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## The Louisiana State Law Institute

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joined the Law Faculty of the University of Indiana. Professor Malone holds the degrees of Bachelor of Arts and Doctor of Law from the University of North Carolina and the degree of Master of Law from Harvard University. He was engaged in the practice of law with the firm of Reed, Hoyt and Washburn, New York City, for several years. In 1935 he accepted appointment on the Law Faculty of the University of Mississippi where he served until this year. In addition to his teaching duties, Professor Malone will serve with Professor Dainow as Faculty Co-editor of the LOUISIANA LAW REVIEW.

Two books of interest to the legal profession by members of the Law Faculty have been completed recently. Professor Harriet S. Daggett's *Mineral Rights In Louisiana* was released last summer by the Louisiana State University Press and has attracted widespread favorable comment. Professor Henry George McMahon's *Cases and Materials on Louisiana Practice* which has recently been released by the West Publishing Company will be an invaluable reference work for the attorneys of Louisiana. At present Professor Daggett is engaged in the preparation of *Louisiana Privileges and Chattel Mortgage*. This volume is ready for the press, and will probably be released in the near future.

IRA S. FLORY

### THE LOUISIANA STATE LAW INSTITUTE

The story of the creation of the Louisiana State Law Institute as an official advisory and law revision commission, law reform and legal research agency of the State of Louisiana has already been told.<sup>1</sup> Its purposes were stated and some of the tremendous opportunities for important and lasting accomplishments were revealed.

Subsequently appeared a report of the organization meeting on January 28, 1939, the adoption of by-laws and the election of officers.<sup>2</sup> Included in this report was an announcement covering the assumption, by the Institute, of responsibility for the preparation of a Compiled Edition of the Civil Codes of Louisiana and the designation of a reporter for the project. Mention was made of the fact that work was progressing on this project at Tulane University, Loyola University and Louisiana State University.

The present purpose is to make a further report to the mem-

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1. The Louisiana State Law Institute (1938) 1 LOUISIANA LAW REVIEW 139.

2. The Louisiana State Law Institute (1939) 1 LOUISIANA LAW REVIEW 575.

bership of the Institute and no less to the legal profession at large. Activity has not been lacking and substantial progress has been made toward fulfilling the function envisaged by the legislation which created the Institute and toward discharging the duties thereby imposed.

On June 24, 1939, the first regular meeting of the Council was held in the Law Building of the Louisiana State University. The by-laws were amended to establish four classes of members: Active, Associate, Honorary, and Ex-Officio. Primarily, this action had the effect of extending ex-officio membership during their terms of office to all members of the Legislature who are licensed to practice law in Louisiana.

A report of the membership committee nominating for active membership one hundred and fifty practicing lawyers was received and adopted. In response to invitations extended pursuant to this action the Institute has heard to date from all but a few of those elected. Particularly pleasing has been the unanimous recognition of the high aspirations underlying the creation of the Institute and the concretely practical good that may be accomplished.

In addition to approving a very gratifying progress report from the reporter in charge of the work of preparing the Compiled Edition of the Codes, resolutions were adopted authorizing the Institute to undertake the following projects:

- (1) A translation of the three volume edition of Planiol, *Traité Élémentaire de Droit Civil*.
- (2) The preparation of a model non-trading corporation statute.
- (3) A compilation of all Louisiana statutes dealing with matters covered by the Civil Code but not actually integrated in the Code at present.
- (4) The preparation of Louisiana annotations to the American Law Institute's Restatements on subjects not heretofore covered.

Authority was granted for the appointment of reporters and committees on each of these projects.

On September 30, 1939, the Executive Committee of the Council met in the offices of Monroe & Lemann in New Orleans. At this meeting the President announced the creation of the following sections to the Program and Work Committee: Criminal Law and Procedure, Procedural Law, Civil Law, Statutory Law,

and Annotations to the Restatements of the American Law Institute. Appointments to these various sections were made and also to the following standing committees: Liaison, Legislative Advisory, and Publications. For the Compilation of Statutes dealing with matters covered by the Civil Code a special committee consisting of a Reporter and Advisors was established. Likewise, the Executive Committee selected a Reporter to prepare a model non-trading corporation act.

