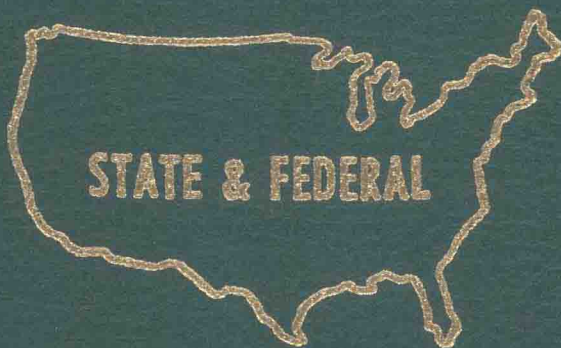


AMERICAN JURISPRUDENCE 2d



GUARDIAN AND WARD

HIGHWAYS, STREETS, AND BRIDGES §§ 1—554

AMERICAN JURISPRUDENCE

SECOND EDITION

A MODERN COMPREHENSIVE TEXT STATEMENT
OF AMERICAN LAW

STATE AND FEDERAL

COMPLETELY REVISED AND REWRITTEN
IN THE LIGHT OF MODERN AUTHORITIES AND DEVELOPMENTS
BY THE EDITORIAL STAFF OF THE PUBLISHERS

VOLUME 39

GUARDIAN AND WARD

TO

HIGHWAYS, STREETS, AND BRIDGES §§ 1-554

THE LAWYERS CO-OPERATIVE PUBLISHING COMPANY, ROCHESTER, N. Y.
BANCROFT-WHITNEY COMPANY, SAN FRANCISCO, CALIF.

1968

Copyright © 1968
by
Jurisprudence Publishers, Inc.

The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI Z39.48-1984.



Managing Editor

OSCAR C. SATTINGER

Consulting Editors

ROBERT D. HURSH
JOHN E. KEEFE

ALLEN R. SOLIE
TROWBRIDGE C. WILLIAMS

Editors

CARL T. DRECHSLER
JOHN P. LUDINGTON
ERNEST H. SCHOPLER

WILLIAM E. SHIPLEY
ANTHONY M. SWARTHOUT
HARRY A. WOOD

LLOYD A. WRIGHT

Contributors to This Volume

HERBERT B. CHERMSIDE
W. A. HARRINGTON
OTTO KLAUSHOFFER
SIDNEY LORVAN

RICHARD J. MILLS
LOUIS R. MORRISON
KENNETH M. POTRAKER
LEONARD I. REISER

JOHN A. VAN ASSENDERP

*

TABLE OF PARALLEL REFERENCES

This table shows where the subject matter of the various sections of articles in the first edition of American Jurisprudence is treated in American Jurisprudence 2d. It enables one to translate references in the Am Jur General Index, in the AM JUR FORMS books and in AM JUR PROOF OF FACTS as well as the many references to "Am Jur" in the reported cases in other legal publications, into references to Am Jur 2d.

When a particular subject matter is treated in another topic the title of the other topic is indicated.

The reader should always consult the volume index for detail and for matter not appearing in the first edition.

GUARDIAN AND WARD

AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§
1	Scope note	43	44	85	87
2	1	44	45	86	88
3	2	45	46	87	89
4	3	46	47	88	90
5	4	47	48	89	91
6	6, 30	48	49	90	92
7	7, 8	49	50	91	93
8	6	50	52	92	94
9	5	51	53	93	95
10	9	52	SPENDTHRIFTS	94	96
11	10	53	54, 64	95	178
12	11	54	55	96	97
13	12	55	56	97	98
14	13	56	57	98	99
15	14, 16	57	58	99	100
16	17, 44	58	59	100	101
17	18	59	60	101	102
18	19, 20	60	61	102	103
19	21	61	62	103	104
20	SPENDTHRIFTS	62	65	104	105
21	22	63	66	105	106
22	23	64	67	106	107
23	24	65	DOMICIL	107	111
24	25	66	68	108	108
25	26	67	68	109	109
26	27	68	69	110	110
27	28, 29	69	70	111	112
28	30	70	71	112	113
29	31	71	72	113	114
30	32	72	73	114	115
31	33	73	74	115	116
32	34	74	75	116	117
33	35	75	76	117	118
34	36	76	77	118	119
35	27	77	78	119	120
36	37, 41	78	63, 79	120	121
37	38	79	80	121	122
38	39	80	82	122	123
39	40	81	83, 178	123	124
40	41	82	84	124	125
41	42	83	85	125	126
42	43	84	86	126	127

