

Louisiana Law Review

Volume 17 | Number 2

The Work of the Louisiana Supreme Court for the

1955-1956 Term

February 1957

Masthead

Repository Citation

Masthead, 17 La. L. Rev. (1957)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol17/iss2/1>

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.

LOUISIANA LAW REVIEW

LOUISIANA STATE UNIVERSITY LAW SCHOOL
BATON ROUGE 3, LOUISIANA

Subscription per year \$5.00 (Foreign \$5.50)

Single copy \$1.25

VOLUME XVII

FEBRUARY, 1957

NUMBER 2

STUDENT BOARD

Harry R. Sachse, *Editor-in-Chief*
Daniel J. Shea, *Managing Editor*
Thomas D. Hardeman, *Associate Editor*
Jerry G. Jones, *Associate Editor*
Jesse D. McDonald, *Associate Editor*

Edwin L. Blewer, Jr.
Burrell J. Carter
William H. Cook, Jr.
Albert L. Dietz, Jr.

Chester A. Eggleston
George W. Hardy III
John B. Hussey, Jr.

Richard F. Knight
Daniel J. McGee
William L. McLeod, Jr.
Thomas A. Warner, Jr.

FACULTY ADVISORY BOARD

Dale E. Bennett
Harriet S. Daggett
Joseph Dainow
Melvin G. Dakin

Milton M. Harrison
Paul M. Hebert
Henry G. McMahon
Wex S. Malone

Robert A. Pascal
Charles A. Reynard
Alvin B. Rubin
J. Denson Smith

George W. Pugh, *Faculty Editor*
Beverly D. Walker, *Editorial Assistant*

COMMENTS

Mineral Rights and Forced Pooling

The only geological concept considered by the courts in the early formulation of mineral law principles was a somewhat blurred notion of the fugitive nature of oil and gas.¹ From this belief developed the "law of capture,"² a rule that minerals were incapable of being owned separately from the surface rights, and would be subjected to ownership only when reduced to physical possession. With this beginning, the courts followed the policy that, since the minerals were likely to migrate from beneath a particular tract of land, the interests of the holders of mineral rights would best be served by prompt exploration, and the rules of law were construed to reach that purpose. This judicial atti-

1. "The decisions of this court are . . . 'in accord with the general law' that the fugitive minerals, oil and gas, while at large beneath the surface of the earth, are not, and in their very nature cannot be, the subject of private ownership." O'Niell, J., in *Frost-Johnson Lumber Co. v. Salling's Heirs*, 150 La. 756, 770, 91 So. 207, 212 (1922).

2. DAGGETT, MINERAL RIGHTS IN LOUISIANA 419 (rev. ed. 1949).