INDEX

SUBJECT INDEX

A

ADMINISTRATION OF JUSTICE

Juvenile Courts of Missouri, History and Development of:
- Adoption of Minors by Deed 19
- Beginning of Modern Juvenile Court 23
- County Court Jurisdiction over Minors 19
- Criminal Courts and Minors 21-22
- Equity Courts and Minors 18
- Justice of the Peace, Jurisdiction over Minors 19
- Probate Court, Jurisdiction over Minors 19
- 1901 Probation Act 24-25
- 1903 Juvenile Courts Act 26-29
- 1905 Act 29-31
- 1909 Act 31-32
- 1911 Act 32-34
- Proposed Missouri Juvenile Court Legislation:
  - Age of Juvenile Subject to Court's Jurisdiction Increased 35-36
  - Age of Juvenile Officers 45
  - Court's Service to Public 45
  - Departure from Criminal Procedure, Difficulty of 34
  - Detention of Children 40
  - Hearing and Decree 42-45
  - Jurisdiction of 36
  - Medical and Psychiatric Treatment of Children 41
  - Non-Criminal Nature of 39
  - Petition Filed by Juvenile Officer 39
  - Preliminary Inquiry 38
  - Procedure Under 38-39
  - Purpose of 35
  - Salaries of Juvenile Officers 45
- Senate Bill No. 15, 69th General Assembly 48

ANNUITIES

See: Contracts

Gift Annuities:
- Factors Considered in Selecting Gift Annuity over Life Income Contracts 155-56

Hazards of Annuity to Charitable Organizations 159-60
- Nature of Agreement 151
- Prohibited Transactions 156
- Scope of Charitable Organization's Charter Power to Issue 161-63
- State Regulation of 160-61
- Tax Effect on Charitable Organization 156-58
- Tax Effect on Donor-Annuitant 151-52
- Tax Exemption Status 156-58
- Use of Annuity Agreements by Charitable Organizations, History of 150

ANTITRUST REGULATION

Alternative Products, Inclusion in Determining Relevant Market 75
- Cellophane, Relevant Market of 74
- Consumer Preferences, Defining Products in Competition 75
- Cross-Elasticity of Demand, Used in Finding Relevant Market 74-80
- Economic Data, Examination of to Determine Degree of Market Control 76-78
- Identical Products, When Included in Relevant Market 75
- Market Analysis 77f
- Market Control 76
- Monopoly, What Constitutes a 76
- Physically Distinguishable Products, When Included in Relevant Market 75
- Relevant Market, Use of to Determine Monopoly 74
- Sherman Anti-Trust Act 74

APPEAL AND ERROR

See: Criminal Procedure

ATTORNEYS

Fees Arising from Prosecuting a Minor's Tort Claim:
- Lien Statute of Missouri Does Not Bind a Minor 265
- Need of Legislation 266
- Paid by Court Appointed Guardian 255

Washington University Open Scholarship
<table>
<thead>
<tr>
<th>INDEX</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by a “Next Friend”</td>
<td>259</td>
</tr>
<tr>
<td>Paid by Parent of Minor Child</td>
<td>257</td>
</tr>
<tr>
<td>Practices Used to Get Fee</td>
<td>265</td>
</tr>
</tbody>
</table>

**B**

BURGLARY TOOLS
See: Criminal Law

**C**

CHARITABLE ORGANIZATIONS
See: Annuities
Charitable Trusts

CHARITABLE TRUSTS
See: Constitutional Law
Community Trusts          205, 218
Doctrine of Cy Pres               201, 274
Favored Position in Law         200
“Little-Type Trusts”         207, 219
Motivating Factors in Establishing  207
Origin of                             195
Rule Against Perpetuities Not Applicable to                 201
Statute of Charities Uses           196
Supervision over                   210, 214
Taxation, Exemption From           202, 208
Uses of                             196

COMMUNITY TRUSTS
See: Charitable Trusts

CONSTITUTIONAL LAW
See: Courts-Martial
Defamation
Local Government
Forum non-conveniens, Privileges and Immunities clause not applicable to  166
Fourteenth Amendment, Administering a Trust as State Action  272-73

CONTRACTS
See: Annuities
Life Income Contracts:
Factors Considered in Selecting Contract over Gift Annuity  155, 156, 160
Internal Revenue Code of 1954, Effect of Code on Trust Relationship of Contract  155

Nature of Agreement, Compared with Gift Annuity Agreement  153, 154
Tax Effect on the Donor  154
Minors’ Estate:
Court Appointed Guardian May Bind Contractually  255
“Next Friend” Cannot Bind Contractually  259
Parent of Minor Child Cannot Bind Contractually  257

