# Missouri Law Review

Volume 11 Issue 1 January 1946

Article 4

1946

# **Index to Subjects**

Follow this and additional works at: https://scholarship.law.missouri.edu/mlr



Part of the Law Commons

## **Recommended Citation**

Index to Subjects, 11 Mo. L. Rev. (1946) Available at: https://scholarship.law.missouri.edu/mlr/vol11/iss1/4

This Front Matter is brought to you for free and open access by the Law Journals at University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Missouri Law Review by an authorized editor of University of Missouri School of Law Scholarship Repository. For more information, please contact bassettcw@missouri.edu.

# INDEX TO SUBJECTS

Page ACTIONS See Enternal Programmer	Page records and briefs 354 jurisdiction of the Supreme Court
See Federal Procedure:	349
Federal Procedure: counterclaims and cross-claim 10 injunctions 93 third party practice 12 Tort—Liability of husband for torts of	Missouri Supreme Court decisions in 1945—the new general code for civil procedure interpreted — appeal 431
wife during coverture—"home" as	4 MM
a joint enterprise 327	ATTORNEY AND CLIENT
Tort—Liability for death of, or injury to, one seeking to effect a rescue 317	Conflict of interest — right to with- draw 336
ADMINISTRATIVE LAW	CODE—FEDERAL RULES OF CIVIL PROCEDURE
See Jurisdiction; Public Service Commissions	See Federal Procedure
Doctrine of precedents and public service commissions: 31-61	CODE_MISSOURI CIVIL
reference to stare decisis or to prece-	Evidence—discovery—scope of inter-
dents 38	rogatories to party opponent un-
technique of decision 45	der Missouri Code 192 Missouri Supreme Court decisions in
Jurisdiction of the courts to decide	1945—the new general code for
questions arising out of collective	civil procedure interpreted
bargaining agreements 62	417-439
ADMINISTRATIVE TRIBUNALS	amendments to pleadings 422 appeal 431
See Administratue Law; Jurisdic-	cases tried without a jury 426
TION; PUBLIC SERVICE COMMIS-	consolidation of suits 425
SIONS	exceptions to rulings of a court 430
Doctrine of precedents and public service commissions 31	exhibits are parts of a pleading 421
Jurisdiction of the courts to decide	extending the time for doing speci- fied acts 418
questions arising out of collective	filing of papers 418
bargaining agreements 62	interrogatories 423
	motion for directed verdict under
ADVERSE POSSESSION	section 112 of the code 426
AND USER	motions for new trial 429
Missouri Supreme Court decisions in	motions to dismiss petition 421
1945 relative to property 383	necessity of pleading negligence 421 new trial ordered by court on own
APPELLATE PRACTICE	initiative 430
See Appellate Practice; Federal	objectives of code 417
Procedure; Code — Missouri Civil	parties 420
CIVIL	place of conducting trials 424
APPEAL AND ERROR	pre-trial procedure 422
	production of documentary evidence
See Federal Procedure; Practice Federeal procedure: 98-101	at taking of deposition 439
Federeal procedure: 98-101 appeal to circuit court of appeals 98	proper method of attacking non- joinder of parties 421
record on appeal to a circuit court of	service of papers 418
appeals 101	setting forth claims for relief 420
Missouri Supreme Court decisions in	the granting of new trials 427
1945 relative to: 349-355	waiver of objections by failure to
effect of decisions 353	make motion 421

