INDEX

ARTICLES

Administrative Law—The Development of in the United States. Edward A. Harriman ............................................. 658
Branches of the Government—The Boundaries between the Executive, the Legislative and the Judicial. William H. Taft .......... 599
Common Carriers—Liability of under the Act to Regulate Commerce. John B. Daish .................................................. 341
Common Carriers—The Exercise of Constitutional Powers by. John B. Daish ...................................................... 305
Confiscation—The Road to. Lee J. Vance .................................. 285
Constitution—Rejuvenating the. Charles Zueblin .................. 211
Constitutional Aspects of a National Budget System. Charles W. Collins ......................................................... 376
Constitutional Questions—Important, New in Form, Raised by the Texas Workmen's Compensation Act. James Harrington Boyd 100
Constitutionality—The, of the Graduated Income Tax Law. Frank W. Hackett ...................................................... 427
Contrabrand—Is Cotton? Edwin Masey .................................. 666
Courts and Lawyers—Early. Oscar Hallam ............................ 386
Criminal Procedure in France. James W. Garner .................... 255
Duties and Rights—The Correspondence of. Henry T. Terry ...... 171
Equity—A Glance at. Robert L. Munger ................................ 42
Federal Legislation—Need of in Respect to Mob Violence in Cases of Lynching of Aliens. Charles H. Watson ...................... 561
Growing Law—The. Francis J. Swazye .................................. 1
Intent to Defraud. Henry T. Terry ...................................... 87
International Organization and Police. James L. Tryon ............ 513
Interstate Commerce Commission—Power of the to Award Damages. Robert V. Fletcher .............................................. 489
Marriage Law—Some Phases of. Edward W. Spencer .............. 58
Model Act—A to Establish a Court for a Metropolitan District. Herbert Harley ....................................................... 443
Neutrality—A Preliminary Test of. Albert H. Putney ................ 481
Neutrality of China—The. Gilbert Reid ........................................ 122
Pew Rights in American Law. Carl Zolman .................................. 457
Quebec Civil Code—Cause and Consideration in the. R. W. Lee ....... 536
Reform Bill—The Law and Equity. A. L. Sanborn ....................... 221
Right to Refuse to Sell—The. Rome G. Brown ............................ 194
Unfair Methods of Competition. Gilbert H. Montague ............... 20
Women's Rights in a Male-Suffrage State. Epaphroditus Peck .......... 459
Written Law—Interpretation of the. Ernest Brunchen .................. 129

COMMENTS

Conflict of Laws and Full Faith and Credit ..................................... 524
Constitutional Law—Is the Doctrine of the “Pollock Case” Still the Law? .................................................................................. 585
Constitutional Law—Scope of the Federal Employers’ Liability Act .................................................................................. 497
Contract—Enforcement of by Third Party ........................................ 232
Evidence—Former Testimony as ..................................................... 405
Extrajudicial Confession—A Withdrawn Plea of Guilty Admissible as an ................................................................. 587
Gifts—Delivery of a Check as a Gift Followed by the Death of the Donor before Presentment at the Bank ................................. 143
Illegality of Plaintiff's Own Use—As a Bar to Recovery from Upper Riparian Owner for Diversion ............................................. 582
Injunction—Enjoining Employees from Soliciting the Trade of Former Employers ......................................................... 499
Injunction—Mandatory or Prohibitory ................................................ 589
Interstate Commerce—Premium Coupons in ....................................... 670
Marriage Settlement—Remarks on In re Jones’ Settlement ............. 74
Negotiable Paper—Oral Assent by the Bank of Presentment to the Direction of its Depositor to Pay his Note Held by it for Collection as Discharging the Instrument ........................................ 238
Negotiable Paper—The Transfer of to Secure a Pre-existing Debt as Constituting the Transferee a Holder for Value in New York by Virtue of his Lien ..................................................... 77
Price Restrictions on Resale of Chattels ........................................... 235
Probable Cause—Want of as an Issue for the Jury ......................... 328
Standard of Care Required of Savings Bank Directors .................. 141
Torts—Persuading Breach of Bail Bond to the Damage of One not a Party to the Bond as a Tort .................................................. 497
# RECENT CASES