COURTS
See: Administration of Justice
Constitutional Law
Criminal Law
Jurisdiction
Forum Non Conveniens:
Burden on Plaintiff or Defendant in Showing Why Jurisdiction Should not be Conferred  167-68
Definition of               165
Reasons for                   166
Standards for Application  168-70
Probate Court of Missouri:
Court Given Jurisdiction Over All Matters Pertaining to Appointment of Guardians in Estate of Minor  254
Tax Court:
Function of                   92
Judicial or Administrative Nature of  91-92
Power of a Tax Court to Vacate a Decision After Expiration of the Period for Review  90-93

COURTS-MARTIAL
Alternatives to Courts-Martial Jurisdiction Over Civilian Dependents  391-96
Lack Jurisdiction Over Civilian Dependents Committing Capital Offenses While Accompanying Armed Forces Abroad  384, 390
May Lack Jurisdiction Over Civilian Dependents Who Commit Non-Capital Offense  389, 395
May Retain Jurisdiction Over Civilian Employees Serving With Armed Forces Abroad  390
INDEX

CRIMINAL LAW
See: Criminal Procedure
Evidence
Jurisdiction
Burglary Tool Statutes:
Felonious Intent, Proof of Necessary .......................... 277
Intent May Be Reasonably Inferred from the Circumstances Surrounding the Possession of ..........278-80
No Intent Expressed ........280-81

CRIMINAL PROCEDURE
See: Administration of Justice
Evidence
Jurisdiction
Deferred Motion for Judgment of Acquittal ........... 83
Post Trial Motions:
Arrest in judgment ............ 83
New Trial ..................... 84
Trial Judge:
Control over Degree of Offense ................................ 82-83
Power to Modify a Verdict ........................................ 84-85

D
DEBTS
See: Local Government

DEFAMATION
Broadcast Defamation:
Common Law Distinctions,
Attempts to Remove ........ 287
Confusion Among Early Cases .................................. 286
Inapplicability of Common Law Separation Between Libel and Slander to Defamation by Radio or Television ........................................ 289
Proposals for Handling Broadcast Defamation .......... 287
Common Law Distinction Between Libel and Slander:
Form as Basis of the Distinction ..................... 282, 360-62
Partial Consolidation of the Separate Torts by a Confusion of the Term “Per Se” ...............284, 362-64
Permanency and the Area of Dissemination as Basis of Distinction .................. 285

E
ESTATES
See: Contracts
Torts

EVIDENCE
See: Fraudulent Conveyances
Intent, Proof of:
Declarations of the Party .... 228
Extrajudicial Admissions ........................................ 230-31
Opinion Evidence Inadmissible .................................. 229
Prior Conduct Inconsistent with Present Contentions .................................. 230
Testimony of the Party ......... 229
Tainted Testimony:
Effect on Procedure and Substantive Evidence .......170-73
Use of Informers as Government Witnesses ..............174-76

F
FRAUDULENT CONVEYANCES
Circumstantial Evidence as Proof of Fraudulent Purpose .................................. 249
Missouri Statutory Provisions .................................. 246
State of Mind Required ........ 246
## INDEX