TABLE OF PARALLEL REFERENCES

GUARDIAN AND WARD—Continued

AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§
127	129	157	160	187	189
128	128	158	161	188	190
129	130	159	162	189	191
130	131	160	163	190	192
131	128, 132	161	164	191	193
132	133	162	165	192	194
133	134	163	166	193	195
134	135	164	167	194	197, 198
135	136	165	168	195	196
136	137	166	169	196	199
137	138	167	170	197	200
138	139	168	171	198	201
139	140	169	Deleted	199	202
140	141	170	172	200	203
141	142	171	173	201	204
142	143	172	174	202	202, 205
143	144, 145	173	175	203	206
144	146	174	176	204	207
145	147	175	177	205	208
146	148	176	178	206	208
147	149	177	179	207	209, 210
148	150	178	180	208	211
149	151	179	181	209	212
150	152	180	182	210	213
151	153	181	183	211	214
152	154	182	184	212	215
153	156	183	185	213	216, 217
154	103, 157	184	186	214	218
155	158	185	187	215	219
156	159	186	188	216	220, 221

HABEAS CORPUS

AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§
1	Scope note	27	29	54	63
2	1	28	30	55	64
3	Deleted	29	31	56	Deleted
4	2	30	32	57	65
5	3	31	33	58	66
6	Deleted	32	34	59	67
7	4	33	35	60	68
8	5-7	34	36	61	67
9	17	35	39	62	69
10	8	36	37	63	70
11	9	37	38	64	71
12	10	38	44	65	72
13	11	39	45	66	74, 75
14	12	40	46	67	76
15	14	41	47	68	77
16	15	42	48	69	78, 79
17	16	43	48, 146	70	80
18	Deleted	44, 45	Deleted	71	81
19	18	46	49	72	152, 154
20	19	47	51	73	147
21	20	48	52	74	77
22	21	49	50, 53	75	82
23	24	50	56, 58	76	83, 84
24	25	51	59	77	85
25	27	52	61	78	91, 99
26	28, 146	53	62	79	118

HABEAS CORPUS—Continued

AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§
80	148	109	108	138	136
81	149	110	109	139	137
82	92	111	110	140	138
83	93	112	Deleted	141	139
84	60, 86	113	116	142	140
85	87	114	111	143	141
86	88	115	111, 112	144	144
87	40	116	113	145	176
88	41	117	22, 114	146	177
89	42	118	115	147	142
90	43	119	115	148	145
91	94	120	115	149	146
92	150	121	115	150	152
93	95	122	117	151	153
94	96	123	119, 120	152	155
95	151	124	121	153	156
96	96	125	122	154	157
97	97	126	123	155	158
98	98	127	124	156	159
99	101	128	125	157	161
100	103, 104	129	126	158	153, 162
101	89	130	127	159	163
102	90	131	129	160	164
103	100	132	130	161	165
104	Deleted	133	131	162	166
105	ALIENS AND CITIZENS	134	132	163	167
106	105	135	133	164	168
107	106	136	134	165	174
108	107	137	135	166	175

HABITUAL CRIMINALS AND SUBSEQUENT OFFENDERS

AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§
1	Scope note	15	14	28	25, 26
2	2, 4	16	15	29	26, 27
3	2, 3, 5	17	4	30	27
4	5, 13, 20	18	14, 16	31	17, 18, 23
5	5	19	5, 11	32	23
6	2, 5	20	12	33	23
7	5	21	13	34	23
8	5, 23	22	17	35	23, 28
9	6	23	24	36	7, 28
10	6, 7	24	19	37	30
11	10, 13	25	20, 23	38	29
12	6	26	20, 21	39	30
13	8, 13	27	20, 22	40	31, 32
14	9				

