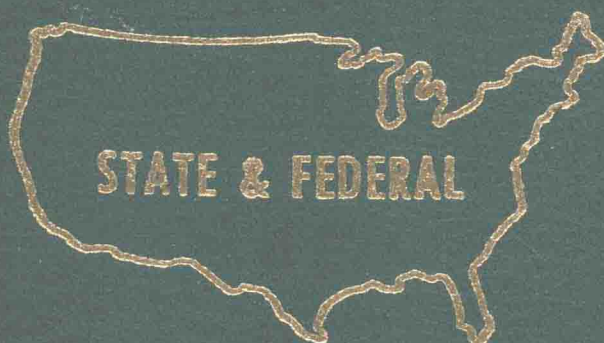


AMERICAN JURISPRUDENCE 2d



TRUSTS

UNEMPLOYMENT COMPENSATION

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 76

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TO
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FOREWORD

In the 17 years since the prior Am Jur 2d volume dealing with **Trusts** appeared, the number of cases concerned with this topic has increased dramatically, bringing up new issues and applications of trust law. Questions have arisen in recent years, for example, with regard to the effects of unborn beneficiaries on the validity and duration of express trusts. New views have been followed with regard to adopted children as beneficiaries, some jurisdictions having done away with the common-law presumption excluding adopted children from the use of such words as "child," "children," or "issue," in a trust instrument, and substituting instead a presumption, absent contrary evidence, that the settlor intended to include all children, whether children by adoption or by blood descent as trust beneficiaries. Expanded coverage has been added to the article with regard to the naming of classes of beneficiaries as affecting the definiteness of the beneficiaries, and thus the validity of the trust. Furthermore, the article probes in greater depth the effects on trusts and the parties to trusts of the circumstances where the same persons serve as both beneficiaries trustees.

A major area of increased litigation over the past few years has been in the area of "so-called" constructive and resulting trusts, technically not trusts at all, but devices imposed by the courts on property in certain circumstances. Expanded coverage has been provided in the **Trusts** article, for example, with regard to the elements which must be present to impose such trusts, and particular circumstances under which they have been imposed.

Coverage has also been significantly expanded with regard to materials generally classifying and defining different types of trusts, as well as in the areas of acts of trust management, including investing of trust funds, and the duties and liability of trustees.

The law of **Unemployment Compensation** has undergone sweeping changes in recent years as state and federal governments reassess priorities and attempt to reconcile the competing demands of increased benefit claims and decreasing revenues. The new article in this volume features expanded and updated treatment of such matters as the effect of federal statutes on state unemployment compensation laws and the scope and coverage of such laws. It discusses modern circumstances affecting the right to receive unemployment compensation, such as an employee's use or possession of illicit drugs in the workplace, refusal to take a polygraph test, or refusal to work in areas where smoking is permitted. Discussion of the effect of organized labor activities, and an employer's response thereto, on the right to compensation has also been expanded.

Also treated are remedies for the denial of an unemployment compensation claim, from administrative appeal of an adverse decision to judicial review by the state courts.

Both of the articles in this volume have been fully revised and modernized, including the latest judicial opinions, and have been reorganized to make your access to particular areas of interest even easier than before.

FOREWORD

Each article has been enhanced by the inclusion of *Observations, Practice Guides, Cautions, and Checklists* providing detailed advice and procedures, as well as *Research References* directing the reader to related discussions in ALR and ALR Federal annotations, to practical advice in Am Jur Proof of Facts and Am Jur Trials, and to pertinent forms in Am Jur Pleading and Practice Forms (Rev) and Am Jur Legal Forms 2d.

A **Table of Statutes and Rules Cited** and **Table of Parallel References** for the articles in these volumes will be found immediately following this Foreword. An **Index** for this article will be found at the back of the volume.

THE PUBLISHERS

TABLE OF PARALLEL REFERENCES

Use the following tables to find where the subject matter of the various sections of Am Jur and Am Jur 2d are treated in the Am Jur 2d Revised volumes.

When a particular subject matter is treated in another topic, the title of the other topic is noted. If a section of the earlier article has become obsolete, the table will show that it has been deleted.

Also consult the index at the end of the volume for detail and for matters not appearing in the earlier edition.

