IOWA LAW BULLETIN, VOLUME VII, 1921-1922

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649616060

Iowa Law Bulletin, Volume VII, 1921-1922 by State University of Iowa

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd. Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

STATE UNIVERSITY OF IOWA

IOWA LAW BULLETIN, VOLUME VII, 1921-1922

Trieste

11 . + !

• 1

IOWA LAW BULLETIN

Volume VII 1921-1922

.

INDEX

0

. .

63

STATE UNIVERSITY OF IOWA College of Law IOWA CITY, IOWA

PER K 9 • 088 V.7

INDEX TO VOLUME VII OF THE IOWA LAW BULLETIN

LEADING ABTICLES

Actions in Personam and Actions in Rem in Iowa, HENRY BIL	WOLD	138
Ineligibility of a United States Senator or Representative to	Other	
Federal Offices, D. O. McGovnur	1. 18	152
Landowner's Duty to Strangers on His Premises-As Develop	ed in	
the loss Decisions, HERRET F. GOODEICH	1	65
Legal Status of American Indian and His Property, KAI	aLJ.	
KNOEPFLER		232
Mistake and Adverse Possession, PERCY BORDWELL) (X	129
National Conference of Bar Association Delegaies, summar	y of	
proceedings and extracts from leading addresses	÷ .	193
Notice to the Guarantor—In Iows, Rollin M. PRERING .	8 15	1
Recent Iowa Legislation	2 28	82
Regular Entries, Books of Account, and the Iowa Statutes, Fax	DERIC	
М. Милав		88

MAY 1 6 1931

a 1 +1

 \mathbf{v}

11

INDEX TO SUBJECTS IN VOLUME VII OF THE IOWA LAW BULLETIN

(The titles of articles and books are given in italics)

Abortion, repression of, 46

Account books, use of, as Evidence, 93-99; Iowa statute on, 94-99; construction of statute on, 95, 96, 97

Acquiescence, land case decided on ground of, 135, 136, 187

Actions in Personam and Actions in Rem in Iowa, 188

Actions in personam, service of notice in, 138, 143, 144, 150

Actions in rem, definition of, 189, 145; service of notice in, 144-160

- Administrative law, increase of, in Iowa, 35-40; problem of, 36; standards prescribed by, 37-38; procedure under, 39; provisions of, in regard to secretary of state, 58-69
- Administrative Provisions for Licensing of Ohiropractors, Ohiropodists and Osteopaths, 35
- Administrators, responsibility of intermeddlers to, 41; proceedings brought by, 138; jurisdiction of courts over, 143, 144; court's power over, 180
- Admission to the bar, conference on, 198
- Adverse possession, American doctrine of, 139; effect of, due to mistake, 132; Iowa decisions on, due to mistake, 184-137
- Agency, allegation of, admitted in evidence before showing authority, 266-268

Agents, State, new duties of, 33-35

Allenation of affections, right to bring action for, 126

- Alimony, suit for, after foreign divorce, 116
- Ames, James Barr, trust doctrine urged by, 113, 115

Angell, James B., address by, 198

- Animals, domestic, restraint of, in Iows, 176-179
- Assignment, contractual duties subject to, 62, 63; expectant interests subject to, 181

Attorney general, bureau of criminal investigation directed by, 33

- Bair, W. P., book review by, 193
- Bar, requirements recommended for admission to, 193, 205, 209, 237, 229-231
- Bar Association, American, standards for admission to bar recommended by, 163-165; resolutions of, on admission to bar, 198, 194, 196, 204; meeting of, in 1922, 250
- Bar Association, Iowa State, meeting of, 250
- Bar Associations, National Conference of, resolutions of, 163-165, 198; formation of, 194; Iowa delegates to, 194, 185; summary of proceedings of, 195

Bar Associations, state, recommendations to, 164, 165

Bastards, right of, 60-62

Bertillon measurements, 34

Bible, reading of, in schools, 52

Bill-boards, regulation of, 262

Bill of lading act, uniform, 166

Bills and notes, indorsement of, 115; nonnegotiable, 182, 183

Births, registration of, 48-46

Blasphemy, laws against, 58

Blue laws, 58

Boards, state, creation of, 36; licenses granted by, 37; need of code of procedure, 39

Books of account, use of, as evidence 93-99; Iowa statute on, 94-99

Bordwell, Percy, article by, 129

Boston, Charles A., 201

- Boundary, land, mistake as to, 129-137
- Broker, real estate, cases involving rights of, 262, 263