HEALTH

AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§
1	1	9	1, 6, 9, 10	17	17
2	Scope note	10	11	18	17
3	1	11	12	19	19
4	5	12	13	20	19
5	4	13	14	21	20
6	8	14	16	22	20, 21
7	3	15	15	23	21
8	7	16	18	24	22

TABLE OF PARALLEL REFERENCES

HEALTH—Continued

AM JUR	AM JUR 2d	AM JUR	AM JUR 2d	AM JUR	AM JUR 2d
§§	§§	§§	§§	§§	§§
25	23	33	30	41	44
26	24	34	31	42	45
27	25	35	27	43	45
28	26	36	36	44	47
29	33	37	38	45	48, 49
30	28	38	34, 35, 40	46	50
31	32	39	39	47	51
32	29	40	41-43	48	52, 53

HIGHWAYS, STREETS, AND BRIDGES

AM JUR	AM JUR 2d	AM JUR	AM JUR 2d	AM JUR	AM JUR 2d
(HIGHWAYS)	§§	(HIGHWAYS)	§§	(HIGHWAYS)	§§
1	Scope note; 1	48	62	95	105, 111, 114
2	1	49	60	96	106
3	2	50	63	97	107, 108
4	3	51	68	98	109
5	1, 9	52	Deleted	99	112, 113
6	4	53	DEDICATION	100	121
7	8	54	64, 90, 309	101	MANDAMUS
8	5	55	72, 73	102	70
9	22	56	73	103	71
10	23	57	72, 74	104	120
11	25, 28	58	44	105	130
12	26, 27	59	65	106	131, 143
13	25	60	66	107	132
14	29	61	67	108	132, 135
15	30	62	75	109	136
16	31, 195	63	69	110	137
17	31	64	76, 77	111	137-139, 154
18	32	65	77, 78	112	150-152, 154
19	32, 38	66	79	113	153
20	33	67	46, 86	114	155
21	34	68	75	115	156
22	35	69	87, 98	116	140
23	35	70	88	117	143
24	36	71	86	118	143, 144
25	35	72	89, 133	119	144, 145
26	49, 50	73	604	120	138, 145, 148
27	34	74	91	121	143, 146
28	38	75	91	122	146
29	34, 35	76	92	123	147
30	39	77	91	124	147
31	32	78	91	125	149
32	Deleted	79	94	126	144, 147
33	37	80	92, 95	127	142, 185
34	40	81	97	128	184
35	51	82	100	129	141
36	52	83	101	130	141
37	53	84	99, 102	131	157
38	54	85	99	132	158, 184
39	56	86	99	133	159
40	57	87	64, 114, 115	134	158
41	58	88	117	135	160, 318
42	59	89	116	136	160
43	49	90	116	137	187, 214
44	55	91	118	138	162
45	60	92	115	139	163
46	60	93	103, 110, 120	140	164
47	61	94	104	141	164