TRUSTS

Am Jur 2d to Am Jur 2d (Rev)

AM JUR 2d	AM JUR 2d (Rev)	AM JUR 2d	AM JUR 2d (Rev)	AM JUR 2d	AM JUR 2d (Rev)
§§	§§	§§	§§	§§	§§
1	1	43	53	86	107
2	1, 2	44	68, 69, 71	87	109-111, 113
3	660	45	70	88	111, 112
4	8	46	76	89	114, 115
5	14-17, 19	47	74	90	116
6	13	48	71	91	117
7	9	49, 50	72	92	118
8	3	51	73	93	119
9	4	52	78	94	273
10	5	53	HUSBAND AND WIFE	95	274
11	6	54	75	96	275
12	7	55	66	97	276
13, 14	10	56	79	98	277
15	20	57	79, 80	99	278, 279
16	27	58	81	100	280
17	35-37, 40, 41	59	79, 81	101	281, 284, 286
18	37-39	60	82	102	285
19	21, 46	61	83	103	282
20	22	62	84	104	287
21	51	63	85	105, 106	288
22	23	64	86	107	288, 291
23	24	65	88	108	289
24	25, 26	66	89	109, 110	290
25	28-30, 33	67	DELETED	111	240
26	DELETED	68	82, 85, 88	112	251
27	31	69	90	113	241
28	32	70	91	114	242
29	43	71	92	115	243, 244
30	44	72	93	116	245
31	46	73	DELETED	117	246
32	29, 55-57, 59	74	92	118	247
33	47	75	94	119	248
34	64, 65	76, 77	95	120	248, 249
35	51	78	96, 97	121	250
36	49	79	98	122	264
37	58	80	101, 104	123, 124	252
38	65, 66	81	102	125	253
39	48	82	103	126	254
40	60, 61	83	105	127	256
41	65, 77	84	120	128	255
42	50, 87	85	106, 108, 120	129	257

TABLE OF PARALLEL REFERENCES

TRUSTS—Continued

AM JUR 2d	AM JUR 2d (Rev)	AM JUR 2d	AM JUR 2d (Rev)	AM JUR 2d	AM JUR 2d (Rev)
§§	§§	§§	§§	§§	§§
130	259	198	169, 171	259	298, 299, 302-304
131	261	199	174	260	298
132	262	200	175	261	300
133	263	201	176	262	301
134	265	202	177	263	305, 307
135-137	266	203	178	264	306
138	62	204	197	265	307
139	63	205	198	266	308
140	267	206	172, 179	267	309
141, 142	268	207	168, 181	268	310
143	269, 271	208	183, 184	269	311, 320
144	270	209	186	270	312, 313
145	54	210	187	271	316
146	272	211	188	272	317
147	DELETED	212	189	273	318
148	121	213	190	274	313
149	122, 130	214	191	275	314, 315
150	123, 124	215	192	276	319
151	128	216	DELETED	277	321, 322
152	133	217	193	278	323
153, 154	126	218	194	279	324
155, 156	127	219	195, 196	280	326-328
157	131	220	195	281	325
158	135	221	200, 201, 206	282, 283	329
159	125	222	200	284	330
160-162	134	223	213	285	331-333
163	136, 140	224	232	286	334
164	136	225	233	287	335, 336
165	137, 138	226	213	288	336
166, 167	139	227	233	289	337
168	129	228	208, 215	290	338
169	155, 157, 158	229	217	291	339, 340
170	156	230	214	292	341
171	141	231	216	293, 294	342
172	142	232	218	295	343, 344
173	143	233	219	296	345
174	144	234	220	297	346
175	145	235	221, 235	298	347
176	146	236	219	299	348
177	147	237	221	300	349
178	HUSBAND AND WIFE	238	DELETED	301	350
179	148	239	223	302	351
180	149	240	224	303	352
181	150	241	DELETED	304	365-368
182	149	242	225	305	369
183	154	243	226	306	370
184	151	244	227	307	371
185	152	245	236	308	372
186	153	246	237	309	373
187	139, 148	247	238	310	374
188	DELETED	248	228, 229	311	375
189	159	249	230	312	376
190	161	250	231	313	377
191	163	251	292	314	378
192	162	252	293	315	379
193	164	253	294	316	380
194	165	254, 255	295	317	381, 382
195	160	256	296	318	383
196	166	257	297	319	384
197	167	258	295	320	385

