

# Louisiana Law Review

---

Volume 2 | Number 1  
*November 1939*

---

## Table of Contents: Subject Index

---

### Repository Citation

*Table of Contents: Subject Index*, 2 La. L. Rev. (1939)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol2/iss1/7>

This Front Matter is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in Louisiana Law Review by an authorized editor of LSU Law Digital Commons. For more information, please contact [kreed25@lsu.edu](mailto:kreed25@lsu.edu).

# SUBJECT INDEX

\* LOUISIANA LAW    † ARTICLES    ‡ COMMENTS    *Italic figures indicate CASE NOTES*

## A

	PAGE		PAGE
<b>ADMINISTRATIVE LAW</b>		<b>AMERICAN BAR ASSOCIATION</b>	
American Bar Association bill		Administrative law bill	
—Discussed .....	‡294	—Discussed .....	‡294
—Reprinted .....	‡325	—Reprinted .....	‡325
Power of the President to remove a director of the T. V. A.	183	<b>ANNULMENT OF MARRIAGE</b>	
<b>ADMINISTRATORS</b>		<i>See Marriage</i>	
<i>See Executors and Administrators</i>		<b>APPEALS</b>	
<b>ADULTERY</b>		Abandonment—filing of second suit .....	†*146
Custody of children .....	†*40	From order permitting removal to the federal court .....	†*144
Evidence of, for divorce .....	†*41	Louisiana Supreme Court cases, 1938-1939 .....	†*144
<b>AGENCY</b>		New evidence — consideration given .....	†*146
Impossibility of performance as grounds for nonpayment of commission by principal .....	†*62	Repeal of attacked statute pending appeal—effect .....	†*144
Mandate—right to transfer interest in principal's property .....	†*59	Timeliness of filing motions to dismiss appeal .....	†*145
Power of attorney coupled with an interest .....	†*60	<b>APPRAISEMENT</b>	
Reliance on agent's statement of his authority .....	†*60	Function of appraisers .....	†*429
Tacit mandate .....	‡61	Inventory of estates .....	†*427
Tutor as agent .....	†*60	—Procedure .....	†*427
<b>ALIMONY</b>		—Purpose .....	†*427
Ability of husband to pay .....	†*37	Qualifications of appraisers .....	†*429
Effect of bankruptcy .....	†*37, ‡126	Unreality .....	†*430
Louisiana Supreme Court cases, 1938-1939 .....	†*37	—Proposed act .....	†*433
Pendente lite in abandonment .....	†*37	—Proposed remedy .....	†*432
Under the "two year separation act" .....	†*37	<b>ATTORNEYS</b>	
<b>BANKRUPTCY</b>		Burdick: <i>The Bench and Bar of Other Lands</i> (book rev.) .....	399
Appeals		<b>B</b>	
—Allowance of appellate court—judgment involving less than \$500 .....	186	Penalty assessed against trustee .....	373
Consent receiverships .....	‡482	Reorganization plans under Chapter X .....	‡481
Effect of trustee's failure to record copy of order approving bond .....	*543	—"Fair," "equitable," and "feasible" .....	‡488
Effect on payment of alimony .....	†*37 ‡*126	<b>BANKS AND BANKING</b>	
Liquidation-saving schemes .....	‡483	<i>See also Bills and Notes</i>	
Louisiana Supreme Court cases, 1938-1939 .....	†*126	Compensation between depositor and insolvent bank .....	†*126
		Credit unions—penalties against borrowers .....	†*121
		Louisiana Supreme Court cases, 1938-1939 .....	†*120

\* LOUISIANA LAW ‡ ARTICLES † COMMENTS *Italic figures indicate CASE NOTES*

	PAGE		PAGE
Recovery of overpayments by liquidator .....	†*121	Letters of credit—liability of buyers .....	†*122
Set-off of deposits in liquidating banks .....	†*120	Louisiana Supreme Court cases, 1938-1939 .....	†*122
Set-off of deposits—right of debtor of insolvent bank....	†*125	"Negotiation within reasonable time"—what is it.....	†*124
Supervisor of Homestead and Building Loan Associations—removal of directors.....	†*120	<b>BUILDING AND LOAN ASSOCIATIONS</b>	
<b>BILLS AND NOTES</b>		Removal of directors.....	†*120
See also <i>Banks and Banking</i>		Supervisor of Homestead and Building Loan Associations—removal of directors.....	†*120
Acceleration clause—effect....	†*123	<b>BURGLARY</b>	
Demand note—maturity.....	†*124	"Breaking"—necessity to allege	†*97
Failure of consideration.....	*189	Opening of unlatched screen door as "breaking".....	†*97
Forgery—depositor's duty to notify bank .....	†*123		
Guaranty of promissory note—benefit not limited to payee..	†*64		
		<b>C</b>	
<b>CAUSA</b>		<b>COMMERCIAL LAW</b>	
See <i>Cause of Contracts</i>		Louisiana Supreme Court cases, 1938-1939 .....	†*120
<b>CAUSE OF CONTRACTS</b>		<b>COMMUNITY PROPERTY</b>	
See also <i>Contracts</i>		Acquisition	
Ability to show true consideration when not expressed....	†*51	—By gift.....	†581
Acknowledgment of cash received conclusive .....	†*50	—Compensation for personal injuries .....	†582
Bills and notes—failure of consideration .....	*189	—Increase of lands.....	†581
Consideration of services rendered as cause .....	†*51	Advantages .....	†575
Lesion beyond moiety.....	†*50	Control .....	†585
<b>CHARITIES</b>		—Limitations .....	†*596
Tort liability of eleemosynary institutions to recipients of their services .....	544	—Transfer of control.....	†593
<b>CHATTEL MORTGAGES</b>		Creditor's rights.....	†589
See <i>Mortgages</i>		Division of community	
<b>CITIZENSHIP</b>		—In Louisiana.....	†*581, †*591
Forma pauperis—citizenship requirements .....	†*137	—In Oklahoma.....	†581, †591
<b>CIVIL LAW</b>		Election	
Procedure—a comparative study	†401	—In Louisiana.....	†*577
<b>CIVIL PROCEDURE</b>		—In Oklahoma.....	†576
See <i>Pleading and Practice</i>		Family home not under exclusive management of husband	†*62
<b>CODES</b>		In the succession.....	†594
Lingat: Code of the First Reign of Siam (book rev.).....	565	Insurance taken out prior to marriage—separate property	†*74
<b>COLLEGES AND UNIVERSITIES</b>		—Premiums paid during marriage belong to community..	†*74
Ability to alienate property....	†*152	Inventories in Louisiana.....	†*580
		Louisiana Supreme Court cases, 1938-1939 .....	†*74
		Oklahoma Act—a comparative study .....	†*575
		Partition .....	†*74
		Recordation .....	†577
		Wife as agent.....	†*583

