

# Louisiana Law Review

---

Volume 31 | Number 4  
*June 1971*

---

## Index

---

### Repository Citation

*Index*, 31 La. L. Rev. (1971)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol31/iss4/11>

This Index and Tables 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 [kayla.reed@law.lsu.edu](mailto:kayla.reed@law.lsu.edu).

# GENERAL INDEX

## VOLUME 31

### ACTIONS AND OTHER PROCEEDINGS

Actions, cumulation of, Vol. 31, p. 348  
Actions for declaratory relief, Vol. 31, p. 549  
Collation in kind, Vol. 31, p. 498

### ADMINISTRATIVE LAW AND PROCEDURE

Civil Service Commission, Vol. 31, p. 292  
Corps of engineers, Ecology, Vol. 31, p. 666  
Department of Employment Security, Vol. 31, p. 297  
Licensing and zoning, Vol. 31, p. 303  
Louisiana Tax Commission, Vol. 31, p. 300  
School boards, Vol. 31, p. 302  
State Board of Medical Examiners, Vol. 31, p. 299  
Structural Pest Control Commission, Vol. 31, p. 298

### ADMIRALTY

Outer Continental Shelf Lands Act, applicability to offshore workers, Vol. 31, p. 418  
Personal injuries and maritime law, Vol. 31, p. 416  
State wrongful death statutes applicable to admiralty cases, Vol. 31, p. 168  
Unseaworthiness, Vol. 31, pp. 165, 650  
Wrongful death, Vol. 31, pp. 170, 418  
Wrongful death at general maritime law, Vol. 31, p. 165

### APPEALS

Indigent's right to free transcript in criminal case, Vol. 31, p. 392

### ARREST

Probable cause, Vol. 31, pp. 134-135  
Reasonable force, Vol. 31, pp. 142-143  
Resisting arrest, Vol. 31, pp. 129, 142  
Unlawful arrest, right to resist, Vol. 31, p. 120  
Use of deadly force in the arrest process, Vol. 31, p. 131  
Without a warrant, Vol. 31, p. 123

### BANKRUPTCY

Discharge,  
  Debts excepted, Vol. 31, p. 309  
  Effect of, Vol. 31, p. 307  
  Promise to pay discharged debt, Vol. 31, p. 312  
Exempt property,  
  Generally, Vol. 31, pp. 73, 79  
Secured creditor, Vol. 31, pp. 73, 77

### BENNETT, DALE E.

Work of the Louisiana appellate courts, 1969-1970 term,  
  Criminal law, Vol. 31, p. 322  
  Criminal procedure, Vol. 31, p. 370

### CIVIL LAW

Judicial decisions, as law, Vol. 31, pp. 185, 187

### COMMUNITY PROPERTY

Personal injury awards, relation to community property, Vol. 31, p. 425  
Suggested marriage contract for Louisiana, Vol. 31, p. 452

### CONFLICT OF LAWS

Binding force of previous higher court decisions, Vol. 31, p. 185  
Divorce jurisdiction, Vol. 31, p. 312  
Matrimonial regimes, Vol. 31, p. 319  
Offenses & quasi-offenses, Vol. 31, p. 321  
Paternity, disavowal of, Vol. 31, p. 316  
Recognition of sister state divorces, Vol. 31, p. 314  
Tutorship, Vol. 31, p. 317  
Work of the Louisiana appellate courts,  
  1969-1970 term, Vol. 31, p. 312

### CONSTITUTION OF THE UNITED STATES

Fourth amendment,  
  Unlawful arrest, right to resist, Vol. 31, p. 125  
Eighth amendment,  
  Corporal punishment as cruel unusual punishment, Vol. 31, p. 398

Fourteenth amendment,  
Deprivation of property without  
due process, Vol. 31, p. 194  
Fourteenth amendment,  
Equal protection of acknowledged  
illegitimate child, Vol. 31, p. 193

**CONTRACTS**

Bond for deed contracts, Vol. 31, pp.  
587, 594  
Cause distinguished from considera-  
tion, Vol. 31, pp. 88, 107  
Gratuitous and onerous contracts,  
Vol. 31, p. 89  
Offer and acceptance,  
Civil and common law distin-  
guished, Vol. 31, p. 95

