

Federal Trade Commission Act
5:129

Federal Water Power Act 8:1

General Charter Law of Wiscon-
sin: local improvements 7:169

Homestead Law, Wisconsin
2:19

Income Tax Act, Wisconsin
1:191

Interstate Commerce Commis-
sion Act; and supplemental
acts 5:116

Marketing Law, Wisconsin 9:131

Sherman Anti-Trust Act 5:122

Statute of limitations on right to
question validity of tax title
2:124

Uniform Stock Transfers Act
5:91

INDEX-DIGEST

References in heavy-faced type are to **LEADING ARTICLES**; in plain type to **NOTES AND COMMENT**

	Vol. : Page	Vol. : Page
United States Shipping Board Act	5:137	railroads upon showing of
Wilson Tariff Act	5:124	10:250
Workmens' Compensation Act, Wisconsin	7:41	"agricultural purposes" in exemption provision of Homestead Act
Construction: particular words or clauses: "transacting business" in statute forbidding unlicensed foreign corporations to do business within state	2:49, 51	2:23
"public convenience and necessity" in statute authorizing issuance of building permit for		"jury" in constitutional provision providing for verdict of jury in taking property by eminent domain
		10:246
		STOCK
		See <i>Corporations, Blue Sky Laws.</i>
		SURETYSHIP
		See <i>Principal and Surety.</i>

T

TAXATION

See also: *Income Taxes, Inheritance Taxes.*

In general: Method of taxing merchants' and manufacturers' stock

2:32

The problem of taxation of forest properties, including cut over lands, and a remedy for the problem

10:84

Franchise tax: Constitutional limits on franchise taxation of foreign corporations engaged in interstate commerce

10:96

TAX DEEDS

Nature: Underlying principle of tax deeds

2:87

Acquisition: Procedure to secure a tax deed after expiration of redemption period: in Wisconsin

2:91

Proceedings preliminary to the issuance of a valid tax deed: in Wisconsin

2:89, 93

Validity: Defects and errors which may render a tax deed void on its face

2:132

Technical errors and defects sufficient to invalidate, and methods of attacking the validity of tax deeds: before the statute of limitations has run

2:94

—after the statute of limitations has run

2:125

TENANCY AT WILL

Nature and creation: In general

4:39

Construed as a periodic tenancy under Wisconsin statutes

4:40

Termination: Necessity for a notice to quit to terminate

4:43

TENDER

Mode and sufficiency: Tender by

payment of money into court

7:233

—time and manner of payment

7:236

Effect: Effect and necessity of payment or tender of money into court

7:233

Withdrawal of money paid in

7:237

TORRENS SYSTEM

See also: *Records and Recording Laws.*

Nature and purpose of the system

6:117

View that it is an unnecessary innovation

6:114

View that it is a constructive and necessary change from the recording system

6:118

TORTS

See *Admiralty, Automobiles, Joint Tort Feasors, Municipal Corporations, Negligence, Proximate Cause.*

TRADE MARKS AND TRADE NAMES

See also: *Copyright.*

Nature: Distinction between a trade mark and a trade name

9:179

General nature and characteristics: of the law of trade marks

9:168

—of the law of trade names

9:179

Marks and names subject to ownership: In general

9:173

Infringement: What constitutes: with reference to trade marks

9:176

—with respect to trade names

9:179

Transferability: Trade mark transferable only when sold with property it represents

9:170

By operation of law

9:171

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

- | | Vol. : Page |
|--|--------------------|
| TREATIES | |
| See <i>International Law</i> . | |
| TRESPASS | |
| Allegations necessary to sustain an action of trespass | 4:149 |
| Defenses pleadable, generally | 4:149 |
| Scope of the action | 4:148 |
| TRIAL | |
| See also: <i>Actions, Discovery, Evidence, History of Law (Courts and Procedure), Jury, Pleading</i> . | |
| In general: Investigation and preparation for trial under statutes of discovery: (4096-326.12) of Wisconsin statutes | 2:139, 8:15 |
| The "ins" and "outs" of a law suit | 3:111 |
| Conduct and disposal: in general: Method of preparing for and conducting jury trials: generally | 5:41 |
| —of criminal jury trials: by a district attorney | 5:192 |
| Conduct and disposal: remarks of counsel: Discretionary limits to which prosecuting counsel may go in argument in criminal cases | 10:243 |
| Instructions: in general: With reference to special verdicts generally | 5:32 |
| Duties of counsel: with reference to requesting instructions | 5:34 |
| —in the matter of taking timely and sufficient exceptions to instructions given or to refusals to give instructions | 5:37 |
| Duties of the court: in re-instructing a jury | 5:38 |
| Instructions: as to particular matters: necessity, propriety, and correctness: As to admissions | 5:30 |
| As to burden of proof: in civil actions: generally | 5:25 |
| —where fact essential to recovery constitutes a fraud or criminal offense | 5:25 |
| As to positive and negative testimony | 5:31 |
| As to the effect of answers to questions in a special verdict | 4:69, 5:32, 10:131 |
| As to the preponderance or convincing power of evidence: in general | 5:26 |
| on the principle of <i>falsus in uno, falsus in omnibus</i> | 5:29 |
| —with reference to the number and character of the witnesses | 5:26 |
| Verdict or finding of jury: special verdict: Effect of informing jury of the effect of answers to questions in a special verdict | 4:69, 5:32 |
| —criticism of rule holding such information improper | 4:71, 10:131 |
| TROVER AND CONVERSION | |
| Allegations necessary to sustain the action, generally | 4:156 |
| Scope of the action | 4:155 |
| TRUSTS | |
| See also: <i>Charities, Corporations (Voting Trust Agreements)</i> . | |
| In general: Development, advantages and purpose of investment trusts | 10:38 |
| Charitable trusts in the American law | 7:131 |
| Implied: in general: Wisconsin doctrine of resulting and constructive trusts | 7:50 |
| Implied: constructive: Murderer as constructive trustee of property acquired by wrongful act | 4:40 |
| Parol: Application of the statute of frauds to constructive and resulting trusts: generally | 7:53 |
| Trustees: Trust company as improper agency to act in capacity of trustee | 4:195 |