vi

Page	Page
COMMERCE	CRIMINAL LAW
See Constitutional Law Constitutional law cases in the United States Supreme Court: 1941-1946 refresher materials for returned	See Constitutional Law Protection of persons accused of crime: 278-292 exclusion from jury service 278
service men)—interstate commer- ce: 219-263	miscellaneous 291 right to counsel 284
scope of national power 219	search and seizure 287
state regulation and taxation 236	use of confessions 280
CONSTITUTIONAL LAW	waiver of jury trial 287
See Commerce; Criminal Law; Due	DUE PROCESS
Process; Labor, Taxation; War Powers of National Govern- MENT	See Constitutional Law Due process and equal protection 263-274
Constitutional law cases in the United	regulation 263
States Supreme Court: 1941-1946	taxation 266
(refresher materials for returned service men): 197-316	EMINENT DOMAIN
bills of attainder 275	See Constitutional Law
citizenship, suffrage and related matters 293	Fifth amendment—just compensation clause 274
due process and equal protection 263 federal state relations 199	EQUAL PROTECTION
fifth amendment—just compensation clause 274	See Constitutional Law Due process and equal protection
freedom of speech, press and relig- ion 209	263-274 regulation 263
interstate commerce 219	taxation 265
protection of persons accused of crime 278	ETHICS
separation of powers 205 thirteenth amendment: peonage	See Attorney and Client
thirteenth amendment: peonage cases 292	EVIDENCE
war powers of the national govern- ment 209	See Federal Procedure; Medicine; Practice
Missouri Supreme Court decisions in 1945 relative to taxation — tax	Discovery—scope of interrogatories to
statutes in conflict with constitu-	party opponent under Missouri code 192
tional provisions 391	Federal procedure: 16-29
CONTEMPT	admission of facts and of genuine- ness of documents 25
See Constitutional Law Freedom of speech and press and con-	depositions before action or pending
tempt of court 299	appeal 18 depositions, persons before whom
CONTRIBUTORY NEGLIGENCE	may be taken 19 depositions upon oral examination
See Negligence; Torts	19
Missouri Supreme Court decisions in 1945 relative to torts—defense in	discovery and production of docu- ments and things for inspection,
negligence cases 406	copying, or photographing 24
COURTS	interrogatories to the parties 21 subpoena 22
See JURISDICTION	exposure to x-rays and radioactive substances 137
Jurisdiction of the courts to decide questions arising out of collective	Medico-legal aspects of spinal cord in-
bargaining agreements 62	juries 111

	-
Page	Page
Missouri Supreme Court decisions in	pleadings allowed 4
1945 relative to: 355-360	receivers appointed by federal
admissions 358	courts 94
hearsay 358	record on appeal to a circuit court
impeachment 357	of appeals 101
judicial notice 356	relief from judgment or order 91
relevancy, materiality and compe-	subpoena 29
tency 356	summary judgment 87
witnesses 357	third-party practice 12
Missouri Supreme Court decisions in	time, enlargement of 1
1945—the new general code for	HOMESTEADS
civil procedure interpreted—pro-	Missouri Supreme Court decisions in
duction of documentary evidence	1945 relative to property 388
at taking of deposition 439	7 7 7
EXTRAORDINARY LEGAL	HUNANITARIAN DOCTRINE
REMEDIES	See Negligence; Torts
O. E De compress	Missouri Supreme Court decisions in
See Federal Procedure Injunctions 93	1945 relative to: 360-369
Injunctions 93	court en banc 361
FEDERAL PROCEDURE	division number one 362
Can Dynaming. Dragger	division number two 365
See PLEADINGS; PRACTICE Proposed amendments to rules of civil	INJUNCTION
procedure for the district courts of	-
the United States and their signifi-	See Extraordinary Legal Remedies;
cance to Missouri lawyers:	FEDERAL PROCEDURE
1-30; 77-110	Federal procedure 93
admission of facts and or genuine-	INSURANCE
ness of documents 25	Minari Carres Carres desirions in
appeal to a circuit court of appeals	Missouri Supreme Court decisions in 1945 relative to 369
98	1945 relative to 369
books and records kept by the clerks	JOINT ADVENTURE
and entries therein 107	See Actions; Negligence; Torts
Country and discountry	Liability of husband for torts of wife
	during coverture—"home" as a
depositions pending action 16 depositions, persons before whom	joint enterprise 327
may be taken 19	TOTAL TANDED DOLGE
depositions upon oral examination	JOINT ENTERPRISE
19	See Actions; Negligence; Torts
discovery and production of docu-	Liability of husband for torts of wife
ments and things for inspection,	during coverture—"home" as a
copying, photographing 24	joint enterprise 327
copying, photographing 24 dismissal of actions 27	JUDGMENTS
district courts and clerks 106	<u>*</u>
entry of judgment 89	See Federal Procedure; New Trial
findings by the court 82	Federal procedure: 77-91
injunctions 93	entry of judgment 89
interrogatories to the parties 21	findings by the court 82
intervention 15	judgments; costs 85
judgments; costs 85	motions for a directed verdict and
motions for a directed verdict and	for judgment
for judgment 77	new trials; amendment of judgments 90
new trials; amendment of judgments	I
offer of judgment 97	relief from judgment or order 91 Missouri Supreme Court decisions in
	1945 relative to appellate practice
parties plaintiff and defendant; ca-	effect of decisions 353
pacity 14	· —circul or accisions 333