HIGHWAYS, STREETS, AND BRIDGES—Continued

AM JUR (HIGHWAYS)	AM JUR 2d	AM JUR (HIGHWAYS)	AM JUR 2d	AM JUR (HIGHWAYS)	AM JUR 2d
§§	§§	§§	§§	§§	§§
142	165	200	263, 268	288	292
143	166	201	264	289	267, 294
144	167	202	256	290	297
145	168, 189	203	255	291	287, 298
146	FISH AND GAME	204-223 ...	AUTOMOBILES AND HIGHWAY TRAFFIC	292	298
147	169	224	187	293	297
148	170	225-234 ...	AUTOMOBILES AND HIGHWAY TRAFFIC	294	288
149	171	235-237	ANIMALS	295	265, 299
150	186, 188	238-242 ...	AUTOMOBILES AND HIGHWAY TRAFFIC	296	189, 257
151	157	243	270	297	279, 300
152	160, 163	244	281	298	300
153	161	245	271	299	190
154	178, 179, 181, 182	246	271	300	279
155	172, 173, 325	247	272	301	189, 190
156	174	248	AUTOMOBILES AND HIGHWAY TRAFFIC	302	302, 305
157	175	249	272	303	302
158	176	250	272	304	303
159	177	251	AUTOMOBILES AND HIGHWAY TRAFFIC	305	194
160	174	252	335	306	253, 291, 301
161	171	253	199	307	284, 305
162	Deleted	254	143, 200, 204, 205	308	307
163	192, 195, 214	255	202, 206	309	306
164	193, 242	256	207	310	RAILROADS
165	195, 304	257	216	311	308
166	196	258	208	312	310
167	198	259	201, 203	313	270, 311
168	213, 218	260	209	314	312
169	213	261	210, 216	315	311
170	220, 234	262	209	316	313
171	214, 215	263	211	317	314
172	224	264	242, 251, 253	318	315
173	221	265-271 ...	AUTOMOBILES AND HIGHWAY TRAFFIC	319	316
174	223	272	273, 274	320	317
175	219	273	274	321	318, 320
176	218	274	281	322	319
177	222	275	275	323	321
178	225, 226	276	214	324	322
179	227, 229, 236, 237	277	276	325	326
180	241	278	277, 278, 328	326	609
181	DEDICATION	279	281	327	RAILROADS
182	232, 278	280	282	328	Deleted
183	226, 227	281	175, 285	329	327
184	233	282	283	330	328
185	242	283	286	331	329
186	243	284	296	332	330
187	244-246	285	284, 289	333	332
188	247, 248	286	290, 293	334	324, 331
189	250	287	291	335	323
190	249			336	333
191	253			337	272, 334
192	254			338	335
193	266			339	336
194	ADVERTISING			340	606, 608
195	255			341	604, 605, 607
195.5	255			342	337
196	251			343	338
197	295			344	340
198	258			345	340
199	220, 259			346	343, 345, 346
				347	343, 346

HIGHWAYS, STREETS, AND BRIDGES—Continued

AM JUR (HIGHWAYS)	AM JUR 2d	AM JUR (HIGHWAYS)	AM JUR 2d	AM JUR (HIGHWAYS)	AM JUR 2d
§§	§§	§§	§§	§§	§§
348	347	406	394	464	557, 569
349	348	407	395	465	558
350	349	408	396	466	559
351	350	409	397	467	572
352	341	410	Deleted	468	572
353	351	411	... 397-401, 431, 433, 453, 497	469	573
354	353	412	409, 452, 456	470	Deleted
355	352, 354	413	397, 402, 405	471	574
356	355, 430	414	397, 410	472	575
357	356	415	405	473	576
358	352	416	406	474	577
359	357	417	422	475	578
360	358	418	423	476	340, 450, 451, 480
361	359	419	424	477	359, 450
362	360	420	425	478	453, 475
363	361	421	426	479	474
364	365	422	427	480	476
365	366	423	405, 427	481	452
366	367, 501	424	428	482	453, 458, 491, 492
367	368	425	429	483	477
368	369, 499, 502, 521, 522, 537, 544	426	434	484	466, 467
369	369, 499, 502, 521, 522, 544	427	435	485	458
370	369, 498, 502	428	436	486	478
371	370, 521	429	437-439, 560	487	496
372	371	430	440	488	486, 487
373	372, 373	431	444	489	479, 480
374	459	432	440, 443	490	460, 541, 542
375	339	433	436	491	455
376	DAMAGES	434	446, 448	492	453
377	374, 377	435	447	493	454
378	374	436	449	494	482
379	375	436.1	437	495	EXPLOSIONS
380	375	437	411	496	461, 462
381	377	438	412	497	481
382	374, 378	439	413, 504	498	463, 464
383	402, 473	440	414	499	464, 514
384	379, 404	441	411, 415	500	462
385	376	442	416	501	468
386	375, 376	443	417	502	483
387	376	444	418	503	484
388	376	445	414	504	456, 458, 459
389	376	446	419	505	469
390	380	447	420	506	470
391	381	448	421	507	471
392	383	449	555	508	472
393	384	450	566	509	473
394	351, 383, 497, 534	451	566-568	510	496
395	385	452	568	511	498, 499, 501, 505
396	387	453	571	512	497, 501, 505
397	388	454	564	513	500
398	382	455	570	514	Deleted
399	389	456	563	515	506, 509, 511, 512
400	390	457	565	516	507
401	391	458	560	517	508
402	Deleted	459	561	518	515
403	392	460	562	519	509, 510, 513
404	393	461	556, 557, 568	520	516
405	392	462	557, 569	521	506, 513, 514, 516
		463	557	522	517, 518
				523	520

