
Carlos E. Lazarus
Book Review


In this work the author has undertaken to compile the substantive and procedural law pertaining to persons and the family and to integrate them in such a manner as to present a composite unit.

The author has skillfully classified and divided his material into sixteen major titles,¹ some of which have been subdivided into chapters and sections, and under each he has incorporated and woven in logical sequence the pertinent provisions of the Civil Code, the Code of Civil Procedure, and the Louisiana Revised Statutes.²

Illustrative of this unique approach at compilation is Title V, Filiation by Consanguinity, which contains seven chapters in each of which have been brought together the provisions dealing, respectively, with the types and proof of Filiation, Presumptions of Paternity, Acknowledgment, Proof of Maternity and Paternity, Legitimation, and Procedure in Filiation Suits. The first of these chapters also serves as an illustration of the unique method employed by the author in presenting the material. It begins with the first sentence of Civil Code Article 27, immediately following which are Articles 178, the complement of Article 27, and Articles 179-183, and 202, in that order.³

¹ These titles are labeled, respectively: I. Persons in General; II. Domicile; III. Marriage; IV. Separation and Divorce; V. Filiation by Consanguinity; VI. Adoption; VII. Paternal Authority; VIII. Tutorship; IX. Property of the Minor Not Under the Administration of the Father or Tutor; X. Emancipation and Release From Minority; XI. Interdiction and the Curatorship of Interdicts; XII. Commitment Other Than Through Interdiction; XIII. The Enforcement or Avoidance of Acts by or for Incapables; XIV. Support of Spouses, Ascendants, and Descendants; XV. Juvenile Court Legislation; XVI. Criminal Legislation.

² The book also includes legislation on negotiorium gestio as well as criminal statutes regulating the criminal liability of parents or tutors, criminal bigamy, and incest.

³ “C 27. Children are legitimate or illegitimate.
   “C 178. Children are either legitimate, illegitimate, or legitimated.
   “C 27. Legitimate children are those who are born of a marriage lawfully contracted; and illegitimate children are such as are born of an illicit union.
   “C 179. Legitimate children are those who are born during the marriage.
   “C 180. Illegitimate children are those who are born out of marriage.
Similarly in the second chapter of this title dealing with Proof of Legitimate Filiation, the author starts with Article 193 of the Civil Code authorizing proof of legitimate filiation by transcripts from the registers of birth or baptism. Immediately following this text are the pertinent provisions of R.S. 40:159 relative to the evidentiary value of original certificates on file in the division of public health statistics. Then follow Articles 194-197 of the Civil Code, to complete the chapter.

The same system is used to great advantage throughout the work and, in addition, caveats and editorial comments have been supplied conveying the author's position as to the application or interpretation of inconsistent, or apparently inconsistent, provisions.

The book has durable plastic covers and is manufactured in looseleaf form to facilitate supplementation from time to time. Designed primarily as a teaching aid, its scope goes far beyond its primary purpose and should prove to be of invaluable assistance both to the student and to the practitioner on this branch of the law.

Carlos E. Lazarus†

Illegitimate children may be legitimated in certain cases, in the manner prescribed by law.

"C 181. There are two sorts of illegitimate children: Those who are born from two persons, who, at the moment when such children were conceived might have legally contracted marriage with each other; and those who are born from persons to whose marriage there existed at the time some legal impediment.

"C. 182. Adulterous bastards are those produced by an unlawful connection between two persons, who, at the time when the child was conceived, were, either of them or both, connected by marriage with some other person.

"C 183. Incestuous bastards are those who are produced by the illegal connection of two persons who are relations within the degrees prohibited by law.

"C 202. Illegitimate children who have been acknowledged by their father, are called natural children; those who have not been acknowledged by their father, or whose father and mother were incapable of contracting marriage at the time of conception, or whose father is unknown, are contradistinguished by the appellation of bastards."

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