\*\*\*\* MICCOURT I AM DENIEM

VIII MISSOURI L	AW KEVIEW
Page `	Page
JURISDICTION	radium and radon: properties and
See Administrative Tribunals; Courts	dosage 140 summary and discussion 189
Jurisdiction of the courts to decide	x-rays; nature, production physical
questions arising out of collective	properties and dosage 138
bargaining agreements 62-72	Medico-legal aspects of spinal cord
jurisdiction in actions to enforce	injuries: 111—136
right created by the National Lab-	amyotrophic lateral sclerosis 131
or Relations Act 63	anatomy and physiology 112 multiple sclerosis 127
jurisdiction of federal courts to en-	spinal cord tumors 135
force rights not dependent upon the	syphilis of the spinal cord 133
National Labor Relations Act 67 jurisdiction of state courts to en-	syringomyelia 135
force rights not dependent upon	the neurological examination and
the National Labor Relations Act	the significance of various findings
69	115 types of spinal cord injury 118
Missouri Supreme Court decisions in	opposition of the state of the
1945 relative to appellate practice—	MISSOURI SUPREME COURT
jurisdiction of the Supreme Court	The work of the Missouri Supreme
349	Court for the year 1945: 345—439
LABOR LAW	appelate practice 349 evidence 355
See Constitutional Law; Jurisdic-	evidence 355 humantarian doctrine 360
TION	insurance 369
Freedom of speech, press and assembly in labor controversies 302	property 378
Jurisdiction of the courts to decide	statistical survey 345
questions arising out of collective	taxation 391
bargaining agreements 62	the new code for civil procedure
Y AND ODD AND MENTARM	interpreted 417 torts 397
LANDLORD AND TENANT	trust and wills 412
Relaxation of abondonment requirement for constructive eviction,	MORTAGES
during critical housing shortage	Missouri Supreme Court decisions
440	in 1945 relative to property 389
LAW	
Studying law 73	MOTIONS See Code—Missouri Civil; Federal
LIBEL AND SLANDER	PROCEDURE
See Torts	Missouri Supreme Court decisions
Missouri Supreme Court decisions in	in 1945—the new general code
1945 relative to torts 409	for civil procedure interpreted:
25777 25777	421—426
MEDICINE	motion for directed verdict under section 112 of the code 426
Medico-legal aspects of injuries from	motions to dismiss petition 421
exposure to x-rays and radioactive	proper method of attacking non-
substances: 137—191 character of radiation injuries in	l joinder of parties ' 421
particular tissues 167	Motion for a directed verdict and
children of irradiated parents 186	for judgment 77
cyclotron radiation and artificially	MUNICIPAL CORPORATIONS
radioactive substances 142	Missouri Supreme Court decisions in
general principles of tissue responses	1945 relative to taxation:
radiation 162 hazards in the use of radiation 150	393—394 taxes levied by municipal corpora-
medical use of radiation 130	tions 393
nature and hazards of non-medical	revenue bonds of municipal corp-
uses of radiation 149	orations 394

## INDEX TO SUBJECTS

Page	Page
Page NATIONAL LABOR RELATIONS ACT  See JURISDICTION Jurisidiction of the courts to decide questions arising out of collective bargaining agreements  62	Missouri Supreme Court decisions in 1945—the new general code for civil procedure interpreted: 420—422 ammendants to pleadings 422 exhibits are parts of a pleading 421 neccessity of pleading negligence 421
NATURALIZATION	parties 420 setting forth claims for relief 421
Statutory construction 339	PRACTICE
NEGLIGENCE	See Federal Procedure; Judgments;
See Action; Torts Humanitarian doctrine — Missouri Supreme Court decisions in 1945 relative to 360 Liability of husband for torts of wife during coverture—"home" as a joint enterprise 327 Liability for death of, or injury to, one seeking to effect a rescue 317 Missouri Supreme Court decisions in 1945 relatives to torts: 397—409 automobiles 400 burden of proof defenses in negligence cases 406 employer-employee relationship imputed negligence 405 possessors of land, duty of 397 public accountants, duty of 402 railroads, duty of 400 suppliers of a chattel, duty of 403	New Trial  Evidence—discovery—scope of interrogatories to party opponent  Federal procedure: 16—107 under Missouri code 192 admission of facts and of genuiness of documents 25 appeal to a circuit court of appeals  books and records kept by the clerks and entries therein 107 depositions before action or pending appeal 18 deposition pending action 16 depositions, persons before whom may be taken 19 dicovery and production of document and things for inspection, copying, or photographing 24
NEW TRIAL	dismissal of actions 27 district courts and clerks 106
See Federal Procedure; Judgments Missouri Supreme Court decisions in 1945—the new general code for civil procedure interpreted: 427—430 granting of new trials 427 motions for new trial 429 new trial ordered by court on own	entry of judgment 89 findings by the court 82 interrogatories to the parties 21 judgments; costs 85 motions for a directed verdict and for judgment 77 new trials; amendment of judgments 90 offer of judgment 97
initiative 430	record on appeals to a circuit court
New trials; ammendment of judgment federal procedure 90	of appeals 101 relief from judgment or order 91 subpoens 29
PLEADINGS	summary judgment 87
See Federal Procedure: Practice Federal procedure 1—15 counterclaim and crossclaim 10 defenses and objections 4 intervention 15 parties plantiff and defendant; capacity 14 pleadings allowed 4 third-party practice 12 time, enlargement of 1	Missouri Supreme Court decisions in 1945 relative to appellate practice—records and brief 354 Missouri Supreme Court decisions in 1945—the new general code for civil procedure interpreted: extending the time for doing specified acts filing of papers 418 service of papers 418