**CORPORATIONS**

Claims against dissolved corporation,  
Vol. 31, p. 287

**CRAWFORD, WILLIAM E.**

Work of the Louisiana appellate  
courts,  
1969-1970 term, torts, Vol. 31, p.  
247

**CRIMINAL LAW AND  
PROCEDURE**

Aggravated arson,  
Danger to firemen, Vol. 31, p. 322  
Appeal,  
Right to free transcript, Vol. 31, p.  
392  
Arrest,  
Generally, Vol. 31, p. 131  
Bills of exception,  
Generally, Vol. 31, p. 392  
Confession or inculpatory statement,  
Prior notice, Vol. 31, p. 374  
Conjunctive charging and allegations,  
Vol. 31, p. 371  
Double jeopardy, Vol. 31, pp. 377, 540  
Evidence,  
Suppression of before grand jury,  
Vol. 31, p. 366  
Federal habeas corpus and waiver  
through bypass of state procedures,  
Generally, Vol. 31, p. 601  
Harmless error, generally, Vol. 31,  
p. 393  
Indictments and informations, bur-  
glary,  
Sufficiency of, Vol. 31, p. 370  
Joinder,  
La. Code Criminal Procedure, Arts.  
481, 482, 493, Revision of, Vol. 31,  
p. 547  
Jurors with conscientious scruples  
against capital punishment,

Limitation upon challenges, Vol.  
31, p. 373

Jury,  
Selection, Vol. 31, p. 367  
Jury trials,  
For serious misdemeanor, Vol. 31,  
p. 379  
Mistrial, comments concerning other  
crimes, Vol. 31, p. 380  
Plea of guilty,  
Voluntarily and intelligently made,  
Vol. 31, p. 368  
Post-conviction remedies,  
Indictments, burglary, Vol. 31, p.  
370  
Preliminary examinations, Vol. 31,  
p. 365  
Presence of defendant,  
Excusal of petit jury veniremen,  
Vol. 31, p. 372  
Receiving stolen goods, Vol. 31, p. 323  
Severance of offenses, Vol. 31, p. 548  
Unlawful arrest, right to resist, Vol.  
31, p. 120  
Witnesses,  
Effect of violation of order of ex-  
clusion, Vol. 31, p. 376  
Work of the Louisiana appellate  
courts, 1969-1970 term, Vol. 31, p.  
323

**CURRIE, HECTOR**

Exempt property and bankruptcy:  
secured and waiver claims, Vol. 31,  
p. 73  
Work of the Louisiana appellate  
courts, 1969-1970 term,  
Bankruptcy, Vol. 31, p. 307

**DAINOW, JOSEPH**

Work of the Louisiana appellate  
courts, 1969-1970 term,  
Prescription, Vol. 31, p. 261  
Security devices, Vol. 31, p. 260

**DAKIN, MELVIN G.**

Work of the Louisiana appellate  
courts, 1969-1970 term,  
Administrative law, regulation,  
and procedure, Vol. 31, p. 292  
Expropriation, Vol. 31, p. 325  
State and local taxation, Vol. 31,  
p. 336

**DAMAGES**

Expropriation, Vol. 31, p. 328

**DIVORCE**

Jurisdiction, Vol. 31, p. 312  
Recognition of divorces obtained in  
sister states, Vol. 31, p. 314

**DONATIONS**

- Donations not in authentic form, Remission of a debt, Vol. 31, p. 171
- Donations *omnium bonorum* or with reservation of usufruct, Vol. 31, p. 224
- Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 224

**DUE PROCESS**

- Federal habeas corpus and waiver through bypass of state procedures, Generally, Vol. 31, p. 601

**EQUITY**

- Unjust enrichment, Vol. 31, p. 493

**ESTOPPEL**

- Insurance,
  - Application for policy by other than insured, Vol. 31, p. 289
- Promissory estoppel and Louisiana, Generally, Vol. 31, p. 84
- Promissory estoppel,
  - Applications of the principle, Vol. 31, p. 87
  - Charitable subscriptions, Vol. 31, p. 90
  - Contract principles: basic distinctions, Vol. 31, p. 85
  - Subcontractor bids, Vol. 31, p. 95