* LOUISIANA LAW	‡ ARTICLES	† COMMENTS	Italic figures indicate CASE NOTES
	PAGE		PAGE
Wife not decreed owner of one-half community after divorce unless it is asked for.....	‡*43		
<b>COMPARATIVE LAW</b>			
See also <i>Civil Law</i>			
Civil law			
—Procedure—a comparative study .....	‡*401		
Community property—Oklahoma and Louisiana systems compared .....	‡*575		
<b>COMPETITION</b>			
Unfair competition and copy-right law .....	‡648		
Unfair practice in imitation of intangible goods .....	‡651		
Unfair practice in news gathering .....	‡648		
Unfair practice of pirating another's advertisements .....	‡662		
<b>CONFLICT OF LAWS</b>			
Characterization as an approach to .....	‡715		
Foreign mortgage not recorded—rights of innocent purchaser .....	*550		
Goodrich: Handbook of the Conflict of Laws (book rev.)..	396		
<b>CONSIDERATION</b>			
See <i>Cause of Contracts</i>			
<b>CONSPIRACY</b>			
Continues until division of the spoils .....	‡*110		
<b>CONSTITUTIONAL LAW</b>			
See also <i>Eminent Domain; Interstate Commerce; Taxation</i>			
Eminent domain—condemnation for private use.....	‡*114		
Franchise tax on gross receipts of intrastate business on Mississippi River.....	‡*116		
Illegally obtained evidence—wire tapping—derivative use.....	759		
Impairment of contract—state statute allowing tax lien to prime vendor's lien.....	‡*110		
Indemnity bond required of all operators of public transfer service .....	‡*120		
Interstate commerce			
—Foreign corporations not domiciled here—soliciting within state .....	‡*112		
Jaffin: Los Modos de Iniciación del Contralor Judicial de la Constitucionalidad de las Leyes en Los Estados Unidos (book rev.) .....	765		
Louisiana Supreme Court cases, 1938-1939 .....	‡*110		
Pecach: Los Modos de Iniciación del Contralor Judicial de la Constitucionalidad de las Leyes en la Republica Argentina (book rev.) .....	765		
Power of President to remove a director of the T. V. A.....	183		
Repeal of attacked statute pending appeal .....	‡*144		
Right to tax pharmacists by licenses .....	‡*112		
Sales tax on out-of-state goods	737		
Spouse act—public employment of both husband and wife....	553		
Substitution of judge during trial .....	*748		
Well-spacing legislation .....	191		
<b>CONTRACTS</b>			
For civil law contracts, see <i>Obligations</i>			
Lesion beyond moiety.....	‡*50		
Specific performance			
—Contract to drill an oil well—difficulty of enforcement of decree .....	*198		
—Judgment in rem—decree vesting title to realty.....	*194		
—To execute an act of sale as provided by a bond for deed contract .....	*749		
Teacher tenure—reduction in position and salary.....	*757		
Validity of contracts between corporation and director or officer .....	*374		
<b>CONTRIBUTORY NEGLIGENCE</b>			
See <i>Negligence</i>			
<b>COPYRIGHTS</b>			
"Character" imitation .....	‡657		
Copyright and unfair competition .....	‡648		
Imitations of advertisements...	‡662		
Imitation of intangible goods—compilations of directories, annotated editions, etc.....	‡651		
Protection of news.....	‡648		
Protection of recorded songs...	‡659		