U

- | | |
|--|-------|
| UNFAIR COMPETITION | |
| See also: <i>Administrative Law, Constitutional Law (Judicial Powers: Delegation of Powers) (Equal Protection of Laws) (Due Process of Law: Regulation of Trade or Business)</i> . | |
| Nature: Doctrine of unfair trade distinguished from that of trade marks | 9:181 |
| Application of doctrine: As to proper names | 9:182 |
| As to geographical names | 9:184 |
| Under the Wisconsin Marketing Laws | 9:134 |
| UNIFORM LAWS | |
| See also: <i>Bills and Notes, Corporations (Capital, Stock, and Dividends), Sales</i> . | |

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

	Vol. : Page
Obstacles to be met to secure uniformity of law	9:220
Uniformity of law and its practical application in the Negotiable Instruments Act	9:217

UNITED STATES

	Vol. : Page
Practice of attorneys before the United States Treasury Department; preliminary steps regulation	9:187

V

VENDOR AND PURCHASER

See also: *Statute of Frauds.*
 Effect of zoning ordinance upon contract to convey land free and clear of all encumbrances 10:161
 Zoning ordinance as an encumbrance sufficient to deny remedy of specific performance to

vendor under contract to convey free of all encumbrances 10:162, 166

VERDICT

See *Trial.*

VESTED RIGHTS

See *Constitutional Law.*

VOTING TRUSTS

See *Corporations.*

W

WAR

See also: *Aliens, International Law, Military Law.*
 Events leading up to the termination of the World War: the peace notes, the armistice, the surrender 3:3
 War powers under the Federal Constitution 2:3

WATERS

See also: *Navigable Waters.*
 Federal Water Power Act: Proposed Federal development and control of water power of navigable rivers not of public domain as unconstitutional as not within the commerce clause of the Federal Constitution 8:1, 7
 Riparian rights: Construction and transferability of grants and reservations of flowage rights 9:90
 Flowage rights as easements appurtenant 9:91, 92, 95, 97
 Water power of navigable stream as the private property of riparian owners 8:3

WILLS

See also: *Descent and Distribution.*
 In general: Nature and elements of a valid will 3:117, 119
 Outline of the law of wills of Wisconsin 3:117, 10:220
 Wills distinguished from other dispositions of property 10:230
 Execution: Requisites necessary to the proper execution of a will 3:121, 10:231
 When is a will executed in the "presence" of the testator 3:122

Revocation: By act of testator:
 Elements of a proper express revocation 10:233
 Presumptions with respect to revocation 10:234
 Revocation: By operation of law:
 Implied revocation by change of circumstances or conditions: generally 3:125, 10:234
 —by divorce of testator 9:208
 Necessity for property settlement between divorced parties to work an implied revocation 9:209

Who may make: Generally

3:118, 10:221

Age as no bar to the making of a will 3:120

Mental weaknesses sufficient to incapacitate testator 10:223

Testamentary capacity of blind person 9:206

Who may take: Generally

10:229

Probate, contest: Effect and validity of provision in will requiring a substantial forfeiture in case the same is contested 10:169

Effect of fraud, undue influence, and mistake upon the validity of a will: generally 10:225

Effect of provision in will that testator should be deemed to have predeceased his wife (his beneficiary) in case both should die in a common disaster 10:247

Nature of undue influence and the elements necessary to set aside a will on that ground 3:123

INDEX-DIGEST

References in heavy-faced type are to LEADING ARTICLES; in plain type to NOTES AND COMMENT

Vol. : Page
Construction: Effect of a final decree of probate court construing will: view that such decree is but presumptive evidence of the correct construction 7:149
—view that such decree, if not induced by fraud, becomes final at the expiration of a year from date of entry thereof 6:161

WITNESSES

See also: *Evidence, Trial (Instructions)*.
Qualification: Of witnesses generally 4:48
Of handwriting experts 1:131
Of non-expert handwriting witnesses 1:133
Competency as to particular matters: Authorship of disputed writings: expert witnesses 1:130
—non-expert witnesses 1:133
Transactions or communications

Vol. : Page
with deceased persons: in general 1:65
—executors and administrators 1:70

WORKMEN'S COMPENSATION ACTS

Theory and purpose: General nature, purpose and theory of the Acts 3:112, 114, 7:39
Construction and administration: Administration of the Act by the Industrial Commission of Wisconsin 7:42
Construction of miscellaneous provisions of the Act 10:52
Extraterritorial effect of the Act 7:41
Persons and employment within statute: Employee of National Guard 9:120
Status of the National Guard under the Act 9:121
'Growing out of' employment: Sun stroke not an industrial accident 3:115

Z

ZONING

Creation of restricted residence districts from which business buildings are excluded: as an unlawful exercise of the police power 2:27

—as a taking of private property for a public use 2:29
Effect of repeal of zoning ordinance upon property previously subject thereto 10:165
Zoning ordinance as an encumbrance upon land 10:161, 166