HIGHWAYS, STREETS, AND BRIDGES—Continued

AM JUR (HIGHWAYS)	AM JUR 2d	AM JUR (HIGHWAYS)	AM JUR 2d	AM JUR (BRIDGES)	AM JUR 2d
§§	§§	§§	§§	§§	§§
524	519	591	555, 576	28	70
525	523	592	557-559	29	81
526	524	593	384	30	81, 97
527	525	594	MUNICIPAL	31	81, 82
528	527		CORPORATIONS	32	83
529	528, 532	595	457	33	83
530	530	596	457	34	85
531	528, 530, 531	597	DAMAGES	35	85
532	398, 402, 404	598	583	36	129
533	403	599	13	37	84
534	529	600	13	38	81, 84, 97, 372
535	532	601	14	39	402
536	533, 539	602	344	40	402, 403
537	533, 536	603	16, 18	41	374, 402, 403, 597
538	535	604	17, 20	42	402
539	543	605	19	43	88, 405
540	545	606	20	44	404
541	546	607	21	45	398
542	547	608	14, 15	46	71
543	548	609	122	47	212
544	485	610	123-125	48	212
545	485	611	608	49	438, 556, 557
546	485	612	604, 610	50	563, 608
547	485	613	Deleted	51	444
548	579	614	24	52	195, 243
549	579	615	197	53	WATERS
550-559	MUNICIPAL	616	527	54	345
	CORPORATIONS			55	345, 383
560	580	AM JUR		56	345, 346, 382
561	581	(BRIDGES)	AM JUR 2d	57	345, 346
562	582	§§	§§	58	346, 382
563	582	1	Scope note	59	347
564	584	2	11	60	17
565	585	3	12	61	20
566	586	4	11, 192, 212, 337	62	552-554
567	587	5	42	63	CANALS
568	588	6	43	64	362
569	589	7	93	65	356
570	590	8	93	66	362
571	591	9	134	67	363
572	592	10	44, 45, 134	68	362, 372
573	593	11	45, 82	69	353
574	594	12	45	70	549
575	595, 596	13	LOGS AND TIMBER	71	375
576	596	14	46	72	402
577	597	15	47	73	550
578	598	16	WATERS	74	550
579	599	17	82, 103, 312	75, 76	WATERS
580	600	18	48	77	411, 412, 414
581	601	19	280, 299, 608	78	417
582	602	20	280	79	414, 415
583	603	21	64, 80	80	423
584	467, 537, 592	22	85	81	556, 563, 569
585	592	23	119	82	555
586	595	24, 25	EMINENT	83	555
587	340, 398, 402, 435, 485, 579		DOMAIN	84	604-607
588	371	26	92, 96	85	618, 619, 623
589	414, 420, 454	27	126, 127	86	619
590	357				

TABLE OF PARALLEL REFERENCES

HIGHWAYS, STREETS, AND BRIDGES—Continued

AM JUR (BRIDGES) §§	AM JUR 2d	AM JUR (TURNPIKES AND TOLL ROADS) §§	AM JUR 2d	AM JUR (TURNPIKES AND TOLL ROADS) §§	AM JUR 2d
87, 88	EMINENT DOMAIN	§§	§§	§§	§§
89	627	1	Scope note	11	618, 620
90	614, 620, 621, 627	2	7, 612, 625	12	618, 620
91	620	3	7, 11	13	620
92	626	4	613, 614, 616	14	620, 621
93	629	5	616, 623	15	625, 627
94	615, 629	6	624	16	619
95	619	7	622	17	619
96	619, 631	8	623, 628, 630	18	627
		9	620, 626	19	628
		10	611	20	627

TABLE OF STATUTES CITED

This table shows, by reference to title and section, where provisions of the United States Code, the Federal Rules of Procedure, and the Uniform Laws are cited in articles in this volume.