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LAW REVIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Circulation, Advertising, Finances and Publishing:</td>
</tr>
<tr>
<td></td>
<td>Advertising .................................. 145-46</td>
</tr>
<tr>
<td></td>
<td>Circulation and Subscriptions .................. 144-45</td>
</tr>
<tr>
<td></td>
<td>Financing and Publication Policy ............... 146-47</td>
</tr>
<tr>
<td></td>
<td>Conference of Law Reviews, Introductory Remarks to .................. 118-23</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LAW REVIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Major Articles and Book Reviews:</td>
</tr>
<tr>
<td></td>
<td>Book Reviews and Book Notes ................................ 132</td>
</tr>
<tr>
<td></td>
<td>Processing and Disposition .... 136</td>
</tr>
<tr>
<td></td>
<td>Solicitations .......... 138-34</td>
</tr>
<tr>
<td></td>
<td>Special Issue .... 135</td>
</tr>
<tr>
<td></td>
<td>Topics ........ 132</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LAW REVIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Selection and Organization of Staff:</td>
</tr>
<tr>
<td></td>
<td>Organization of Board ........ 143</td>
</tr>
<tr>
<td></td>
<td>Privileges and Immunities of Review Staff ............ 143-44</td>
</tr>
<tr>
<td></td>
<td>Responsibilities of Second-Year Staff ............ 141-42</td>
</tr>
<tr>
<td></td>
<td>Selection of Board of Editors ............ 142-43</td>
</tr>
<tr>
<td></td>
<td>Selection of Second-Year Staff ............ 141</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LAW REVIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Selection and Organization of Staff:</td>
</tr>
<tr>
<td></td>
<td>Organization of Board ........ 143</td>
</tr>
<tr>
<td></td>
<td>Privileges and Immunities of Review Staff ............ 143-44</td>
</tr>
<tr>
<td></td>
<td>Responsibilities of Second-Year Staff ............ 141-42</td>
</tr>
<tr>
<td></td>
<td>Selection of Board of Editors ............ 142-43</td>
</tr>
<tr>
<td></td>
<td>Selection of Second-Year Staff ............ 141</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LAW REVIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Student Notes and Comments:</td>
</tr>
<tr>
<td></td>
<td>Author Credit on Student Work ................ 140</td>
</tr>
<tr>
<td></td>
<td>Citation, Check, Proofreading, Press Work ........ 140</td>
</tr>
<tr>
<td></td>
<td>Editorial Process ........ 139-40</td>
</tr>
<tr>
<td></td>
<td>Topic Selection ........ 137-39</td>
</tr>
<tr>
<td></td>
<td>Types of Student Work .......... 136-37</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LAW REVIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LAWYERS</td>
</tr>
<tr>
<td></td>
<td>Responsibility Concerning Security and Liberty .......... 123-32</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LAW REVIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LEGAL EDUCATION</td>
</tr>
<tr>
<td></td>
<td>Changes in:</td>
</tr>
<tr>
<td></td>
<td>Case-Book Method .......... 4, 13</td>
</tr>
<tr>
<td></td>
<td>Development of Realism in Law, A Cause of .......... 5</td>
</tr>
<tr>
<td></td>
<td>Law Teachers Associations ...... 2</td>
</tr>
<tr>
<td></td>
<td>Criticism of .......... 1</td>
</tr>
<tr>
<td></td>
<td>Lecturing, Criticism of Too Much of .......... 14</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LAW REVIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LIBEL</td>
</tr>
<tr>
<td></td>
<td>See: Defamation</td>
</tr>
</tbody>
</table>

---

GUARDIANS

See: Contracts
Courts
Torts

INTERNATIONAL LAW

Impact on International Organization .......... 116, 117
Impact on International Politics .............. 114-15, 117
Kellogg-Briand Pact, Effect of Violation ........ 115
United Nations Charter, “Domestic Jurisdiction” Clause ........ 112

JURISDICTION

See: Administration of Justice
Courts
Courts-Martial
Comity, Rule of ............... 86, 89
Consent Requirement by a Court Having Jurisdiction of a Party Before Another Court Can Obtain Jurisdiction ............. 87-90
“Doctrine of Abstention” ........ 181
Federal Equity Courts, Discretionary Powers to Interfere in State Activities Bounded by:
Special Supreme Court Rules .................. 181-82
Statutory Limitations .... 178-80
Traditional Equity Rules .. 180-81
Power of State Court to Institute Criminal Proceedings Against Federal Probationer ........ 86-90

LABOR LAW

Political Expenditures:
Legislative Objectives Sought by Prohibition of ................ 398
What Constitutes ........ 399-406

LAW REFORM

See: Legal Education
Advocacy of Plainer English in Our Laws ........ 16

LIBEL

See: Defamation

vi
INDEX

**LOCAL GOVERNMENT**

Constitutional Limitations on
Indebtedness, in General:
Categories of .............................................. 59
History of ................................................. 59
Constitutional Limitation on
Indebtedness in Missouri:
Bonds Issued for Special
Purpose do not Create
Debts Within Meaning of
Constitutional Limitations .............................................. 71
Indebtedness Limited by the
Unit's Current Revenue
and Income ................................................. 59
Strict Application of Constitu-
tional Limitations Where
Obligation Is Absolute and
Unconditional ............................................. 69
Involuntaryy Incurred Debts
Not Within Missouri Consti-
tutional Limitation
Where:
Debts Arise from Ex Delicto
Actions ....................................................... 63
Debts were Incurred in Per-
formance of Mandatory
Duties ......................................................... 61
Voluntarily Assumed Obliga-
tions Not Within Constitu-
tional Limitations
Where:
Obligation Is Contingent .... 68
Particular Project Is Fi-
nanced by Revenue
Bonds ......................................................... 64
Public Utility Is Leased .... 67
Single District Is Specially
Assessed for a Particular
Project ....................................................... 66