Brown, Hugh H., 194

Bureau of criminal investigation, establishment and work of, in Iowa, 32-35

*

iii

Burglary, proof of specific intent in, 254-257, 268 Byrne, James, 194, 201

- California, criminal bureau of, 84, 35
- Carr, William K., prize won by, 48 Carson, Hampton L., 200
- Charitable organization, illegality of contract to secure subscriptions for, 68, 64
- Charlton, Clyde B., prize won by, 48 Chattel Loans, 42
- Chickens, restraint, of, 179
- Children, trespassing, landowner's duty to, 67, 68, 74
- Chiropodists, law on, 36, 89
- Chiropractors, law on, 36, 39
- Cities, power of, to create residence districts, 260-262
- Cleveland, law enforcement in, 48-50
- Code revision, 166
- Cohen, Julius H., 199, 202, 204, 227
- College of Law, facts about, 47, 48; dean of, 165
- Colleges, training in, for lawyers, 193, 196-204, 210, 212, 216, 219, 229-281
- Common law definition of, 271
- Common Law, The Spirit of the, review of, 271
- Compromises, effect of, in bastardy proceedings, 60-62
- Conflicts of laws, workmen's compensation acts and, 166-170
- Constitution, State, religious liberty in, 51
- Constitution, United States, con-struction of, as relating to senators, 152-157; proceedings of con-vention of 1787 leading to, 157-162; citizens protected by, 188; nineteenth amendment of, selfexecuting, 190
- Constitutional Convention of 1787, proceedings of, on eligibility of
- senators to federal office, 157-162 Contractor, independent, liability of landowner for negligence of, 86
- Contracts, guaranty, different views on, 2-7; Iowa rule on, 8-11; excep-tions to Iowa rule on, 12-15; Iowa cases on, 26-81; assignment of duties under, 62, 63; illegality of, for commission for obtaining

charitable subscriptions, 63, 64; evidence of, in consideration of marriage, 123-125; employment, workmen's compensation acts included in, 168, 169; law of, in case of real estate brokerage, 262; assignability of, 268; grounds for relief from, 364

Corporation act, uniform, 166

- Corporations, articles of, 58; foreign, state expulsion of, 258-260
- Courts, criminal, investigation of. 48-50
- Covenants not to sue, effect of, 170-178
- Criminal conversation, case of, 125 Criminal courts, report on, 48-50
- Oriminal Investigation, A Bureau of, 82
- Criminal justice, better, 48-50
- Criminal law, principles of, as to proof of intent, 254, 263
- Criminal records, new agency for obtaining, in Iowa, \$3-35
- Criminals, protection of, 185
- Customs, adaptation of law to, 177, 179 Damages, defendant's wealth not ad-
- mitted in evidence in action for. 187 Davis, John W., 203
- Dawson, Thomas, 199
- Deaths, registration of 43-46
- Debt, evidence of. 93
- Declarations against interest, use of, as evidence, 89-91
- Declaratory judgments act, uniform, 166
- Decrees, legalization of, 151
- Dee, Maurice F., 303
- Demurrer, effect of ruling on, 188-190

Descent breaking, 251-254

Detroit, report on work of unified court in, 49, 50

Dillon prizes, winners of, 48

- Discretion, administrative case of, 58-60
- Disseisin, discussion of, 129-182; old law of, 185
- Divorce, foreign, suit for alimony after, 116; award of children up-on refusal of, 117; effect of, on action by husband, 125

INDEX

Dogs, laws on, 179

- Domicile, acquisition of, 118; doctrines of, 419
- Drafting bill by commissioner on uniform laws, 166
- Due process, 39; service of notice as requirement of, 138-151
- Ehrmann, Herbert B., 49
- Ellenborough, Lord, 264
- Elliott, Gordon L., note by, 58
- Ellis, W. H., 203
- Employee, definition of, 100-103; casual, 108-106; subrogation to claims of, 107, 108; compensation of, for injuries, 269-271
- Employers, Iows, effect of workmen's compensation act on, 169, 170; right of subrogation of, 173; liability of, for injuries, 269-271
- England, real property limitation act of, 129
- Entries, regular, use of, as evidence, 88-93; objections to Iowa statute on, 91, 92
- Equitable estoppel, 182
- Equity, possession of office not subject to trial in, 120-123; effect of decrees of, 145-148; mistake of law as ground for relief in, 264-266
- Ethics, legal, 227
- Evidence, handwriting as lowest order of 55, 57; rules of, as to regular entries \$8-93; as to books of account, 98-99; rules of, used in workmen's compensation cases, 208-111; parol, rule as to, 173-176; unlawful procurement of, 183-185; sufficiency of, as to intent in burglary, 263; conditional ad-missibility of, 266-268
- Executive Council, appeal to, 58
- Executor de Son Tort Abolished, 40 Expectancies, assignment of, 181, 182
- Experts, handwriting, effect of testimony of, 55-58
- Fact, mistake of, 264, 265
- Faville, F. F., 194
- Fencing laws, Iowa, 176-179
- Fictions, surviving, 365
- Finger print records, 33, 34
- Fireman, liability of landowner to, 87
- Foreign language, use of, 50-55