UNITED STATES CODE

<i>Title and section</i>	<i>Am Jur 2d title and section</i>	<i>Title and section</i>	<i>Am Jur 2d title and section</i>
18 USC		28 USC	
§ 591 HABEAS CORPUS § 89		§ 2255 HABEAS CORPUS §§ 13, 23, 26, 144, 160	
§ 792 HARBORING CRIMINALS § 1			
§ 1071 HARBORING CRIMINALS § 1		33 USC	
§ 1072 HARBORING CRIMINALS § 1		§ 401 HEALTH § 45	
§ 1381 HARBORING CRIMINALS § 1		§ 401 HIGHWAYS, ETC. § 93	
23 USC		§ 494 HIGHWAYS, ETC. § 93	
§§ 101 et seq. ... HIGHWAYS, ETC. § 124			
§ 101 HIGHWAYS, ETC. § 128		42 USC	
§ 106 HIGHWAYS, ETC. § 92		§§ 201-299i HEALTH § 2	
§ 114 HIGHWAYS, ETC. § 97		§ 243 HEALTH §§ 2, 29	
§ 116 HIGHWAYS, ETC. § 97		§ 244 HEALTH § 2	
§ 123 HIGHWAYS, ETC. § 125		§ 244a HEALTH § 51	
§ 129 HIGHWAYS, ETC. § 128		§ 245 HEALTH § 51	
25 USC		§ 248 HEALTH § 2	
§ 311 HIGHWAYS, ETC. § 259		§§ 249-261a HEALTH § 2	
28 USC		§ 255 HEALTH § 2	
§ 377 HABEAS CORPUS § 21		§§ 257, 258 HEALTH § 2	
§ 1254 HABEAS CORPUS § 112		§ 262 HEALTH § 2	
§ 1257 HABEAS CORPUS § 112		§ 263 HEALTH § 2	
§ 1651 HABEAS CORPUS § 113		§ 264 HEALTH § 2	
§ 2241 HABEAS CORPUS §§ 111, 113		§ 265 HEALTH § 2	
§ 2242 HABEAS CORPUS § 126		§§ 266-271 HEALTH § 2	
§ 2243 ... HABEAS CORPUS §§ 130, 132, 136, 139, 142, 144, 156		§§ 291-291o HEALTH § 2	
§ 2244(a) HABEAS CORPUS § 160		§§ 1441-1468 HEALTH § 2	
§ 2244(b) HABEAS CORPUS § 160		§§ 1857 et seq. HEALTH § 2	
§ 2244(c) HABEAS CORPUS § 160		§§ 2001-2005f HEALTH § 2	
§ 2244(d) HABEAS CORPUS § 160			
§ 2254(b) HABEAS CORPUS § 22		50 USC Appx	
§ 2254(c) HABEAS CORPUS § 22		§§ 451 et seq. HABEAS CORPUS § 103	

FEDERAL RULES OF CIVIL PROCEDURE

<i>Am Jur 2d title and section</i>	<i>Am Jur 2d title and section</i>
Rule 17(a) GUARDIAN AND WARD § 151	Rule 17(c) GUARDIAN AND WARD § 149

AMERICAN JURISPRUDENCE

SECOND EDITION

Volume 39

GUARDIAN AND WARD

Scope of Topic: This article discusses the guardianship of minors, including guardianship by nature, and of persons who are mentally or physically incompetent for any reason. The discussion includes the nature of the relationship between guardian and ward, the selection and removal of guardians, the powers and duties of guardians over their wards and the property of their wards, the right of guardians and wards to maintain actions, the duty of guardians to account, and the liability of guardians and their sureties.