**MALICIOUS PROSECUTION**

State of Mind Required ........... 237

**MASTER-SERVANT**

Respondent Superior, Scope of
Employment ............................................. 183

**MINORS**

*See: Administration of Justice
Attorneys
Contracts
Torts

**MONOPOLIES**

*See: Antitrust Regulation

<table>
<thead>
<tr>
<th>NEGLIGENCE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>See: Torts</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REAL ESTATE LISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGREEMENTS</td>
</tr>
</tbody>
</table>

Agreement to Pay Commiss-
ion “When Papers Are
Passed” ............................................. 335
Ambiguity Resolved Against
Broker ............................................. 332
Arbitrary Refusal of Owner to
Accept Purchaser Pro-
cured by Broker, Effect of ............................................. 343
Commission Payable from
“Purchase Price” Fund
Still to Come into Exist-
ence ............................................. 341
Condition Precedent to Com-
pensation:
Broker to be Paid From
Fund Yet to Come Into
Existence ............................................. 348
Judicial Analogies to Non-
Brokerage Cases ............ 349-51
Terms Clearly Conditional in
Import ............................................. 348

General Problems Arising
Under ............................................. 297

Interpretation of Based on
Intention of Parties .......... 328-30
Interpretation of Payment Pro-
vision Question of Fact
for Jury ............................................. 338
New Jersey Approach ........ 300
Obligation of Listing Property
Owner Under New Jersey
Decisions ............................................. 310-13
Obligation of Listing Property
Owner Under New York
Decisions ............................................. 320-27

Preference of New York
Courts to Find Payment of
Broker Subject to Condi-
tion Precedent ......................... 314-20

Qualifying Words, Effect on ............................................. 301-05

Specific Performance, Effect of
Action on Owner's Liabil-
ity to Pay Broker's
Commission ............................................. 323-25

Statute of Frauds, Require-
ment that Broker's Em-
ployment Agreements be
in Writing ............................................. 336
INDEX

Surrounding Circumstances,
Effect of ...........................333-35
"Time Rationale" ..................... 300
Words Introducing Payment
Clauses, Effect of ...............331-32

RESPONDEAT SUPERIOR
See: Master-Servant

SETTLEMENTS
See: Torts

SLANDER
See: Defamation

STATE OF MIND
See: Criminal Law
Fraudulent Conveyances
Malicious Prosecution
Torts

TAXATION
See: Annuities
Appeal and Error
Charitable Trusts
Contracts
Courts

TRUSTS
See: Charitable Trusts
Constitutional Law

TORTS
See: Attorneys
Defamation
Malicious Prosecution
Causal Relation Between Negligence in Employing Persons Likely to Commit Torts and Harm to Third Persons .....................187-88
Comparative Negligence
Statutes .......................... 106
"Contributory Negligence," Decline of as a Defense .... 105
Distinction Between Fault and Negligence ..................102-03
Distinction Between Negligence and Morally Reprehensible Conduct .................. 102

Duty of Landlord to Protect
Tenant ............................183-84
Duty of Landlord Who Makes Repairs .................... 183
Family Car Doctrine ............. 183
Fraud and Deceit, State of Mind Required .................. 239
Intentional Conduct .............100-102
Intentional Torts, State of Mind Required .................. 224
"Last Clear Chance" Doctrine,
Expansion of ....................105-06
Liability for Employing Persons Likely to Commit Torts ....................185-87
Liability Without Fault Within the Negligence Concept .... 102
Manufacturers' Liability, Expansion of ..................106-08
Minors' Tort Claims:
Adequate Protection Is Not Afforded Minor in Settlement or Prosecution of ..... 253
Appointment of Guardian to Prosecute Small Tort Claim, Impracticality of .... 256
Court Ordering Next Friend to Deposit Minor's Funds in Bank as Method of Protecting Estate of Minor ............................ 266
Punitive Damages, State of Mind Required .................. 242
Res Ipsa Loquitur:
Increasing Use of Against Multiple Defendants .....108-09
Manufacturer's Liability Cases, Use of ..................107-08
Settlements:
Approval of Court Will Bind Minor When Reached During Course of Litigation .... 260
Friendly Suit as Method to Enforce Settlements Reached Without Litigation ............ 261
Payment to Parent as a Release of Minor's Tort Claim ............................ 263
Tort Immunity Within the Family ............................ 263
Trends Toward Increasing Liability Without Fault ............................99-109