TABLE OF PARALLEL REFERENCES

xi

TRUSTS—Continued

AM JUR 2d §§	AM JUR 2d (Rev) §§	AM JUR 2d §§	AM JUR 2d (Rev) §§	AM JUR 2d §§	AM JUR 2d (Rev) §§
321	386	381	481, 482	441	562
322	387	382	483	442	563
323	388	383	484	443	564
324	389	384	488	444	565
325	390	385	489-491	445	566
326, 327	391	386	492	446	567
328	392	387	493, 494	447	568
329	393	388	495	448	569
330	391	389	496	449	570
331	394	390	497	450	571
332	395	391	498	451	572
333	396	392	499	452	593
334	353	393	500	453	594
335	354	394	506	454	602
336	355, 356	395	501, 547	455	597
337	357	396	502	456	595
338	358	397	503	457	596
339	359	398	505	458	573-575
340	360, 361	399	504	459	576, 577
341	362-364	400	512	460	578
342	441, 442	401	512, 515	461	579
343	443	402	512-514	462	580
344	444	403	516	463	581
345	445	404	507	464	582
346	446, 447	405	511	465	583
347	448	406	508	466	584
348	449	407	509	467	585
349	450	408	510	468	586
350	451	409	517	469	587
351	452, 453	410	518-520	470	588
352	454	411	521	471	589
353	455	412	522	472	590
354	456	413	525	473	591
355	457	414	526	474	592
356	458	415	527	475	599
357	459	416	523	476	601
358	460	417	524	477	600, 603
359	461	418	528-531	478	604
360	462	419	DELETED	479	605
361	463	420	529, 534	480	606
362	468	421	542-545	481	607
363	464	422	530	482	608
364	465	423	532	483	609
365	466	424	533	484	610
366	467	425	537, 538, 541	485	611
367	469	426	539, 541	486	612
368	470	427	546, 547	487	613
369	471	428	548	488	614
370	472	429	549	489	616
371	473	430	550	490	617
372	474	431	551	491	618
373	475	432	552	492	619
374	476	433	553	493	620
375	477	434	554	494	621
376	485	435	555	495	622
377	486	436	556	496	623
378	476	437	557	497	624
379	479	438	558, 559	498	625
380	480	439	560	499	626
		440	561		

TABLE OF PARALLEL REFERENCES

TRUSTS—Continued

AM JUR 2d	AM JUR 2d (Rev)	AM JUR 2d	AM JUR 2d (Rev)	AM JUR 2d	AM JUR 2d (Rev)
§§	§§	§§	§§	§§	§§
500	397, 398	551	428	606	679
501	399	552	429	607	DELETED
502	400	553	430	608	672, 681
503	401-403	554	433	609	673
504	404	555	434	610	674
505	405	556	435	611	675
506	406	557	DELETED	612	676
507	407	558	432	613	682
508	408	559	436	614	683
509	409	560	437	615, 616	684
510	410	561	438	617	DELETED
511	411, 412	562	439	618	682
512	413	563	440	619	688
513	414	564	431	620	689, 690
514	415	565	DELETED	621	691
515	416	566	656	622	692
516	417	567	659	623	693
517	418, 419	568	657	624	DELETED
518	420	569	662	625	694
519	421	570	658	626	DELETED
520	422-424	571	DELETED	627	695
521	425	572	660, 662, 663	628	697
522	426	573, 574	660	629	695
523	627	575	664	630	695, 698
524	628	576, 577	DELETED	631	696
525	629	578	665	632	699
526	630	579, 580	DELETED	633	700
527	631	581	666, 668	634	701
528	632	582	666	635	702
529	633	583	669	636	704
530	634	584	670	637, 638	703
531	DELETED	585	710	639	706-708
532	635	586	711	640	709
533	636	587	712	641	705
534	637	588	714	642	687
535	638, 639	589	715	643	685
536	640	590	DELETED	644	686
537	641	591	716	645	724-726
538	642	592	717	646	727
539	643	593	718	647, 648	728
540	645	594	713	649	729
541	646	595	719	650	748
542	647	596	720	651	730
543	648	597	721	652	742, 743, 745-747
544	649	598	722	653, 654	733
545	650, 651	599	723	655	734
546	652	600	672	656	733
547	653	601	DELETED	657	735
548	654	602	677	658	736
549	655	603	678	659	734, 736, 737, 739
550	427	604	678, 680	660	740, 741
		605	678		