**EVIDENCE**

- Alcoholic test,
  - Admissibility of refusal to submit to, Vol. 31, p. 382
- Business records, admissibility in merchant's favor, Vol. 31, p. 387
- Co-defendant's confession and right of confrontation, Vol. 31, p. 389
- Confession or inculpatory statement,
  - Prior notice of, Vol. 31, p. 374
- Hearsay,
  - Information received by police officer, admissibility, Vol. 31, p. 385
  - Out of court statements, Vol. 31, p. 384
- Hospital records and right of confrontation, Vol. 31, p. 388
- Identification,
  - In court after illegal line-up, Vol. 31, p. 390
  - Pre-trial photographic, admissibility, Vol. 31, p. 391
- Judicial notice of significance of alcohol content in blood, Vol. 31, p. 381
- Medical reports, prima facie effect of, in workmens' compensation, Vol. 31, p. 387

- Opinion evidence,
  - Police officer's identification of blood, Vol. 31, p. 382
- Parol evidence used to show lack of authenticity necessary to justify executory process, Vol. 31, p. 659
- Privilege,
  - Accountants, Vol. 31, p. 384
  - Informers, Vol. 31, p. 384
  - Physician-patient, Vol. 31, p. 383
- Right to production of a memorandum referred to in testimony, Vol. 31, p. 392
- Suppression of,
  - Grand jury, Vol. 31, p. 366
- Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 381

**EXPROPRIATION**

- Authority to expropriate, Vol. 31, p. 325
- Damages, Vol. 31, p. 328
- Damages to untaken property-legal criteria, Vol. 31, p. 431
- Procedural, Vol. 31, p. 333
- Valuation,
  - Methods of, Vol. 31, p. 330
- Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 325

**FRENCH LAW**

- Community property,
  - Personal injury awards, Vol. 31, p. 428

**HABEAS CORPUS**

- Federal habeas corpus and waiver through bypass of state procedures, Vol. 31, p. 601

**HARDY, GEORGE W. III**

- Work of the Louisiana appellate courts, 1969-1970 term,
  - Mineral rights, Vol. 31, p. 263

**HARRISON, MILTON M.**

- Work of the Louisiana appellate courts, 1969-1970 term,
  - Corporations, Vol. 31, p. 287
  - Mandate, Vol. 31, p. 259

**HUSBAND AND WIFE**

- Suggested marriage contract for Louisiana, Vol. 31, p. 452

**IMMOVABLES**

- Accession, Vol. 31, pp. 492, 500, 505
- Bad faith possession, Vol. 31, pp. 492, 505

Good faith possession, Vol. 31, pp. 492, 500  
 Possessor's right to compensation, Vol. 31, p. 491  
 Property, Vol. 31, p. 206

**INSURANCE**

Bringing suit,  
 Time limitation, Vol. 31, p. 291  
 Direct loss by windstorm, Vol. 31, p. 289  
 Estoppel,  
 Application for policy by other than insured, Vol. 31, p. 289  
 Exclusionary clause, Vol. 31, p. 288  
 Omnibus clause, Vol. 31, p. 555  
 Recoverability of attorney fees, Vol. 31, p. 291  
 Second permittees, Vol. 31, p. 289  
 Settlements,  
 Exhaustion of insurance fund, Vol. 31, p. 288  
 Surplus line insurance  
 Uninsured motorist clause not required, Vol. 31, p. 290  
 Uninsured motorist, Vol. 31, p. 290  
 Vicarious liability,  
 Torts of minor, Vol. 31, p. 291  
 Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 288

**INTERNATIONAL LAW**

Coastal states rights to continental shelf, Vol. 31, p. 115  
 Continental shelf, Vol. 31, p. 108  
 Convention on the Continental Shelf, Vol. 31, pp. 111, 115  
 North Sea Installations Act, Vol. 31, p. 119  
 Outer Continental Shelf Lands Act, Vol. 31, p. 112  
 Pollution control, Vol. 31, p. 632  
 Trespass to continental shelf, Vol. 31, p. 114  
 Truman Proclamation, Vol. 31, p. 110