Page 1	Page
PRECEDENTS	due process and equal protection
See Public Service Commissions	—taxation 266
Doctrine of precedents and public	federal state relations—taxation
service commissions: 31—61	199
reference to stare decisis or to prec-	interstate commerce—state regu-
edents 38	Intion una vallation
techinque of decision 45	Missouri Supreme Court decisions in 1945 relative to: 391-397
PROCEDURE	20.1
See Code—Missouri Civil; Federal	drainage and sewer taxes 394 exemption from taxation 396
Procedure	fire districts 393
	income taxes 393
PROPERTY	revenue bonds of municipal
See Eminent Domain; Landlord and	corporations 394
TENANT	school districts 394
Fifth ammendment—just compen-	tax sales and titles 395
sation clause 274 Relaxation of abandonment for con-	tax statutes in conflict with con-
structive eviction, during critical	stitutional provisions 391
housing shortage 440	taxes levied by municipal cor-
Missouri Supreme Court decisions in	porations 393 unemployment compensation
1945 relative to: 378-391	taxes 392
adverse possession and user 383	taxts
bona fide purchaser 388	TRIAL
boundaries 387	
concurrent ownership 379	See CODE—MISSOURI CIVIL; FEDERAL
mortages 389	Procedure; Practice
statute of frauds 386 statute of wills 387	Evidence—discovery—scope of inter-
statute of wills 387	rogatories to party opponent un- der Missouri code 192
PUBLIC SERVICE	der Missouri code 192
COMMISSIONS	
Doctrine of precedents and public	TORTS
sevice commissions: 31—61	See Actions; Humanitarian Doc-
reference to stare decisis or to pre-	TRINE; NEGLIGENCE
cedents 38 techinque of decesion 45	Humanitarian doctrine-Missouri Su-
techinque of decesion 45	preme Court decisions in 1945
SEPARATION OF POWERS	relative to 360
See Constitutional Law	Liability of husband for torts of wife
	during coverture — "home" as a
STATUTE OF FRAUDS	joint enterprise 327
Missouri Supreme Court decisions in	Liability for death of, or injury to, one
1945 relative to property 386	seeking to effect a rescue 317
STATUTE OF WILLS	Missouri Supreme Court decisions in
Missouri Supreme Court decisions in	1945 relative to: 397-411
1945 relative to property 387	burden of proof 409
STATUTES	defenses in negligence cases 406
Naturalization—statutory construc-	imputed negligence
tion 339	indei and blander
TAXATION	negligence: automobiles 400
	employer-employee relationship
See Constitutional Law; Missouri Supreme Court	404
Constitutional law cases in the United	possessors of land, duty of 397
States Supreme Court: 1941-1946	public accountants, duty of 402
(refresher materials for returned	railroads, duty of 400
service men):	supplier of a chattel, duty of 403

### INDEX TO SUBJECTS

Page
Executive control applied to citizens of Japanese ancestry 210
Selective training and service act of 1940 210
Standing of enemy aliens in United States courts 209
Use of military tribunals 209 WILLS AND ADMINISTRATION
Missouri Supreme Court decisions in
1945 relative to trusts, wills and administration: 412-416 cases involving the administration of

415

#### UNEMPLOYMENT COMPEN-SATION

Missouri Supreme Court decisions in 1945 relative to taxation—unemployment compensation taxes 392

### WAR POWERS OF NATIONAL GOVERNMENT

See Constitutional Law Emergency price and rent control 213

# miscellaneous cases involving wills WITNESSES

constructions of wills and trusts 413

mental incapacity and undue influ-

miscellaneous cases involving trusts

See Evidence: Federal Procedure Missouri Supreme Court decisions in 1945 relative to evidence

xi

Page citizens 210

416

415