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Private Law: Workmen's Compensation

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visit relatives. Before departing, however, she found it was necessary to have a minor repair made on the vehicle and it was while attempting to negotiate an entrance to a local repair shop that she carelessly injured the plaintiff. The court found that the journey to repair the family car was merely incidental to her private mission. It could just as easily have found to the contrary. Certainly this was no satisfactory basis on which to administer controversies that involve large damage claims. Even the bastard "family purpose doctrine" involves no such nonsense.

Fortunately, the supreme court has reconsidered the *Golson* case in the recent decision, *Brantley v. Clarkson.*[19] Brantley was injured through the careless driving of Mrs. Clarkson, who was returning home from a social visit to a neighbor. The court might have dallied with the *Golson* doctrine by emphasizing that she was returning to her home and domestic duties, and hence was engaged in a community errand. Instead, the court placed the law in proper perspective by expressing its dissatisfaction with the *Golson* rule as previously announced:

> "If the husband, in using a car belonging to the community, commits a tort while on an errand in which he is to indulge in his own pleasures and recreation and thereby becomes liable, there is no reason which suggests itself why the same community, out of which the liability may have to be paid, should not likewise be liable for a tort committed by the wife under the same circumstances."[20]

As a result, the Louisiana courts are now in complete accord with the rule known in other states as the "family purpose doctrine," although the rationale of that doctrine has been repudiated in this state.

WORKMEN'S COMPENSATION

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Although our courts have consistently held that the use and operation of a motor vehicle by a business serves to classify the business as hazardous,[1] it has recently announced that a feed store (which is not expressly listed as hazardous in the Compensation Act) does not become subject to the act by reason of

19. 217 La. 425, 46 So. 2d 614 (1950).
20. 46 So. 2d 614, 617 (La. 1950).
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1. Malone, Hazardous Businesses and Employments under the Louisiana Workmen's Compensation Law, 22 Tulane L. Rev. 412, 418 (1948).

the fact that it invites customers to bring their motor vehicles onto its premises and provides employees to load them.[2] The vehicle must be owned and operated by the business, said the court, and the fact that the business exposes its employees to the operation of vehicles of third parties is not enough.

This is rather startling in view of the liberality with which our courts have previously regarded the entire subject of hazardous businesses and employments. They have held that even the occasional use of a vehicle is sufficient to bring a business within the coverage of the act.[3] Loaders and riders, as well as drivers, have been included.[4] It now appears that drive-in theatres and curb service establishments may well be excluded from compensation coverage, although these businesses expose their employees to the danger of the operation of automobiles with much more frequency and severity than many businesses or trades that have been included without question. Furthermore, the act requires only that the business must "entail . . . the operation of . . . engines and other forms of machinery."[5] The dictionary defines "entail" as "to involve as a necessary accompaniment or result." It seems that when a proprietor so arranges his premises as to encourage others to bring their vehicles there and when he profits from the regular presence and use of such vehicles his business may fairly be said to "entail" the operation of motor vehicles, even though his own employees do not drive them.

II. Public Law

ADMINISTRATIVE LAW

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RENT CONTROLS

It is not difficult to view the decision in the *Sheffield* appeal[1] as a reasonable disposition of a tangled factual situation and to accept it as such. Viewed as it must be, however, as an instance of enforcement action under the Emergency Price Con-

2. Fields v. General Casualty Co. of America, 216 La. 940, 45 So. 2d 85 (1950).

3. Collins v. Spielman, 200 La. 586, 8 So. 2d 608 (1942); Richardson v. American Employers' Insurance Co., 31 So. 2d 527 (La. App. 1947).

4. Snear v. Eiserloh, 144 So. 265 (La. App. 1932).

5. La. R.S. (1950) 23:1035.

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1. Sheffield v. Jefferson Parish Developers, Inc., 216 La. 1055, 45 So. 2d 621 (1950).