\* LOUISIANA LAW ‡ ARTICLES † COMMENTS *Italic figures indicate CASE NOTES*

	PAGE		PAGE
<b>CORPORATIONS</b>			
See also <i>Banks and Banking;</i>			
<i>Partnership</i>			
Corporate assets, Conveyance of		—Stock—classification and preferences .....	†*611
—creditor's rights .....	†*130	—Voting rights.....	†*631
Directors—fiduciary relation in purchase of property.....	†*131	Mineral servitudes owned by corporation do not pass to stockholders upon dissolution	†*77
Dominant corporation's liability on subsidiary's obligation .....	†*132, †*117	Ownership of corporate property on voluntary dissolution	†*127
Franchise tax on treasury shares .....	†*128	The Securities and Exchange Commission looks at corporate reorganization plans.....	†693
Income tax		—Fairness .....	†695
—Capital, Income—distinction..	†*215	—Gradual liquidation .....	†700
—Corporate exchanges, Tax-free .....	†*223	—Priority rule .....	†696
—Corporate reorganization—definition and development...	†*220	—Value .....	†697
—Corporate stock exchanges—statutory provisions—development .....	†*217	—Feasibility .....	†706
—“Realization” .....	†*213	—Miscellaneous factors considered .....	†711
—Stock dividends—taxability...	†*215	—Hybrid-type securities .....	†713
—Transfer of corporate stock—taxability .....	†*216	—Securities without value...	†711
Liability of another corporation's obligations by receiving assets of such corporation....	†*52	—Voting trust .....	†713
Louisiana Business Corporation Act of 1928		—Other objectives of the Holding Company Act.....	†708
—Allotment and consideration for shares.....	†*614	—Creation of geographically integrated public utility systems .....	†709
—Books, records, and annual reports .....	†*642	—Reduction of unnecessarily complex structures of holding companies .....	†710
—By-laws .....	†*627	—To effectuate fair and equitable distribution of voting control .....	†710
—Conditions precedent to doing business .....	†*604	Subsidiary's liability for license taxes .....	†*117, †*132
—Constructive notice doctrine rejected .....	†*606	Treasury shares subject to franchise tax .....	†*128
—The de facto problem.....	†*605	Ultra vires contracts, Fully performed .....	†*128
—Directors, officers, and agents	†*635	Validity of contracts between corporation and director or officer .....	*374
—Dividends .....	†*621		
—Formation of corporation....	†*598	<b>COURTS</b>	
—The corporate name.....	†*600	See also names of specific courts, i. e., <i>Federal Courts</i>	
—Recordation of articles....	†*602	Burdick: <i>The Bench and Bar of other Lands</i> (book rev.)... 399	
—What must be enumerated in the articles.....	†*599	Juvenile courts	
—Who may incorporate....	†*598	—Jurisdiction over custody of children in informal separation .....	
—History and development....	†*597	†*39	
—Power to repurchase shares and issue convertible securities .....	†*619	<b>CRIMINAL LAW AND PROCEDURE</b>	
—Pre-incorporation subscriptions and shareholder liability	†*602	See also <i>Evidence; Federal Courts; Jurisdiction; Jury; Pleading and Practice</i>	
—Registered office and agent..	†*641	Admissibility of evidence of prior offenses .....	
—Share certificates.....	†*613	†*108	
—Shareholders' preemptive rights .....	†*626		

\* LOUISIANA LAW † ARTICLES ‡ COMMENTS *Italic figures indicate CASE NOTES*

PAGE

PAGE

Burglary  
—“Breaking”—necessity to allege ..... †97  
—Opening unlatched screen door as “breaking” ..... †97  
Conduct of trial  
—Lapse of 28 hours between argument and the judge’s charge to the jury ..... †104  
Conspiracy continues until division of the spoils ..... †110  
Double jeopardy  
—Trial on faulty indictment, effect ..... †98  
Forgery  
—Intent necessary ..... †98  
—Loss unnecessary ..... †99  
Grand jury  
—Effect of indictment by illegally drawn grand jury ..... †101  
—Failure to draw as required—does not destroy jurisdiction ..... †100  
—Must draw names from envelop ..... †101  
—Objection to grand jury panel ..... †101  
panel ..... †101  
Habitual criminal legislation ..... †177  
—Effect of foreign convictions ..... †177  
—External view ..... †177  
—Limited external view ..... †179  
Homicide—evidence of dangerous character and prior threats ..... \*376  
Jurisdiction, Plea to—when to be made ..... †100  
Juveniles—jurisdiction of district court in case of murder ..... †106  
Liability of escaped convict for expenses of recapture ..... 200

Louisiana Supreme Court cases, 1938-1939 ..... †97  
Multiple offender—mistake as to one prior conviction does not constitute unfair trial ..... †102  
New trial—discretion in trial judge ..... †103  
—Necessity to ask for in the district court ..... †105  
Objections  
—Discretion of court ..... †99  
—To the indictment—when to be made ..... †99  
Petit jury  
—Irregularities in selection—no new trial unless defendant was prejudiced ..... †103  
—Defendant’s counsel not allowed to examine each slip as it was drawn for the tales jury box ..... †103  
—Liquor served in jury room ..... †104  
—Prior conviction of juror of misdemeanor ..... †103  
Prescription  
—Effect of trial under faulty indictment ..... †98  
Substitution of judge during trial ..... \*742  
Venue  
—Publication of Lunacy Commission’s report not grounds for change of venue ..... †101  
—Unpopularity of defendant’s vocation as grounds for change of venue ..... †101

## CRIMINAL PROCEDURE

*See Criminal Law and Procedure*

## D

## DAMAGES

Breach of contract to drill for oil ..... †55, †83  
Right of adjacent landowner where gas is allowed to escape ..... †84  
Vendor’s breach of bond for deed ..... \*749

## DEBTS

In solido—remission ..... †365

## DEPOSITIONS

Discovery procedure ..... †529  
—In Louisiana ..... †537, †538

## DISCOVERY

Louisiana discovery devices ..... †536  
—Depositional discovery ..... †537  
—Depositions ..... †538  
—Interrogatories on facts and articles ..... †537  
—Perpetuation of testimony ..... †540  
—Discovery of documents ..... †541  
—Prayer for oyer ..... †541  
—Subpoena duces tecum ..... †541  
Procedure ..... †525  
—Advantages of modern procedure ..... †534  
—Depositions ..... †529