**JURIES AND JURY TRIALS**

Generally, Vol. 31, p. 361  
 Challenge for cause, Vol. 31, p. 373  
 Misdemeanors, serious, Vol. 31, p. 379  
 Petit jurors,  
 Presence of defendant when excused by judge, Vol. 31, p. 372  
 Selection, Vol. 31, p. 367

**JURISDICTION**

Over status, Vol. 31, p. 345  
 Persons,  
 General appearance, Vol. 31, p. 343

**JURISPRUDENCE**

Binding force of previous higher court decisions, Vol. 31, pp. 185, 189  
 Judicial precedent,  
 Judicial decisions as law, Vol. 31, p. 185

**LABOR LAW**

Remedies,  
 Compulsory agreement to substantive provisions, Vol. 31, p. 520

**LAZARUS, CARLOS E.**

Work of the Louisiana appellate courts, 1969-1970 term,  
 Successions and donations, Vol. 31, p. 223

**LEASES**

Absolution of lessor's responsibility, Vol. 31, p. 258  
 Stipulation *pour autrui* as between lessees, Vol. 31, p. 257

**L'ENFANT, HOWARD, JR.**

Work of the Louisiana appellate courts, 1969-1970 term,  
 Civil procedure, Vol. 31, p. 343

**LOUISIANA CONSTITUTION**

Legislative power to create state and municipal courts, Vol. 31, p. 546

**MALONE, WEX S.**

Ruminations on the role of fault in the history of the common law of torts, Vol. 31, p. 1  
 Work of the Louisiana appellate courts, 1969-1970 term,  
 Torts, neighboring landowners-dangerous activities, Vol. 31, p. 231

**MANDATE**

Consent required, Vol. 31, p. 259  
 Distinguished from *negotiorum gestio*, Vol. 31, p. 260  
 Representation of adverse interests, Vol. 31, p. 259  
 Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 259

**MARINE RESOURCES**

Corps of engineers,  
 Ecology, Vol. 31, p. 666  
 Ocean space development, Vol. 31, p. 45

**MATRIMONIAL REGIMES**

- Accounting at dissolution, Vol. 31, pp. 480, 489  
 Commingling of separate and community funds, Vol. 31, p. 479  
 Earnings, Vol. 31, p. 252  
 Debts during marriage, Vol. 31, p. 485  
 Husband as head and master of community, Vol. 31, p. 482  
 Marriage contract,  
   Annuities, Vol. 31, p. 475  
   Assets entering the community, Vol. 31, p. 468  
   Disability payments, Vol. 31, p. 476  
   Life insurance, Vol. 31, p. 469  
   Pensions, Vol. 31, p. 477  
   Property insurance, Vol. 31, p. 478  
   Retirement benefits, Vol. 31, p. 477  
   Workman's compensation benefits, Vol. 31, p. 476  
 Paraphernalia, Vol. 31, p. 254  
 Suggested marriage contract for Louisiana, Vol. 31, p. 452  
 Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, pp. 252, 319

**MENTALLY DEFICIENT**

- Civil commitment procedure in Louisiana, Vol. 31, p. 149

**MINERALS, OIL AND GAS**

- Mineral leases, Vol. 31, p. 527  
 Remedies in mineral trespass cases, Vol. 31, p. 681

**MINERAL RIGHTS**

- Conservation,  
   Unitization, Vol. 31, p. 281  
 Correlative rights,  
   Obligation of good neighborhood, Vol. 31, p. 282  
 Drilling contracts, Vol. 31, p. 277  
 Landowner's right in minerals,  
   Unauthorized removal, Vol. 31, p. 263  
 Mineral leases, Vol. 31, p. 269  
 Mineral servitudes, Vol. 31, p. 265  
 Operating agreements, Vol. 31, p. 280  
 Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 263