- Fowls, domestic, 179
- Frankfurter, Felix, 48
- Frauds, statute of, 123
- Frierson, J. Nelson, 200
- German language, use of, in schools, 62
- Gibson, Ben J., 33
- Goodrich, Herbert F., articles by, 32, 65; appointment of, as acting dean, 165; note by, 166; reference to, 194
- Goodwin, Clarence N., 195, 202, 207 Guardians, proceedings brought by, 138, 140, 149
- Guarantor, obligation of, 1, 2; general views on giving notice of acceptance of undertaking to, 2-7; lows rule on giving notice to, 8-11; exceptions to Iowa rule as to giving notice to, 12-15; rules as to intermediate notices to, 16-18; exceptions to rules of intermedi-ate notices to, 19; default of principal notified to, 19-22; effect of failure to give required notice to, 23; burden of proof in cases in-volving notice to, 24, 25; sum-mary of Iowa cases on, 26-31

Guarantor, Notice to the, in Iowa, 1 Hadley, Herbert S., address by, 197

- Hale, William B., 198
- Handwriting, identification of, 55-58
- Harvard Law School, college gradu-ates in, 197, 203
- Hayes, W. A., 200
- Hearsay rule, exceptions to, 88, 93, 99; application of, in workmen's compensation cases, 108-111
- Henry, Sir E. R., 84
- Henry, George F., di statement of, 138-151. discussion of
- Herd law, 178, 179
- Hilkey, C. J., 195
- Hobbs, W. C. G., 208
- Holmes, Judge, 133
- Horack, H. C., 194
- Hughes, Charles E., 250
- Husband and wife, contract in consideration of marriage of, 123-125; rights acquired by marriage, 126-127
- Illegitimate children, fathers of, 46; right of inheritance of, 60-62; uniform act on, 166

1

IOWA LAW BULLETIN

Income tax, shares of stock subject to, 185-187

- Indian, American, Legal Status of, 282
- Indians, number of, 232; value of property of, 232; status of tribes of, 232-236; rights of, to hand, 235; commerce with, 234; treaties with, 335; status of individuals, 236-241; citisenship of, 287; Indians, property rights of, 241-249; allotments of land to, 343; Dawes Act making allotments to, 244, 246, 247
- Ineligibility of a United States Senator or Representative to Other Federal Offices, 152
- Inheritance, bastard's right of, 60-62
- Injunction, temporary, restraining interference with possession of corporate office, 120-123
- Instructions, Jury, on handwritings, 55-58
- Insurance, evidence of statement of agent in case of, 266; delivery of life policy of, 268, 269
- Intent, specific, proof of, in burglary, 254-257, 263
- Invitees, landowner's duty to, 80-87 Judges, selection of, for better law enforcement, 49
- Jury, instructions to, on handwriting, 55-58; submission of issues to, on motion to direct verdict by both parties, 127, 428; eligibility of women to serve on, 100, 131
- Jury system, hearsay evidence rule as adjunct to, 110

Justice, executive, 271

- Keeble, John B., address by, 199, 220
- Kemp, W. Thomas, 195
- Knight, Harry S., 227
- Knoepfler, Karl J., article by, 282
- Landowner, liability of, to treepassers on premises, 65-59; injury of treepassers by act of, 70-76; duty of, to licensees, 76-80; duty of, to invitees and visitors, 80-87
- Landowner's Duty to Strangers on His Premises As Developed in the Iowa Decisions, 85
- Language, foreign, interference with use of, 50-55

Law, new lows agency for enforcement of, 83-35; failure of, in cities, 48-30; method of enforcement of, 184; need of development of, 208; mistake of, as ground for equitable relief, 264; socialization of, 371