\* LOUISIANA LAW      † ARTICLES      ‡ COMMENTS      *Italic figures indicate CASE NOTES*

	PAGE
Of prior offenses in criminal trial .....	†*108
Parol	
—Inability to show disposition of reserve in insurance.....	†*135
—Inadmissible to show intention to reserve right to sue in a compromise .....	†*52
—Inadmissible to show joint venture in mineral leases....	†*82
Proof of handwriting in olographic will .....	†*68
Sufficiency of .....	†*54, †*55

	PAGE
EXECUTORS AND ADMINISTRATORS	
See also <i>Tutorship</i>	
Appointment—procedure .....	†*151
Inventory .....	†*427
—Procedure .....	†*427
—Purpose .....	†*427
Judgment appointing must be executed provisionally .....	†*146
Right to demand accounting from tutor .....	†*45
EXECUTORY PROCESS	
See <i>Pleading and Practice; Process</i>	

F

FAMILY LAW

Family meeting to allow a special mortgage on tutor's property .....	†*65
Louisiana Supreme Court cases, 1938-1939 .....	†*37

FAMILY MEETING

See *Family Law*

FEDERAL COURTS

See also *Criminal Law and Procedure; Jurisdiction; Pleading and Practice*

Jurisdiction, practice and procedure	
—Dobie and Ladd: Cases on Federal Jurisdiction and Procedure (book rev.).....	762
Umbreit: Our Eleven Chief Justices (book rev.).....	395

FEDERAL EMPLOYERS' LIABILITY

Applicability to bridge repair worker on railway bridge used in interstate commerce.....	†*95
Contributory negligence as a defense .....	†*95
Negligence—necessity to prove	†*95

FORCED HEIRS

See *Succession and Descent*

FORFEITURES

In conditional contract to purchase upon failure of the condition .....	†*49
Of lessee's property remaining on lessor's premises after termination of the lease.....	†*49

FORGERY

See *Criminal Law and Procedure*

G

GIFTS

See *Donations*

GRAND JURY

Effect of indictment by illegally drawn grand jury .....	†*101
Failure to draw as required—does not destroy jurisdiction	†*100

Must draw names from envelop .....	†*101
Objection to grand jury panel. .	†*101

GUARANTY

Benefit of guaranty of promissory note not limited to payee	†*64
Continuing guaranty .....	†*63
Louisiana Supreme Court cases, 1938-1939 .....	†*63

H

HABEAS CORPUS

Determination of jurisdictional facts—juvenile offenders.....	*381
---	------

HANDWRITING

Proof in an olographic will....	†*68
Proof in procedure under Civil law .....	†408



\* LOUISIANA LAW ‡ ARTICLES † COMMENTS *Italic figures indicate CASE NOTES*

	PAGE		PAGE
<b>HIGHWAYS</b>		<b>HUSBAND AND WIFE</b>	
Dedication—servitude .....	‡*153	Community property—Oklahoma Act—a comparative study	‡575
Unguarded railroad cars across a highway as negligence.....	‡*93	Duty of husband to support wife .....	‡*46
<b>I</b>			
<b>IMMOVABLES</b>		History of jurisdiction and ownership of marginal seas.....	‡262
Buildings not subject to chattel mortgage .....	‡*66	Jurisdiction — marginal seas around the states .....	‡252, ‡436
<b>INJUNCTION</b>		Marginal seas defined.....	‡268
Infringement of copyright and unfair competition in literary property .....	‡648	—United States practice.....	‡270
<b>INSANE PERSONS</b>		Ownership of sub-oceanic minerals bordering the states	‡252, ‡436
Lucid interval—ability to make will .....	‡*68	Silvanie: Responsibility of States for Acts of Unsuccessful Insurgent Governments (book rev.) .....	763
Publication of Lunacy Commission's report not grounds for change of venue in criminal prosecution .....	‡*101	Wilson: Handbook of International Law (book rev.).....	572
Testimony of physicians as to mental capacity .....	378	<b>INTERSTATE COMMERCE</b>	
<b>INSURANCE</b>		See also <i>Constitutional Law; Taxation</i>	
<b>Fire</b>		Foreign corporations not domiciled in state but soliciting there—exemption from tax..	‡*112
—Co-owner's right to insure in own name—right to payment by co-owners .....	‡*134	Intrastate traffic on the Mississippi River.....	‡*116
—Death of insured prior to issuance of policy, Effect on..	‡*134	Maintenance of railway bridge used in interstate commerce..	‡*95
<b>Life</b>		Sales tax on out-of-state goods	737
—Inability to prove reserve applied by insured prior to his death to indebtedness due the insurer .....	‡*135	<b>INVENTORY</b>	
Louisiana Supreme Court cases, 1938-1939 .....	‡*134	See also <i>Pleading and Practice</i>	
Taken out prior to marriage—separate property .....	‡*74	Appraisers	
—Premiums paid during marriage belong to community...	‡*74	—Functions .....	‡*429
<b>INTERNATIONAL LAW</b>		—Qualifications .....	‡*427
"Concession"—defined .....	‡330	Of estates.....	‡*427
Latin American development...	‡330	—Procedure .....	‡*427
—Usefulness .....	‡331	—Purpose .....	‡*427
		Unreality of appraisement.....	‡*430
		—Proposed act .....	‡*433
		—Proposed remedy .....	‡*432
<b>J</b>			
<b>JACTITATION</b>		<b>JUDGMENTS</b>	
See <i>Pleading and Practice</i>		Foreign judgment — enforcement .....	‡*147
<b>JUDGES</b>		In rem—decree vesting title to realty .....	*194
Umbreit: Our Eleven Chief Justices (book rev.).....	395	Inability to give relief not asked for .....	‡*43