TRUSTS

Am Jur to Am Jur 2d

AM JUR	AM JUR 2d	AM JUR	AM JUR 2d	AM JUR	AM JUR 2d
§§	§§	§§	§§	§§	§§
1	1	3	3	5	4
2	SCOPE NOTE; 1	4	2	6	5

TABLE OF PARALLEL REFERENCES

xiii

TRUSTS—Continued

AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§
7	7	64	64	124	123
8	8	65	65	125	124
9	9	66	66	126	125
10	10	67	68	127	126
11	11	68	69	128	127
12	12	69	70	129	128
13	13	70	71	130	129
14	14	71	72	131	130
15	15	72	73	132	131
16	16	73	74	133	132
17	17	74	75	134	133
18	18	75	76	135	134
19	19	76	77	136	135
20	19	77	78, 79	137	136
21	20	78	80	138	137
22	21	79	81	139	138
23	22	80	82	140	139
24	23	81	83	141	140
25	24	82	84	142	141
26	25	83	85	143	142
27	26	84	86	144	143
28	27	85	87	145	145
29	28	86	88	146	146
29.7	29	87	89	147	147
29.8	30	88	90	148	148
30	31	89	91	149	149
31	32	90	91	150	150
32	33	91	92	150.5	151
33	34	92	93	151	152
34	35	93	94	152	153
35	36	94	95	153	154
36	37	95	96	154	155
37	38	96	97	155	156
38	39	97	98	156	157
39	40	98	99	157	158, 159
40	41	99	100	158	160
41	42	100	101	159	161
42	43	101	102	160	162
43	44	102	103	161	163
44	45	103	104	162	164
45	46	104	104	163	165
46	47	105	105	164	166
47	48	106	106	165	167
48	49	107	107	166	168
49	50	108	108	167	169
49.1	51	109	109	168	170
50	52	110	110	169	171
51	54	111	110	170	172
52	55	112	111	171	173
53	55	113	112	172	174
54	56	114	6, 111	173	175
55	56	115	113	174	176
56	57	116	114	175	177
57	58	117	115	176	178
58	59	118	116, 117	177	179
59	56	119	118	178	180
60	60	120	119	179	181
61	61	121	120	180	182
62	62	122	121	181	183
63	63	123	122		

TABLE OF PARALLEL REFERENCES

TRUSTS—Continued

Am JUR §§	Am JUR 2d §§	Am JUR §§	Am JUR 2d §§	Am JUR §§	Am JUR 2d §§
182	184	242	245	302	306
183	185, 186	243	246	303	307
184	187	244	247	304	308
185	188	245	248	305	309
186	189	246	249	306	310
187	190	247	250	307	311
188	191	248	251	308	312
189	192	249	252	309	313
190	193	250	253	310	314
191	194	251	254	311	315
192	195	252	255	312	316
193	196	253	256	313	317
194	197	254	257	314	318
195	198	255	258	315	319
196	199	256	259	316	320
197	200	257	260	317	321
198	201	258	261	318	322
199	202	259	262	319	323
200	203	260	263	320	324
201	204	261	264	321	325
202	205	262	265	322	326
203	206	263	266	323	327
204	207	264	267	324	328
205	208	265	268	325	329
206	209	266	269	326	330
207	210	267	270	327	331
208	211	268	271	328	332
209	212	269	272	329	333
210	213	270	273	330	334
211	214	271	274	331	335
212	215	272	275	332	336
213	216	273	276	333	337
214	217	274	277	334	338
215	218	275	278	335	339
216	219	276	279	336	340
217	220	277	280	337	341
218	221	278	281	338	342
219	222	279	282	339	343
220	223	280	283	340	344
221	224	281	284	341	345
222	225	282	285	342	346
223	226	283	286	343	347
224	227	284	287	344	348
225	228	285	288	345	349
226	229	286	289	346	350
227	230	287	290	347	351
228	231	288	291	348	352
229	232	289	292	349	353
230	233	290	293	350	354
231	234	291	294	351	355
232	235	292	295	352	356
233	236	293	296	353	357
234	237	294	297	354	358
235	238	295	298	355	359
236	239	296	299	356	360
237	240	297	301	357	361
238	241	298	302	358	362
239	242	299	303	359	363
240	243	300	304	360	364
241	244	301	305	361	365