**MOVABLES**

- Property, Vol. 31, p. 206

**NUISANCES**

- Neighboring landowners, Vol. 31, p. 35

**OBLIGATIONS**

- Remission of a debt, Vol. 31, p. 171

**OFFENSES AND QUASI OFFENSES**

- Vicarious liability,  
   Torts of minor, Vol. 31, p. 291  
 Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 321

**PARDO, ARVID**

- Development of ocean space—an international dilemma, Vol. 31, p. 45

**PARENT AND CHILD**

- Disavowal of paternity, Vol. 31, p. 316

**PARTICULAR CONTRACTS**

- Leases, Vol. 31, pp. 257, 258  
 Passage of ownership,  
   Retention of possession of title pending payment, Vol. 31, p. 256  
 Sales, Vol. 31, pp. 256, 259  
 Warranty,  
   Fine print limitations of, Vol. 31, p. 258  
 Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 256

**PASCAL, ROBERT A.**

- Work of the Louisiana appellate courts, 1969-1970 term,  
   Conflicts of law, Vol. 31, p. 312;  
   Law in general, Vol. 31, p. 185;  
   Matrimonial regimes, Vol. 31, p. 252

**PERSONS**

- Acknowledged illegitimates,  
   Equal protection, Vol. 31, p. 193  
 Claim of nullity of marriage, Vol. 31, p. 189  
 Disavowal of child, Vol. 31, pp. 189, 190

**PHYSICIANS, PSYCHIATRISTS, AND SURGEONS**

- Privileged communications, Vol. 31, p. 383

**POLLUTION CONTROL**

- Canadian arctic waters pollution prevention act, Vol. 31, p. 632  
 Value reorientation of the oceanic regime, Vol. 31, p. 645

**PRACTICE AND PROCEDURE**

- Appellate procedure,  
Third party demand on appeal  
when not initiated in trial court,  
Vol. 31, p. 363
- Bills of exception,  
Generally, Vol. 31, p. 392
- Dismissal,  
Involuntary, Vol. 31, p. 360
- Exceptions,  
No right of action, Vol. 31, p. 351
- Jurisdiction over persons,  
General appearance, Vol. 31, p. 343
- Jurisdiction over status, Vol. 31, p.  
345
- Jury trial,  
Generally, Vol. 31, p. 361
- Motions,  
Summary judgment, Vol. 31, p. 353
- Pleading, Vol. 31, p. 353
- Work of the Louisiana appellate  
courts, 1969-1970 term, Vol. 31, p.  
343

**PRESCRIPTION**

- Acquisitive prescription,  
Possession as owner, Vol. 31, p. 261
- Liberative prescription,  
Starting point for the running of  
time, Vol. 31, p. 261
- Work of the Louisiana appellate  
courts, 1969-1970 term, Vol. 31, p.  
261

**PROPERTY**

- Banks of navigable rivers, Vol. 31,  
pp. 204, 563
- Bond for deed contracts, Vol. 31, pp.  
587, 594
- Dedication, Vol. 31, p. 200
- Expropriation, Vol. 31, p. 431
- Fruits and non-fruits, Vol. 31, p. 616
- Highways, roads, and streets, Vol.  
31, p. 199
- Immovables, Vol. 31, p. 206
- Liability for removal of timber, min-  
erals, and dirt, Vol. 31, p. 616
- Movables, Vol. 31, p. 206
- Navigable water bottoms,  
Private ownership, Vol. 31, p. 190
- Parks and cemeteries,  
Dedication to public use, Vol. 31,  
p. 202
- Possessors and trespassers, Vol. 31,  
p. 617
- Predial servitudes, Vol. 31, p. 215
- Public things, Vol. 31, p. 196
- Usufruct, Vol. 31, p. 209

**PUGH, GEORGE W.**

- Work of the Louisiana appellate  
courts, 1969-1970 term,  
Evidence, Vol. 31, p. 381

**SALES**

- Bond for deed contracts, Vol. 31, p.  
587
- Inclusiveness thereof, Vol. 31, p. 259
- Products liability,  
Personal use,  
Allergic consumer, Vol. 31, p. 177