* LOUISIANA LAW	† ARTICLES	† COMMENTS	Italic figures indicate CASE NOTES
		PAGE	
—Joint venture—parol inadmissible to show.....		†*82	
—Lessee may maintain an action for slander of title only if he is in possession.....		†*82	
Notice to vacate.....		†*161	
—Upon expiration of term.....		†*166	
—Upon limitation or breach.....		†*162	
Tacit reconduction.....		†*167	
<b>LEGAL HISTORY</b>			
Haynes: The Senate of the United States (book rev.).....		211	
Pound: The Formative Era of American Law (book rev.)...		206	
Some legal systems that have disappeared .....		†1	
—Amerindian .....		†17	
—Bibliography .....		†25	
—Armenian-Georgian .....		†12	
—Bibliography .....		†16	
—Iranian .....		†1	
—Bibliography .....		†11	
—Madagascan .....		†28	
—Bibliography .....		†30	
<b>LEGATEES AND LEGACIES</b>			
See <i>Wills</i>			
<b>LEGISLATION</b>			
“Concession”—defined .....		†330	
—Latin American development .....		†330	
—Usefulness .....		†331	
<b>LIBEL AND SLANDER</b>			
Defamation by radio.....		196	
Liability of newspaper for defamation in the absence of intention or negligence.....		†*94	
Liability of newspaper in the absence of injury.....		†*94	
Political rival—defamation of..		†*94	
<b>M</b>			
<b>MANDAMUS</b>			
To compel judge to grant injunction .....		†*149	
<b>MANDATE</b>			
Louisiana Supreme Court cases, 1938-1939 .....		†*59	
Power of attorney coupled with an interest.....		†*60	
Right to transfer interest in principal's property.....		†*59	
Tacit mandate.....		†*61	
Tutor as agent.....		†*60	
<b>LIENS AND PRIVILEGES</b>			
Paving lien cannot be enforced against courthouse property..		†*119	
Priority over mortgages.....		†*65	
Vendor's privilege—replaces conditional sale in Louisiana....		†*346	
<b>LIS PENDENS</b>			
Cancellation of notice of <i>lis pendens</i> .....		†*150	
<b>LITERARY PROPERTY</b>			
See <i>Copyrights</i>			
<b>LITIGIOUS RIGHTS</b>			
Sale pending an action in re- vendication .....		†*58	
Transfer of.....		†*59	
<b>LOUISIANA STATE LAW INSTITUTE</b>			
The Louisiana State Law Institute (edit.).....		156	
<b>LOUISIANA STATE UNIVERSITY LAW SCHOOL</b>			
The Law School (edit.).....		155	
<b>LOUISIANA SUPREME COURT</b>			
Work of, for the 1938-1939 term			
—Civil Code and related subjects .....		†*37	
—Commercial law.....		†*120	
—Criminal law and procedure..		†*97	
—Miscellaneous .....		†*152	
—Public law.....		†*110	
—Statistical survey.....		†*31	
—Torts and workmen's compensation .....		†*89	
<b>MARRIAGE</b>			
See also <i>Alimony; Community Property; Divorce; Husband and Wife</i>			
<b>Annulment</b>			
—Louisiana Supreme Court cases, 1938-1939.....		†*38	
—Presence of an “appreciable amount” of negro blood.....		†*39	
Custody of children			
—In adultery cases.....		†*40	
—In informal separation.....		†*39	
—Louisiana Supreme Court cases, 1938-1939.....		†*39	
—Mother given preference....		†*39	

\* LOUISIANA LAW † ARTICLES ‡ COMMENTS *Italic figures indicate CASE NOTES*

	PAGE		PAGE
<b>MINERAL RIGHTS</b>		<b>MINORS</b>	
See <i>Mines and Minerals</i>		See also <i>Emancipation; Tutorship</i>	
<b>MINES AND MINERALS</b>		Emancipation of, by marriage.. †*46	
See also <i>Leases; Royalty</i>		<b>MORTGAGES</b>	
Contract to drill an oil well—specific performance..... *198		Affected only by defects apparent on face of public record.. †*66	
Daggett: Mineral Rights in Louisiana (book rev.)..... 203		Chattel	
Damages for breach of contract to drill..... †*55, †*83		—Necessity for reinscription... †*66	
Leases ..... †*80, †*81, †*82		—Not applicable to buildings... †*66	
Louisiana Supreme Court cases, 1938-1939 ..... †*75		—Security clause as a potestative condition..... *548	
Mandate to sell mineral rights †*59		Compromise between mortgagor and mortgagee—confirmed by moratorium commissioner—effect ..... †*66	
—Right to transfer interest in principal's property..... †*59		Foreign mortgage not recorded—rights of innocent purchaser *550	
Mineral servitudes owned by corporation do not pass to stockholders upon dissolution †*77		Judicial mortgages—cancellation by counsel..... †*65	
—Minor stockholder in corporation owning mineral servitude—effect on prescription..... †*77		Louisiana Supreme Court cases, 1938-1939 ..... †*65	
Prescription—reversionary interest ..... *752		Priority of privileges over..... †*65	
Privilege on oil well—jurisdiction of suit..... †*136		Registry—lapse of ten years... †*66	
Reversionary interest..... *752		Special mortgage on tutor's property ..... †*66	
Right of adjacent landowner where gas is allowed to escape ..... †*84		—Effect of, without a family meeting ..... †*66	
Royalty ..... †*80		<b>MUNICIPAL CORPORATIONS</b>	
—Real royalty..... †*80		See also <i>Corporations</i>	
—Rent royalty..... †*80		Indemnity bond required of all operators of public transfer service ..... †*120	
Servitude		Liability of police jury for injuries resulting from defective bridge ..... †*119	
—Inability to establish for more than ten years..... †*78		Louisiana Supreme Court cases, 1938-1939 ..... †*117	
—Joint lease—"intention" test—interruption ..... †*77		Paving lien cannot be enforced against courthouse property.. †*119	
—Prescription—effect of minority ..... †*75		Refunding bond suits brought more than 30 days after authorization of bond issue..... †*118	
—Suspension for obstacle... *755			
—Production on part of tract—effect on prescription..... †*76			
Usufruct ..... †*169			
Well-spacing legislation—constitutionality ..... 191			
		N	
<b>NEGLIGENCE</b>		<b>NEGOTIABLE INSTRUMENTS</b>	
No need to negative contributory negligence in <i>res ipsa loquitur</i> ..... †*89		See <i>Bills and Notes</i>	
Presumption of negligence in <i>res ipsa loquitur</i> ..... †*91		<b>NOTARIES</b>	
Unguarded railroad cars across a highway ..... †*93		Inventory of estates..... †*427	
		<b>NOVATION</b>	
		Never presumed..... †*54	

