

# Louisiana Law Review

---

Volume 32 | Number 1  
*December 1971*

---

## Contents

---

### Repository Citation

*Contents*, 32 La. L. Rev. (1971)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol32/iss1/3>

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](mailto:kreed25@lsu.edu).

# LOUISIANA LAW REVIEW

VOLUME 32  
1971-1972

## CONTENTS

### Issue Number 1

#### ARTICLES

- Validity of Patents Conveying Navigable Waterbottoms—  
Act 62 of 1912, Price, Carter, and All That  
*A. N. Yiannopoulos* 1
- Ship's Liability to Longshoremen Based on Unseaworthi-  
ness—Sieracki Through Usner *James A. George* 19
- The Shreveport Plan for Prepaid Legal Services—  
A Unique Experiment *Robert Roberts, Jr.* 45

#### COMMENTS

- The Uniform Controlled Dangerous Substances Act:  
An Expositive Review  
*Vance R. Andrus and Charles R. Moore* 56
- Double Jeopardy—Defining the Same Offense  
*W. John English, Jr.* 87
- The Tying Contract and Its Treatment by the Federal  
Courts: A Critical Analysis *Jerald L. Perlman* 102
- Usufructuary Taxation—Avoiding the Zero Basis  
*J. Edgerton Pierson, Jr.* 122

#### NOTES

- The Juvenile Jury Trial Case—A Regrettable "Policy  
Decision" (*McKeiver v. Pennsylvania*, U.S. 1971)  
*Lawrence Roe Dodd* 133

Double Jeopardy—Declaration of Mistrial Without  
Consent of Defendant (*United States v. Jorn*,  
U. S. 1971) *Carl Grant Schlueter* 145

Applicability of Article 1592 to the Statutory Will  
(*Woodfork v. Sanders*, La. 1971) *W. Marshall Shaw* 153

An Unloaded and Unworkable Pistol as a Dangerous  
Weapon When Used in a Robbery (*State v. Levi*,  
La. 1971) *Wilson R. Ramshur* 158

## Issue Number 2

### ARTICLES

The Work of the Louisiana Appellate Courts for the  
1970-1971 Term *Faculty Symposium* 165

Private Law 165

Persons 165

Property 172

Successions and Donations 200

Torts 213

Matrimonial Regimes 219

Particular Contracts 228

Mandate 231

Partnership 232

Security Devices 233

Prescription 250

Mineral Rights 254

Corporations 267

Insurance 267

Public Law 271

Administrative Regulation: Law and Procedure 271

Bankruptcy 291

Conflict of Laws 295

Criminal Law 298

Modern Social Legislation 306

State and Local Government 308

State and Local Taxation 311

Procedure	315
Civil Procedure	
Partial Judgments	315
Selected Topics	318
Criminal Procedure	334
Evidence	344

#### NOTE

State v. Barnes—Procedural Technicalities or Justice? ( <i>State v. Barnes</i> , La. 1971)	J. Kirby Barry	360
---	----------------	-----

#### Issue Number 3

#### ARTICLES

The Standards of Criminal Justice in a Nutshell	William H. Erickson	369
Pledge or Mortgage of Immovable Property as Proper Security for a Suspensive Appeal	Carey J. Guglielmo and Sidney M. Blitzer, Jr.	408

#### COMMENTS

Sale or Lease: Capital Gain or Ordinary Income Subject to Depletion in Mineral Transactions	Chris A. Verret	417
Uninsured Motorist Coverage in Louisiana	Edwin K. Theus, Jr.	431

#### NOTES

When Is a Sale a Sale? ( <i>Kegler's, Inc. v. Levy</i> , La. 1970)	John Franklin Weeks	446
Louisiana's Statutory Will: The Role of Formal Requirements ( <i>Succession of Gordon</i> , La. 1971)	Lemuel E. Hawsey, III	452
Constitutional Law—Equal Protection and the Closing of Public Facilities ( <i>Palmer v. Thompson</i> , U.S. 1971)	W. Michael Adams	462
Federal Tax Liability of the Wife for Community Income Earned by the Husband ( <i>United States v.</i> <i>Mitchell</i> , U.S. 1971)	Warner H. Anthony, Jr.	471

Limitations on the Effect of the Express  
Offset Clause and a Suggested Duty to  
Unitize (*Williams v. Humble Oil & Refining Co.*,  
U. S. 1970) *Robert J. Prejeant* 478

BOOK NOTE

A Reprint of Moreau Lislet's Copy of *A Digest of the Civil  
Laws Now in Force in the Territory of Orleans* (1808),  
Containing Manuscript References to Its Sources and  
Other Civil Laws on the Same Subjects (*The de la  
Vergne Volume*). Second reprinting with additions,  
Claitor's Publishing Division, Baton Rouge, Louisiana  
1971. \$25.00 *Robert A. Pascal* 495

Issue Number 4

IN MEMORIAM (BEVERLY DENBO WALKER) ..... iii

ARTICLES

Protection of a Businessman's Proprietary  
Information  
*Julian Clark Martin and Jack R. Springgate* 497

Highlights of the Mineral Code Recommendations:  
A Guide to the More Important Suggested  
Changes and Elaborations  
*George W. Hardy, III* 542

COMMENTS

Federal Injunctive Relief Against State Court  
Criminal Proceedings: From Young to Younger  
*S. Gene Fendler* 601

Standing and Administrative Agencies—Expanding  
Concepts of Judicial Review  
*John F. Weeks* 634

NOTE

Harris v. New York: The Retreat from Miranda  
(*Harris v. New York*, U.S. 1971)  
*William Craig Henry* 650