Treated elsewhere are the right of the parent to his child's services and earnings and his duty to provide support for the child (see PARENT AND CHILD); proceedings similar to guardianship in connection with spendthrifts (see SPENDTHRIFTS); guardianship of illegitimate children (see 10 Am Jur 2d, BASTARDS §§ 60 et seq.); proceedings under statutes relating to the custody and protection of delinquent, dependent, and neglected children (see JUVENILE COURTS AND DELINQUENT AND DEPENDENT CHILDREN); the Uniform Veterans' Guardianship Act (see VETERANS AND VETERANS' LAWS); representation of a minor or incompetent party litigant by a guardian ad litem (see INFANTS; INCOMPETENT PERSONS (Rev ed, INSANE AND OTHER INCOMPETENT PERSONS)); the power of a guardian to change the domicil of his ward (see 25 Am Jur 2d, DOMICIL), to exercise an election to take under or against a will (see WILLS), and to vote stock of his ward (see 19 Am Jur 2d, CORPORATIONS § 651); procedure for determination of incompetency (see INCOMPETENT PERSONS (Rev ed, INSANE AND OTHER INCOMPETENT PERSONS)) and, generally, procedure in actions involving sureties (see SURETYSHIP); award of custody of children in divorce cases (see 24 Am Jur 2d DIVORCE AND SEPARATION); the effect on the running of the statute of limitations of the appointment of a guardian for a minor or an incompetent (see LIMITATION OF ACTIONS); the liability of the estate of the ward to execution (see 30 Am Jur 2d, EXECUTIONS § 190) or attachment and garnishment (see 6 Am Jur 2d, ATTACHMENT AND GARNISHMENT § 208); the legality of a contract to renounce rights as guardian in favor of another (see 17 Am Jur 2d, CONTRACTS § 180); the effect of possession of the guardian for the purpose of adverse possession (see 3 Am Jur 2d, ADVERSE POSSESSION § 145); the rights and liabilities of a guardian with respect to deposits of guardianship funds in a bank (see 10 Am Jur 2d, BANKS §§ 367, 462, 520-527, 675, 795); the discharge in

bankruptcy of provable debts created by fraud, embezzlement, misappropriation, or defalcation, while acting as a guardian (see 9 Am Jur 2d, **BANKRUPTCY** § 802); the right of a guardian to bring an action for the wrongful death of his ward (see 22 Am Jur 2d, **DEATH** § 194); and the liability of a guardian as a stockholder of a corporation (see 19 Am Jur 2d, **CORPORATIONS** § 787).

★ Table of Parallel References see p vii. ★

- I. INTRODUCTORY (§§ 1-3)
- II. GUARDIANSHIP OF MINORS
 - A. IN GENERAL (§ 4)
 - B. GUARDIANSHIP BY NATURE (§§ 5-10)
 - C. TESTAMENTARY GUARDIANSHIP (§§ 11-16)
 - D. GUARDIANSHIP BY JUDICIAL APPOINTMENT (§ 17)
- III. GUARDIANSHIP OF INSANE, INCOMPETENT, AND PHYSICALLY DISABLED PERSONS (§§ 18-23)
- IV. JUDICIAL APPOINTMENT OF GUARDIAN
 - A. JURISDICTION (§§ 24-26)
 - B. SELECTION OF GUARDIAN (§§ 27-36)
 - C. NOTICE (§§ 37-44)
 - D. PROCEDURE (§§ 45-50)
 - E. EFFECT OF APPOINTMENT OR DENIAL THEREOF (§§ 51-53)
- V. TENURE OF OFFICE AND REMOVAL (§§ 54-60)
- VI. GENERAL POWERS AND DUTIES OF GUARDIANS
 - A. IN GENERAL (§§ 61-64)
 - B. CUSTODY AND CONTROL OF WARD'S PERSON (§§ 65-72)
 - C. CUSTODY AND MANAGEMENT OF ESTATE (§§ 73-82)
 - D. INVESTMENT AND DEPOSIT OF FUNDS (§§ 83-96)
 - E. EMPLOYMENT OF ATTORNEYS, AGENTS, AND ASSISTANTS (§§ 97, 98)
 - F. CONTRACTS (§§ 99-101)
 - G. ACTS AND ELECTIONS IN BEHALF OF WARD (§§ 102-107)
- VII. POWERS OVER PROPERTY OF WARD
 - A. IN GENERAL (§§ 108-112)
 - B. LEASES (§§ 113-117)
 - C. MORTGAGES AND LIENS (§§ 118-121)
 - D. SALES AND PURCHASES OF PROPERTY (§§ 122-127)
 - E. JURISDICTION AND PROCEDURE FOR SALE OF PROPERTY (§§ 128-138)
 - F. VALIDITY AND EFFECT OF SALE (§§ 139-145)
 - G. PROCEEDS OF SALE (§§ 146-148)
- VIII. ACTIONS
 - A. ACTIONS BY OR AGAINST GUARDIAN (§§ 149-153)
 - B. ACTIONS BY OR AGAINST WARD (§§ 154-159)
 - C. SUITS BETWEEN GUARDIAN AND WARD (§§ 160, 161)
- IX. GUARDIAN'S ACCOUNTING; COMPENSATION
 - A. IN GENERAL (§§ 162-165)