**SECURITY DEVICES**

- Building contract privileges, Vol. 31,  
p. 260
- Work of the Louisiana appellate  
courts, 1969-1970 term, Vol. 31, p.  
260

**SERVITUDES**

- Predial, Vol. 31, p. 215
- Public use of the banks of navigable  
rivers in Louisiana, Vol. 31, p. 563

**SMITH, J. DENSON**

- Work of the Louisiana appellate  
courts, 1969-1970 term,  
Insurance, Vol. 31, p. 288
- Particular contracts, Vol. 31, p.  
256

**SPANISH LAW**

- Community property,  
Personal injury awards, Vol. 31,  
p. 429

**STATE AND LOCAL TAXATION**

- Work of the Louisiana appellate  
courts, 1969-1970 term, Vol. 31, p.  
336

**SUCCESSIONS**

- Prohibited substitutions, Vol. 31, p.  
406
- Substitution, fidei commissa and  
trusts, Vol. 31, p. 404
- Transmission upon death, Vol. 31,  
p. 223
- Work of the Louisiana appellate  
courts, 1969-1970 term, Vol. 31, p.  
223

**SULLIVAN, FRANCIS C.**

- Work of the Louisiana appellate  
courts, 1969-1970 term,  
Criminal procedure, Vol. 31, p.  
365

**TATE, ALBERT, JR.**

Legal criteria of damages and benefits—the measurement of taking-caused damages to untaken property, Vol. 31, p. 431

**TAXATION**

Disproportionate advances of subchapter S corporation, Vol. 31, p. 510  
State taxation, Vol. 31, pp. 300, 336

**TESTAMENTS**

Capacity, Vol. 31, p. 227  
Form-statutory will, Vol. 31, p. 228  
Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, p. 227

**TETE, W. THOMAS**

Work of the Louisiana appellate courts, 1969-1970 term,  
Law in general, Vol. 31, p. 185  
Persons, Vol. 31, p. 189

**TORTS**

Antecedent negligence, Vol. 31, p. 248  
Assumption of risk, Vol. 31, p. 37  
Automobiles, Vol. 31, pp. 23, 247  
Causation,  
Expert testimony, Vol. 31, p. 251  
Fault,  
Historical development of, Vol. 31, p. 1  
Hunters,  
Duty to supervise young hunters, Vol. 31, p. 250  
Liability for escape, Vol. 31, p. 34  
Neighboring landowners, Vol. 31, pp. 34, 241  
Premises liability,  
Dangerous condition beyond property boundary, Vol. 31, p. 249  
Proximate cause,  
In breach of warranty situation, Vol. 31, p. 250  
Strict liability, Vol. 31, pp. 30, 247  
Trespass, Vol. 31, p. 28  
Vicarious liability,  
Torts of minor, Vol. 31, p. 291

Work of the Louisiana appellate courts, 1969-1970 term, Vol. 31, pp. 231, 247

**TRUSTS AND TRUSTEES**

Substitutions and fidei commissa,  
Prohibitions against, Vol. 31, p. 404

**TUTORSHIP**

Effect on custody, Vol. 31, p. 317

**USUFRUCT**

Personal servitudes, Vol. 31, p. 209

**WAIVER**

Federal habeas corpus and waiver through bypass of state procedures, Generally, Vol. 31, p. 601

**WARRANTIES**

Fine print limitations of, Vol. 31, p. 258  
Products liability,  
Personal use,  
Allergic consumers, Vol. 31, p. 177

**WITNESSES**

Exclusion,  
Effect of violation of order, Vol. 31, p. 376

**WORKMENS' COMPENSATION**

Medical reports, prima facie effect of, Vol. 31, p. 387

**WRONGFUL DEATH**

General maritime law, Vol. 31, p. 165

**YIANNOPOULOS, A. N.**

Public use of the banks of navigable rivers in Louisiana, Vol. 31, p. 563  
Work of the Louisiana appellate courts, 1969-1970 term,  
Property, Vol. 31, p. 196

**ZONING**

Agencies administering,  
zoning regulations, Vol. 31, p. 303