\* LOUISIANA LAW ‡ ARTICLES † COMMENTS *Italic figures indicate CASE NOTES*

O

	PAGE		PAGE
<b>OBLIGATIONS</b>			
Acknowledgment of undivided ownership of land by another—effect .....	†*50	Forfeiture of lessee's property remaining on lessor's premises after termination of the lease .....	†*49
Assumption of corporation's obligations by receiving its assets .....	†*52	Inability to contract—drunkenness .....	†*51
Contract for extension of gas mains to subdivision		Novation—never presumed....	†*54
—Forfeiture of refunds not earned .....	†*48	Potestative condition—security clause in chattel mortgage...	*548
—Refunds under .....	†*47	Remission .....	†*365
Contract to purchase—conditional .....	†*48	—Of a part to the benefit of one codebtor.....	†*369
Conventional obligations—Louisiana Supreme Court cases, 1938-1939 .....	†*47	—Of the debt.....	†*368
Counter-letter—right to repurchase within a period—expiration of period.....	†*47	—Of the solidarity.....	†*367
Damages for breach of contract to drill for oil.....	†*55, †*83	Sale of land—right to rely on record .....	†*53, †*54
Evidence—sufficiency of...†*54, †*55		Solitary liability	
Forfeiture in conditional contract to purchase upon failure of condition.....	†*49	—Release of one co-tortfeasor as a discharge of others †*52, †*369	
		To remove purchased standing timber within period.....	†*49
		—Failure—title reverts to vendor .....	†*50
		<b>OWNERSHIP</b>	
		Marginal seas.....	‡252, ‡436
		Passage of title—effect of bill of lading .....	†*728

P

<b>PAROL EVIDENCE</b>		Appeals	
See <i>Evidence</i>		—Citation, Waiver of.....†*146	
<b>PARTITIONS</b>		—From an order permitting removal to federal court.....†*144	
Community property of divorced husband and wife.....	†*74	—Jurisdictional amount for Supreme Court, Determination of .....	
Louisiana Supreme Court cases, 1938-1939 .....	†*74	of .....	
<b>PARTNERSHIP</b>		—New evidence .....	
See also <i>Corporations</i>		—Procedure of taking.....	
Dissolution .....	†*62	—Repeal of attacked statute pending appeal .....	
Liability of ordinary partners. †*63		—Timeliness of filing motions to dismiss .....	
Liquidation of affairs of dissolved partnership .....	†*62	Civil law	
Louisiana Supreme Court cases, 1938-1939 .....	†*62	—Absence of law of evidence... ‡406	
<b>PETITORY ACTIONS</b>		—Absence of laws of pleading.. ‡404	
Laches, Effect of.....	†*150	—Advantages .....	
Prescription, Effect of.....	†*150	—Adequate deliberation .....	
<b>PLEADING AND PRACTICE</b>		—Saves time and expense .....	
See also <i>Appeals; Criminal Law and Procedure; Federal Courts; Jurisdiction</i>		—Superiority of judges over juries in judging facts..... ‡421	
Abandonment of appeal.....	†*146	—Written evidence assures sounder judgments..... ‡422	
		—Comparative study .....	
		—Evidence, Expert .....	