Law merchant, 271

- Law office, study in, 196, 202, 208, 234
- Law schools, resolution relating to, 164, 165; views of, on admission to bar, 205; standards of, 206, 222
- Lawyers, resolutions on training and education of, 163-165, 197-331; character of, 195, 196, 200, 207, 209, 220, 223, 237, 329
- Legal education resolutions, on, 163-165, 339-231; discussion of, 193-228
- Legislation, Recent Iowa, 82
- Legislatures, State, new standards for admission to har to be urged on, 221
- Lessor, liability of, for injuries on premises, 86

Lewis, William D., 194

- Liberty, religions, note on, 50-55
- Licensees, landowner's duty to, 78-78; railroad's duty to, 79-80
- Licenses, state, new provisions for, 35-46; revocation of, 37-49
- Limitations, statute of, land titles under, 129, 134, 135
- Lincoln, Abraham, 199, 209, 213
- Loan sharks, new regulation of, 42, 43

Lowell, John, 199, 303

- McAdoo, William G., address by, 201, 223
- McGovney, D. O., articles by, 40, 152; resignation of, 165; note by, 258-260

Magna Charts, 51

Mansfield, Lord, 139

- Marriage, contracts in consideration of, 123-125; rights acquired by, 125, 137
- Marshall, John, education of, 199, 200, 208, 226

Marvel, Josiah, 108

Mason, Charles M., 203

Medical education, advances in, 200, 201, 205

vi

INDEX

Midwives, duty of, 45 Miller, Frederic M., prize won by,

- 48; article by, 88 Miller, Jesse A., 194 Mistake, adverse possession due to,
- 129-157; ground for equitable relief, 264 Mistake and Adverse Possession.
- 129
- Mortgage act, uniform, 166
- Motion to strike, need of, 266-368 Municipal soning, statute and case on, 260-263
- Murderer, prevention of acquisition of property by, 111-115
- National Conference of Bar Association Delegates, proceedings of, 163-165, 193-231
- Nonresidents, service of notice on, 188-150
- Notes, words of assignment and guaranty as indomement of, 115, 116
- Notice, service of, in actions in personam, 138, 141, 142, 148; service of, in actions in rows, 144-150; defective, 149, 169; statute curing defects of, 151
- Notice to the Guarantor-in Iows, 1 Nuisances, attractive, cases on, 67,
- 68, 69 Office, trial of right or title to, 121;
- ineligibility of U. S. senators to, 152-162; right to, 154
- Oklahoma, Indiana in, 282, 249
- Osteopaths, law on, 36, 39 Parol evidence rule, application of, 475-174, 182
- Paseno, Harry J., 38
- Patent Law, review of, 192
- Paternity, proof of, 60-62
- Patterson, Edwin W., article by, 35; editorial work of, 155; summary by, 193-204; book review by, 271
- Patterson, Thomas, 202
- Peace officers, special, new duties of, 28
- Penology, civil, 76
- Pepper, George W., 194
- Perkins, Rollin M., article by, 1
- Perpetuities, rule against, 354
- Physicians, duty of, 46

- Pleading and practice, effect of overruling demurrer in, 188-190 Police, chief of, new duties, 38
- Police power, meaning of, 54; extent of, 261 Policy, life insurance, delivery of,
- 268 268
- Podiatry examiners, 86
- Pound, Roscos, investigation directed by, 48; book by, 271
- Precedents, law of, 212
- Prescription, law of, 129
- Price, George E., 194, 202
- Probate court, control of, over suit by administratrix in another state, 180
- Procedure, Workmen's Compensation Act, 108-111
- Process, original, jurisdiction of court gained by, 139, 140
- Prohibition law, violations of, 32, 35
- Property, real, adverse possession of, 129-187
- Property, stolen, recovery of, 35
- Public policy, determination of, 58, 59; contracts sgainst, 64
- Quit claim deed, heirs expectant interest passed by, 181
- Railroads, duty of, to trespassers, 66, 67, 70, 71, 73, 74, 75; duty of, to licensees, 79, 80; duty of, to invitees, 83, 84, 85
- Ralston, Samuel M., address by, 197, 215
- Real property, offer of sale of, to broker, 262
- Recent Iowa Legislation, 32
- Registrar of vital statistics, state, 45
- Regular Entries, Books of Account, and the Iowa Statutes, 88
- Releases, effect of, 170-173
- Religious freedom, Iowa cases on, 50-55
- Reports, law, vast number of, 196, 202, 208, 212
- Representatives, United States, ineligibility to other federal offices, 152-163
- Residence districts, creation of, 260-262
- Reuter, E. B., article by, 43