<table>
<thead>
<tr>
<th>Case Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accession—doctrine—effect of</td>
<td>593</td>
</tr>
<tr>
<td>Assault—defense of property—attachment</td>
<td>411</td>
</tr>
<tr>
<td>Attempt to Commit Crime—how near consummation act must be, to be indictable</td>
<td>331</td>
</tr>
<tr>
<td>Banks and Banking—bills and notes—funds of debtor—failure to apply—discharge of surety</td>
<td>150</td>
</tr>
<tr>
<td>Checks—acceptance—revocations</td>
<td>674</td>
</tr>
<tr>
<td>Bills and Notes—bona fide purchaser—knowledge of director</td>
<td>150</td>
</tr>
<tr>
<td>Parole evidence—ambiguity—indorser</td>
<td>411</td>
</tr>
<tr>
<td>Presumption of consideration—direction of verdict</td>
<td>503</td>
</tr>
<tr>
<td>Breach of Marriage Promise—consideration—mutuality—rights of parties</td>
<td>674</td>
</tr>
<tr>
<td>Carriers—carriage of passengers—breach of contract—damages—humiliation</td>
<td>151</td>
</tr>
<tr>
<td>Carriage of passengers—creation of the relation—standard of duty toward intended passengers</td>
<td>675</td>
</tr>
<tr>
<td>Connecting services—relation of carrier and passenger at junction-point</td>
<td>412</td>
</tr>
<tr>
<td>Loss of baggage—limitation of liability</td>
<td>81</td>
</tr>
<tr>
<td>Notice of claims for damage to livestock—effect of time limitation as to recovery for injuries subsequently appearing</td>
<td>593</td>
</tr>
<tr>
<td>Charities—bequests to promote secularism—validity</td>
<td>503</td>
</tr>
<tr>
<td>Charitable corporation—volunteer fire department</td>
<td>152</td>
</tr>
<tr>
<td>Commerce—interstate commerce commission—power to require provision of tank cars</td>
<td>412</td>
</tr>
<tr>
<td>Condemnation Proceedings—prosecution of appeal</td>
<td>414</td>
</tr>
<tr>
<td>Conflict of Laws—secondary contractual obligation—law governing</td>
<td>594</td>
</tr>
<tr>
<td>Constitutional Law—carriers—regulation of jitneys</td>
<td>331</td>
</tr>
<tr>
<td>Due process—police power—discrimination against labor union</td>
<td>413</td>
</tr>
<tr>
<td>Fourteenth amendment—police powers—segregation ordinance</td>
<td>152</td>
</tr>
<tr>
<td>Local option—power of legislature to regulate after vote by county</td>
<td>414</td>
</tr>
<tr>
<td>Police power—class legislation—discrimination</td>
<td>594</td>
</tr>
<tr>
<td>Contracts—anticipatory breach—denial of liability on insurance policy</td>
<td>676</td>
</tr>
<tr>
<td>Interpretation—writing and printing</td>
<td>243</td>
</tr>
<tr>
<td>Mutuality—contract of employment</td>
<td>152</td>
</tr>
<tr>
<td>Conveyance—husband and wife—estate by entirety</td>
<td>154</td>
</tr>
<tr>
<td>Corporations—liability of directors—misconduct towards corporation</td>
<td>154</td>
</tr>
<tr>
<td>Criminal Law—disclosure of offence by illegal search</td>
<td>677</td>
</tr>
<tr>
<td>Instructions—evidence—previous good character</td>
<td>677</td>
</tr>
<tr>
<td>Trial—custody of jury</td>
<td>332</td>
</tr>
<tr>
<td>Damages—permanent or temporary injuries—flooded land—measure of recovery</td>
<td>82</td>
</tr>
<tr>
<td>Personal injuries—loss of profits</td>
<td>83</td>
</tr>
<tr>
<td>Personal injuries—mental anguish—proximate or remote</td>
<td>243</td>
</tr>
</tbody>
</table>
DEATH—contributory negligence of parent ......................................... 244
ELECTRICITY—streets—injuries caused by obstructions .......................... 333
EMINENT DOMAIN—vacation of alley—compensation as a condition precedent—taking of private property ........................................ 245
EQUITABLE CONVERSION—disputed legacy—speculative purchase by executor ................................................................. 245
EQUITY—diligence—fraud .................................................................. 504
EVIDENCE—relevancy—value of property ............................................. 83
FIRE INSURANCE—breach of contract—forfeiture—statutory regulation—retroactive power ......................................................... 155
FOOD—diseased meat—action against packer—defense—inspection .......... 415
HOMICIDE—justification .................................................................. 678
INJUNCTION—Sunday picture show—enforcement of invalid ordinance .... 246
INSURANCE—‘accident insurance’—‘accident’ ..................................... 155
JUDGMENT LIENS—preference .......................................................... 504
JUSTICES OF THE PEACE—appeal—jurisdiction—fictitious set-off and counterclaim ................................................................. 415
LANDLORD AND TENANT—duty of landlord ................................. 84
Leases—construction ........................................................................ 505
LIBEL—theft when mailed communication is published .......................... 246
LICENSES—ordinances—construction .................................................. 247
LIFE ESTATES—extent and ground of recovery ................................. 247
LIS PENDENS—application to personalty ............................................. 506
MARRIAGE—breach of promise—survival of action against executor of promisor—special damage ................................................. 507
MASTER AND SERVANT—injuries to third person caused by servant—scope of employment ......................................................... 595
Injuries to servant—workmen’s compensation act—construction of act—disease an accident ......................................................... 333
Workmen’s compensation act—definition of “accident” ......................... 334
NEGLECT—dangerous premises ......................................................... 84
Legal cause—spreading fires .............................................................. 85
Liability of manufacturer to third parties—nature of the goods as test .......... 639
PRINCIPAL AND AGENT—agent’s liability to third parties—implied warranty of authority—measure of damages .......................... 156
QUASI-CONTRACT—payment under duress—fear of injury to business 153
RAILROADS—killing dog at crossing—question of negligence .................. 157
Lease of trackage—liability of lessor .................................................... 596
REWARDS—compliance with conditions .............................................. 416
SALE OF STANDING TIMBER—construction of contract ..................... 507
SHERIFFS AND Constables—liability on official bond—homicide .............. 157
TAXATION—delegation of power—corporate authorities ........................ 508
TELEGRAPHS AND TELEPHONES—negligent delay in delivery—damages for mental anguish ................................. 680
THEATERS—dramatic critics—civil rights bill ....................................... 508
TITLE TO WILD GAME—change of common law rule by statute ............ 596
TORTS—conspiracy as imparting tortious character to otherwise innocent acts ................................................................. 248
INDEX