\* LOUISIANA LAW † ARTICLES ‡ COMMENTS *Italic figures indicate CASE NOTES*

	PAGE		PAGE
—Contest of title to land because of improperly served foreclosure proceeding.....	†*86	<b>PUBLIC UTILITIES</b>	
—Deed "founded on a forfeiture for taxes".....	†*86	The Securities and Exchange Commission looks at corporate reorganization plans.....	†693
—Failure of lessee to take possession and pay rent under lease.....	†*85	—Fairness.....	†695
—Suit for title to real estate....	†*86	—Gradual liquidation.....	†700
Louisiana Supreme Court cases, 1938-1939.....	†*84	—Priority rule.....	†696
Minor stockholder in corporation owning mineral servitude		—Value.....	†697
—effect on prescription.....	†*77	—Feasibility.....	†706
Production under a mineral servitude on a part of tract		—Miscellaneous factors considered.....	†711
—effect on prescription.....	†*76	—Hybrid-type securities.....	†713
Real actions not subject to prescriptive period of ten years..	†*50	—Securities without value...	†711
Reversionary interest in minerals.....	*752	—Voting trust.....	†713
Servitude—suspension for obstacle.....	*755	—Other objectives of the Holding Company Act.....	†708
<b>PROCEDURE</b>		—Creation of geographically integrated public utility systems.....	†709
See <i>Pleading and Practice</i>		—Reduction of unnecessarily complex structures of holding companies.....	†710
<b>PROCESS</b>		—To effectuate fair and equitable distribution of voting control.....	†710
Executory—grounds for invalidity.....	†*150		
		<b>R</b>	
<b>RADIO AND BROADCASTING</b>		—Cause v. Means.....	†353
Defamation by radio.....	196	—Problem in Louisiana.....	†*491
<b>RAILROADS</b>		—Applicability of French Rules.....	†*491, †*520
Unguarded railroad cars across a highway as negligence.....	†*93	—Estoppel by judgment	
<b>REAL ACTIONS</b>		—Injunction suits.....	†*503, †*520
Right to enforce conveyance of undivided share in land.....	†*50	—Partition suits.....	†*501, †*512
<b>RECEIVERS</b>		—Petitory actions.....	†*498, †*512
Bankruptcy—penalty assessed against trustee.....	373	—Policy of Res Judicata....	†*513
<b>RES IPSA LOQUITUR</b>		—Summary of Louisiana Jurisprudence.....	†*524
Applicability to automobile rear end collision.....	†*89	<b>ROYALTY</b>	
Presumption of negligence....	†*91	Louisiana Supreme Court cases, 1938-1939.....	†*79
<b>RES JUDICATA</b>		Real royalty.....	†*79
Matters which might have been pleaded.....	†347, †491	—Not a rent charge.....	†*79
—Common law.....	†348	—Prescription of.....	†*79
—Doctrine in France.....	†353	Rent royalty.....	†*80
		—Payment to father after end of tutorship.....	†*80
		<b>S</b>	
<b>SALES</b>		Civil law principles versus divided ownership in the Uniform Bills of Lading Act....	†736
Acknowledged receipt of cash conclusive.....	†*50		

• LOUISIANA LAW	‡ ARTICLES	† COMMENTS	PAGE	PAGE
Conditional sale in France.....			†339	
Conditional sale in Louisiana...			†*338	
—Immovables .....			†*344	
—Bond for deed agreements			†*344	
—Lease and conditional sale distinguished .....			†*342	
—Movables .....			†*340	
—Stipulation for—null .....			†*341	
—Use of lease to avoid prohibition against .....			†*342	
Conditional sale in other states				
—effect in Louisiana .....			†*343	
Conditional sale in Roman law			†339	
Effect of the form of the bill of lading on passage of title in Louisiana .....			†*728	
Lesion beyond moiety .....			†*50	
Litigious rights—sale pending an action in revendication...			†*58	
Louisiana Supreme Court cases, 1938-1939 .....			†*58	
Of land—right to rely on record as to title .....			†*53, †*54	
Of standing timber—to be removed within period.....			†*49	
—Failure—title reverts to vendor .....			†*50	
Simulation — right of forced heirs after property has passed into hands of third parties .....			*387	
Uniform Bills of Lading Act—effect on title .....			†*728	
<b>SECURITIES AND EXCHANGE COMMISSION</b>				
See <i>Corporations; Public Utilities</i>				
<b>SEPARATION FROM BED AND BOARD</b>				
See <i>Divorce</i>				
<b>SERVITUDES</b>				
Highways—dedication .....			†*153	
Mineral—effect of minority on prescription .....			†*75	
Prescription—suspension for obstacle .....			*755	
Production under a mineral servitude on a part of tract—effect on prescription.....			†*76	
Reversionary interest—prescription .....			*752	
<b>SET-OFF AND COUNTER-CLAIM</b>				
Right of debtor of insolvent bank to set off a deposit.....			†*125	
Set-off of deposits in liquidating banks .....			†*120	
<b>SHERIFFS AND CONSTABLES</b>				
Not liable on bond for injuries resulting from deputy's negligent operation of automobile			†*94	
<b>SLANDER</b>				
See <i>Libel and Slander</i>				
<b>SLANDER OF TITLE</b>				
Mineral lessee may maintain an action for slander of title only if he is in possession.....			†*82	
<b>SPECIFIC PERFORMANCE</b>				
See <i>Contracts</i>				
<b>STATUTE OF LIMITATIONS</b>				
See <i>Prescription</i>				
<b>STUDY OF LAW</b>				
Research in law .....			‡479	
—A challenge .....			‡479	
—A proposal .....			‡480	
<b>SUBPOENA DUCES TECUM</b>				
Discovery of documents .....			†*541	
<b>SUCCESSION AND DESCENT</b>				
See also <i>Wills</i>				
Forced heirship in French law			‡669	
—Formative period .....			‡669	
—Country of the customary law .....			‡672	
—Country of the written law			‡670	
—Post-codification period .....			‡682	
—Social and economic consequences .....			‡687	
—Proposed reforms.....			‡689	
—Revolutionary period and preparation of the Civil Code			‡675	
—Legislation .....			‡676	
—Napoleon's undertaking ...			‡679	
—Unsuccessful attempts at codification .....			‡677	
Irregular heirs				
—Half-blood natural brothers and sisters as legal heirs...			†*71	
—Louisiana Supreme Court cases, 1938-1939 .....			†*71	
Louisiana Supreme Court cases, 1938-1939 .....			†*67	
Procedure				
—Administrator, Appointment of .....			†*151	