IX.—Continued

- B. COMPELLING RENDITION OF ACCOUNT (§§ 166, 167)
- C. SETTLEMENT BETWEEN GUARDIAN AND WARD (§§ 168-171)
- D. FINAL ACCOUNT (§§ 172-175)
- E. ITEMS CHARGEABLE TO GUARDIAN (§§ 176-178)
- F. CREDITS ALLOWABLE TO GUARDIAN (§§ 179-183)
- G. COMPENSATION OF GUARDIAN (§§ 184-186)

X. LIABILITY OF GUARDIAN AND SURETIES

- A. IN GENERAL (§§ 187-189)
- B. LIABILITY OF SURETIES (§§ 190-198)
- C. ENFORCEMENT OF LIABILITY OF SURETIES (§§ 199-205)
- D. EQUITIES AND REMEDIES OF SURETIES (§§ 206, 207)

XI. TRUST RELATION BETWEEN GUARDIAN AND WARD (§§ 208-217)

XII. JOINT GUARDIANS (§ 218)

XIII. FOREIGN GUARDIANS (§§ 219-221)

I. INTRODUCTORY

- § 1. Definition and nature
- § 2. Distinctions
- § 3. Guardian de son tort

II. GUARDIANSHIP OF MINORS

A. IN GENERAL

- § 4. Generally; common-law forms

B. GUARDIANSHIP BY NATURE

- § 5. Parents as joint guardians
- § 6. Right of father
- § 7. Right of mother
- § 8. Rights of other relatives
- § 9. Incidents of guardianship by nature
- § 10. Transfer of guardianship or custody of child

C. TESTAMENTARY GUARDIANSHIP

- § 11. Generally
- § 12. Appointment of guardian
- § 13. — Manner and sufficiency
- § 14. Necessity of probate of will
- § 15. Discretion of court to disregard testamentary appointment
- § 16. Incidents

D. GUARDIANSHIP BY JUDICIAL APPOINTMENT

- § 17. Generally

III. GUARDIANSHIP OF INSANE, INCOMPETENT, AND PHYSICALLY DISABLED PERSONS

- § 18. Generally

- § 19. Conditions warranting appointment of guardian
- § 20. — Mental condition
- § 21. — Old age; physical disability
- § 22. Appointment of conservator
- § 23. Necessity of prior adjudication of insanity

IV. JUDICIAL APPOINTMENT OF GUARDIAN

A. JURISDICTION

- § 24. Generally
- § 25. Exclusiveness
- § 26. Residence or domicile as affecting

B. SELECTION OF GUARDIAN

- § 27. Generally
- § 28. Preferences—appointment of guardian of minor
- § 29. — Appointment of guardian of incompetent
- § 30. Nomination by or preference of ward
- § 31. Consideration of best interests of ward
- § 32. Fitness or competency to act as guardian
- § 33. — Moral character
- § 34. — Religious beliefs
- § 35. — Residence of appointee
- § 36. Corporation as guardian

C. NOTICE

- § 37. Generally
- § 38. Appointment for minor
- § 39. — Notice to parent
- § 40. — Under statutes conferring discretion as to notice
- § 41. Appointment for incompetent person
- § 42. — Constructive or substituted notice
- § 43. Sufficiency of notice
- § 44. Waiver of notice

D. PROCEDURE

- § 45. Generally; essential jurisdictional facts
- § 46. Petition; joinder
- § 47. Hearing
- § 48. Guardian's bond or other security
- § 49. Presumptions in support of judgment
- § 50. Collateral attack

E. EFFECT OF APPOINTMENT OR DENIAL THEREOF

- § 51. Generally
- § 52. Guardianship of infant
- § 53. Guardianship of incompetent

V. TENURE OF OFFICE AND REMOVAL

- § 54. Generally
- § 55. Marriage of ward
- § 56. Resignation
- § 57. Removal
- § 58. — Grounds