Explosives—liability for blasting—basis of liability .......... 681
Interference with contract relations—knowledge as element of
malice ........................................................................... 509
TRADE-MARKS AND TRADE-NAMEs—descriptive words ........... 335
TRIAL—verdict—joint defendants—apportionment of damages—sur-
plusage ........................................................................ 248
TRUSTS—constructive trust—destruction of codicil by testator relying
on promise of devisee .................................................. 417
WAR—effect on existing contracts and remedies—contract rights and
remedies of alien enemies—bill for specific performance in
a neutral forum .......................................................... 86
WAR—TRADING WITH THE ENEMY—civilian prisoner of war—intern-
ment of alien enemy within realm—deprivation of civil rights 510
WILLS—abrogation by agreement—presumption—lapse of time ...... 417
Probate and establishment—pleading—undue influence .......... 335
WITNESSES—competency—husband .................................. 681

BOOK REVIEWS

Ballantine (Henry Winthrop)—Problems in Contracts .................. 421
Barney (Charles Neal)—Equity and Its Remedies ....................... 350
Chamberlayne (Charles F.)—The Modern Law of Evidence .......... 511
Crandall (Samuel B.)—Treaties, Their Making and Enforcement .. 683
Curtis (Arthur F.)—The Law of Electricity .............................. 164
Cushing (Harry A.)—Voting Trusts ....................................... 253
Elliott (Edward)—American Government and Majority Rule ........ 425
Ewell (Marshall D.)—Ewell's Elementary Law ......................... 250
Frankfurter (Felix)—A Selection of Cases under the Interstate
Commerce Act .................................................................. 422
Gettemy (Charles F.)—Report on the Statistics of Labor, Massa-
chusetts ........................................................................ 512
Hart (Albert Bushnell)—The Monroe Doctrine—An Interpretation 419
Healy (William and Mary Tenny)—Pathological Lying, Accusation
and Swindling .................................................................. 252
Huston (Charles Andrews)—The Enforcement of Decrees in Equity 166
Jones (F. Robertson)—Digest of Workmen's Compensation Laws in
the United States and Territories, with Annotations ............ 512
Jones (William C.)—Blackstone's Commentaries with Hammond's
Notes ........................................................................... 423
Kibler (Thomas C.)—The Commodities Clause ......................... 424
Lee (R. W.)—An Introduction to Roman-Dutch Law ................ 423
Maitland (Frederic W.) and Montague (Francis C.) (Edited by
James F. Colby)—A Sketch of English Legal History .............. 251
Reeder (Robert P.)—Validity of Rate Regulations ...................... 337
Schouler (James)—Schouler on Wills, Executors and Administrators 253
Shick (Robert P., translator)—Swiss Civil Code ....................... 159
Stone—Law and Its Administration ........................................ 252
Sulzberger (Mayer)—The Ancient Hebrew Law of Homicide .... 512
Taft (William Howard)—Ethics in Service ............................... 251
Thompson (J. H.)—United States Mining Statutes, Annotated .... 252
Wigmore (John H.)—Wigmore on Evidence ............................. 163
Wigmore (John H.) and Kocourek (Albert) (Compilers)—Evolu-
tion of Law Series .......................................................... 164
Wilson (George Grafton)—The Hague Arbitration Cases ........ 338
Wrightington (Sydney R.)—The Law of Unincorporated Associa-
tions and Similar Relations .............................................. 511
Woodbine (George E.)—Woodbine's Bracton ......................... 159
Zueblin (Charles)—American Municipal Progress ................. 339