\* LOUISIANA LAW † ARTICLES ‡ COMMENTS *Italic figures indicate CASE NOTES*

	PAGE
—Executor, Appointment of ...	†*151
Reduction	
—Louisiana Supreme Court cases, 1938-1939 .....	†*69
Representation	
—Louisiana Supreme Court cases, 1938-1939.....	†*70
—Warranty of represented—effect of .....	†*70
Réserve and légitime .....	†684
Right to reduce excessive donations—prescriptive period	†*69, †*70
Settlement	
—Compromise .....	†*72

	PAGE
—Fraudulent <i>dation en paiement</i> .....	†*72
—Pending suit by alleged heir..	†*73
<b>SURETYSHIP</b>	
Discharge of principal debtor as a release of surety .....	†*64
Guaranty of promissory note—benefit not limited to payee..	†*64
Louisiana Supreme Court cases, 1938-1939 .....	†*63
Right to enforce contribution from co-sureties .....	†*63

**T**

**TACIT RECONDUCTION**

See *Leases*

**TAXATION**

Community property—Oklahoma Act.....	†575
Franchise tax on gross receipts of intrastate business.....	†*116
Income	
—Capital, Income—distinction..	†215
—Corporate reorganization—definition and development...	†*220
—Corporate stock exchanges—statutory provisions—development .....	†*217
—History .....	†213
—Income defined .....	†215
—“Realization” .....	†*213
—Stock dividends—taxability..	†215
—Tax-free corporate exchanges	†223
—Transfer of corporate stock—taxability .....	†*216
Industrial exemption—new industries—what constitutes....	†*115
License tax on gold and silver dealers who sell to the United States .....	†*117
Louisiana Supreme Court cases, 1938-1939 .....	†*115
Redemption of tax property which has become vested in a subdivision .....	†*117
Sales tax on out-of-state goods..	†37
Subsidiary's liability for licenses .....	†*117, †*132
Tax sales — property not described with reasonable certainty—effect .....	†*116

**TESTAMENTS**

See *Wills*

**TITLE TO LAND**

Right to rely on the record	†*53, †*54
Where one grantee purchases for and acknowledges share of others .....	†*50

**TORTS**

See also names of particular torts, i.e., *Libel and Slander; Negligence*

Eleemosynary institutions—liability to recipients of their services .....	544
Liability of escaped convict for expenses of recapture.....	200
Liability of police jury for injuries resulting from defective bridge .....	†*119
Louisiana Supreme Court cases, 1938-1939 .....	†*89
<i>Res ipsa loquitur</i> —applicability to automobile rear end collision .....	†*89
Right of adjacent landowner where gas is allowed to escape .....	†*84
Sheriff not liable on bond for injuries resulting from deputy's negligent operation of automobile .....	†*94

**TRUSTS**

Inability to pledge or encumber trust property of educational and charitable trusts .....	†*74
Louisiana Supreme Court cases, 1938-1939 .....	†*74

**TUTORS**

See *Tutorship*

\* LOUISIANA LAW

‡ ARTICLES

† COMMENTS

Italic figures indicate CASE NOTES

	PAGE		PAGE
<b>TUTORSHIP</b>			
Louisiana Supreme Court cases, 1938-1939 .....	‡*45, †*60	Right of surviving parent to custody of child .....	*556
Natural tutrix not required to give bond .....	‡*46	Right of tutor to receive pay- ments of royalty after ter- mination of tutorship .....	†*80
Right of administrator to de- mand accounting .....	†*45	Tutor as agent .....	†*60
<b>U</b>			
<b>USUFRUCT</b>			
Article 552		Definition .....	†*170
—Applicability to oil and gas wells .....	†*174	Of mineral servitude .....	†*75
—History .....	†*170	Oil and gas not fruits .....	†*170
		On proceeds of oil and gas wells .....	†*169
<b>V</b>			
<b>VENDOR AND PURCHASER</b>			
Vendor's lien—primed by tax lien .....	†*110	Publication of Lunacy Commis- sion's report not grounds for change of venue .....	†*101
<b>VENUE</b>			
Objection to—when it must be made .....	†*101	Unpopularity of vocation of de- fendant as grounds for change of venue .....	†*102
<b>W</b>			
<b>WILLS</b>			
Forced heirship as a limitation on freedom .....	†669	Inadvisability of subjecting workmen's compensation to the exigencies of trial proce- dure .....	†*96
Insanity — will made during "lucid interval" .....	†*68	Louisiana Supreme Court cases, 1938-1939 .....	†*95
Interpretation .....	†*67	No suit costs after judgment is made final .....	†*96
Louisiana Supreme Court cases, 1938-1939 .....	†*67	Privity of contract necessary...	†*96
Proof of handwriting .....	†*68	<b>WRITS</b>	
Revocation — effect of tearing into pieces .....	†*68	Conservatory	
Universal legatees .....	†*69	—Injunction to maintain status quo pending divorce .....	†*148
—Contribution to légitime .....	†*69	—Sequestration <i>ex mero motu</i> — movables .....	†*147
<b>WORKMEN'S COMPENSATION</b>			
Applicability to bridge repair worker on railway bridge used in interstate commerce .....	†*95	Subpoena duces tecum .....	†*149