The Institute has been fortunate in securing the services of Judge Pierre Crabites, late of the Mixed Tribunal of Cairo, Egypt, himself a onetime student under Professor Planiol, for the translation of one of the Planiol volumes. Judge Crabites' knowledge of the French language and his experience with the Civil Law system make him particularly fitted for this task. Already, much progress has been made. Likewise, contacts with others qualified for this important undertaking are being pursued. The Louisiana lawyer may look forward with some assurance to having a painstaking translation of this modern French commentary available in the not too distant future.

As reporter for the committee appointed to make a compilation of all Louisiana statutes affecting the Civil Code but not presently integrated therewith, the Institute is pleased to report the appointment of Dr. Harriet Daggett. Dr. Daggett brings to this work a long experience in the kind of problems which will confront the reporter, particularly in the collection of statutory materials and their organization for purposes of publication. Work on this project has begun. Such a compilation will render complete the anticipated accomplishment to result from the Compiled Code. Through these two projects the profession will have available for ready reference all of the provisions of the several codes and an integration and collation of that mass of legislation which affects the articles of the Civil Code but which is not found therein.

It is anticipated, also, that work will soon begin on the preparation of the model non-trading corporation act as authorized. If present plans materialize the proposed act will be presented to the Institute for its consideration at the next meeting. The ultimate hope is, of course, that the Institute may be able to prepare a draft which will be found acceptable to the Legislature. Steps looking toward the completion of Louisiana Annotations to the American Law Institute's Restatements on subjects not yet locally annotated have likewise been taken.

The most important aspect of the present report deals with the preparation of the Compiled Edition of the Civil Codes under the direction of Dr. Joseph Dainow. As the description of this project indicates, it is a compilation of the several editions of the Civil Code—not a revision. Using as a basis the text of the Code today, this work will also show the corresponding provisions of the Codes of 1870 and 1825, of the Code of 1808, and of the Code Napoleon (or the *Projet* thereof where the provisions of the latter are in closer correspondence with our Code than the Code Napoleon itself). Any changes in the articles of the Code resulting from legislation adopted between the years of Code revision will also be indicated. The result will be a volume wherein the history of every article of the present Code may be found in complete collation with the article itself.

Of particular importance to the user of the Code will be a complete system of cross references under each article to all other articles containing relevant principles or provisions. Such cross references should be of inestimable value in revealing the full operative breadth of a given rule and in reducing to a minimum the possibility of overlooking qualifications and limitations established in specific cases.

In preparing this compilation an effort is being made to correct all palpable errors in translation. Mistakes of this nature have doubtless come to the attention of everyone familiar with the Code. The reporter and his assistants are using care not to overlook any corrections of this kind but they realize that every such case may not be noticed. For this reason any suggestion looking to such a correction will be welcomed by the reporter. This invitation is extended not only to members of the Institute but to all others as well. Suggestions as to cross references also will be very helpful in making this feature of the compilation as complete and accurate as possible. Letters on these matters should be addressed to Dr. Joseph Dainow at the Louisiana State University Law School.

The basic research on the entire project will be completed within the next few weeks. The checking processes are finished on about one-third of the work. Finally, it is particularly pleasing to report that the printing itself has already begun.

It is believed that the foregoing reflects an accomplishment to date of no little consequence to the legal profession of Louisiana. The opportunities for service are incalculable. As the

physical structure of our basic law is improved, and as its sources are more clearly revealed and made accessible, the work will progress toward more complete fulfillment of the Institute's duties as a law revision and advisory agency. To the legislative branch of our government it offers facilities for legal exploration and research which can be of invaluable assistance. The full realization of this function and its utilization will disclose the Institute as an integral part of a program of public service.

J. DENSON SMITH  
*Acting Director*