TABLE OF PARALLEL REFERENCES

xv

TRUSTS—Continued

Am Jur §§	Am Jur 2d §§	Am Jur §§	Am Jur 2d §§	Am Jur §§	Am Jur 2d §§
362	366	421	425	481	488
363	367	422	426	482	489
364	368	423	427	483	490
365	369	424	428	484	491, 492
366	370	425	429	485	493
367	371	426	430	486	494
368	372	427	431	487	495
369	373	428	432	488	496
370	374	429	433	489	497
371	375	430	434	490	498
372	376	431	435	491	499
373	377	432	436	492	500
374	378	433	437	493	501
375	379	434	438	494	502
376	380	435	440	495	503
377	381	436	441	496	504
378	382	437	442	497	505, 506
379	383	438	443	498	507
380	384	439	444	499	508
381	385	440	445	500	509
382	386	441	447	501	510
383	387	442	448	502	511
384	388	443	449	503	512
385	389	444	450	504	513
386	390	445	451	505	514
387	391	446	452	506	515
388	392	447	453, 454	507	516
389	393	448	455	508	517
390	394	449	456	509	518
391	395	450	457	510	519
392	396	451	458	511	520
393	397	452	459	512	521
394	398	453	460, 461	513	522
395	399	454	461	514	523
396	400	455	462	515	524
397	401	456	463	516	525
398	402	457	464	517	526
399	403	458	465	518	527
400	404	459	466	519	528
401	405	460	467	520	529
402	406	461	468	521	530
403	407	462	469	522	531
404	408	463	470	523	532
405	409	464	471	524	533
406	410	465	472	525	534
407	411	466	473	526	535
408	412	467	474	527	536
409	413	468	475	528	537
410	414	469	476	529	538
411	415	470	477	530	539
412	416	471	478	531	540
413	417	472	479	532	541
414	418	473	480	533	542
415	419	474	481	534	543
416	420	475	482	535	544
417	421	476	483	536	545
418	422	477	484	537	546
419	423	478	485	538	547
420	424	479	486	539	548
		480	487		

TABLE OF PARALLEL REFERENCES

TRUSTS—Continued

AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§	AM JUR §§	AM JUR 2d §§
540	549	578	586	616	633
541	550	579	595	617	634
542	551	580	596	618	635
543	552	581	597	619	636
544	553	582	598	620	637
545	554	583	599	621	638
546	554	584	600	622	639
547	555	585	601	623	640
548	556	586	603	624	641
549	557	587	604	625	642
550	558	588	605	626	643
551	559	589	606	627	644
552	560	590	607	628	645
553	561	591	608	629	646
554	562	592	609	630	647
555	563	593	610	631	648
556	564	594	611	632	649
557	565	595	612	633	650
558	566	596	613	634	651
559	567	597	614	635	652
560	568	598	615	636	653, 656
561	569	599	616	636.1	654
562	570	600	617	636.11	653
563	571	601	618	636.12	655, 657
564	572	602	619	636.13	653
565	573	603	620	636.14	659
566	574	604	621	636.15	657
567	575	605	622	636.16	656
568	576	606	623	636.17	653
569	577	607	624	636.18	653
570	578	608	625	636.19	653
571	579	609	626	636.20	653
572	580	610	627	636.21	657
573	581	611	628	636.22	658, 659
574	582	612	629	636.23	656, 657
575	583	613	630	636.24	660
576	584	614	631	636.25	660
577	585	615	632		

UNEMPLOYMENT COMPENSATION

AM JUR 2d §§	AM JUR 2d (Rev) §§	AM JUR 2d §§	AM JUR 2d (Rev) §§	AM JUR 2d §§	AM JUR 2d (Rev) §§
1	1	17	26, 28	33	68
2	7	18	29	34	45
3	9	19	30	35	46
4	11	20	203, 204	36	47
5	2	21	35	37	196, 197, 209
6	13-16	22	36	38	48, 54
7	18	23	37, 39	39	49
8	4, 5	24	38	40	50-52
9	223, 224	25	32, 34	41	53
10	222	26	40	42	69, 70
11	3	27	28	43	64-67
12	23	28	41	44	55, 58
13	44	29	42	45	56, 57
14	22, 24	30	31	46	28
15	19, 21, 25	31	27	47	59
16	20	32	43	48	60

TABLE OF PARALLEL REFERENCES

xvii

UNEMPLOYMENT COMPENSATION—Continued

AM JUR 2d §§	AM JUR 2d (Rev) §§	AM JUR 2d §§	AM JUR 2d (Rev) §§	AM JUR 2d §§	AM JUR 2d (Rev) §§
49	62	62	146-148	76	158
50	63	62.5	146-148	77	162, 172
51	72-75	63	132, 136	78	164-167, 170, 172
52	77-80, 101	63.5	134, 135	79	169
52.3	89	64	122, 123, 125, 126, 128, 129	80	170, 173
52.5	100			81	176-179
53	81	64.5	131	82	180, 181
53.5	82	65	159-161	83	174
54	83, 84	66	124, 138-141	84	182, 183
55	85, 86	66.5	130	85	162, 163, 184-186
55.5	90	67	168	86	187
56	92	67.5	153, 154	87	188, 189
57	87, 88	68	116-118, 120, 121	88	190
58	93-96	69	119	89	191
58.5	81	70	137	90	188, 189, 192-195
59	104-109	71	149, 150	90.5	12
59.3	112	72	140	91	202
59.5	151	73	155, 156	92	210-214
60	142-145	74	124, 127	93	215, 216
61	113, 115	75	133	94	218-221
				95	205
				96	206-208