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THE FUNDAMENTALS OF LOUISIANA SUCCESSION LAW*

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PART I. THE INTESTATE SUCCESSION

1. *Introduction*

Book III of the Louisiana Civil Code deals with the different modes of acquiring the ownership of things. The first title of this book is devoted to the subject of successions. The law of successions is an important and fundamental concept in the law of property. By means of its principles, property of much value and importance is transmitted. Consequently, a thorough understanding of the basic rules of succession law is necessary for a number of reasons. First, the lawyer who is engaged in the examination of titles must be able to ascertain the validity of the proceedings from which a link in the chain of title was derived. Second, the lawyer who is handling a succession must know how to proceed in order to obtain a distribution of the property in the most expedient manner. Third, the lawyer must know how to actually divide the property among the various heirs. For these and other reasons, a simple and concise exposition of the law of successions may prove helpful to both lawyer and student.

2. *Basic Definitions*

The term "succession" may be used in Louisiana in three different senses. First, it may mean the transmission of the rights and obligations of the deceased to the heirs.¹ Second, it may signify the estate itself, that is to say, the rights and things which form the corpus of the estate.² Finally, it may mean the right which the heirs have to take possession of the estate.³

*This article will appear in three parts. Part I deals with the intestate succession, Part II with the testate succession, and Part III with the administration of the succession.

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¹Art. 871, La. Civil Code of 1870.

²Arts. 872, 873, La. Civil Code of 1870.

³Art. 874, La. Civil Code of 1870.

BIBLIOTECA CORTE SUPREMA	F. <i>Qualitio</i> X-174
Nº. B. O. O.	15 595
UBICACION	
FICHA MATERIA	CONTENTS



LEADING ARTICLES

The Fundamentals of Louisiana Succession Law.....*Leonard Oppenheim* 305

The Engineering Basis for and the Results from the Unit Operation of Oil Pools.....*H. H. Kaveler* 331

Interaction of Civil Law and Anglo-American Law in the Legal Method in Puerto Rico.....*Manuel Rodriguez Ramos* 345

BENCH AND BAR

Russia and International Law.....*John E. Kieffer* 368

Problems in Connection with Shut-in Gas Royalty Provisions in Oil and Gas Leases.....*Leslie Moses* 374

EDITORIAL

Professor Edouard Lambert.....*Ferdinand F. Stone* 381

COMMENT

Penalties for Non-Compliance with Codal Provisions Affecting Administrators 384

NOTES

Bankruptcy—Distribution to Creditors of Unclaimed Dividends—Section 66 of Bankruptcy Act 395	Evidence—Criminal Law—Homicide—Admissibility of the Deceased's Good Reputation 407
Bastardy Proceeding — Determination of Non-Paternity by Blood Tests 397	Finders of Lost Property—Treasure Trove—Article 3423 409
Criminal Law — Defenses — Entrapment 399	Minerals — Prescription — Interruption by Acknowledgement—Necessity for Consideration—Art. 3520, La. Civil Code of 1870 411
Dedication — Revocation — Recordation 402	Offenses and Quasi-Offenses—Negligence—Breach of Duty Imposed by Contract 413
Evidence—Admissibility of Evidence of other Criminal Acts on Trial for Sexual Offense 404	

Offenses and Quasi-Offenses— Use of Lights—Trespass— Nuisance	415	Sales—Bona Fide Purchaser— <i>La Possession Vaut Titre</i>	420
Oil and Gas—Lease—Pardonable Mistake in Making Delay Rent- al Payment	418	Successions—Beneficiary Heirs— Articles 883, 1042, Louisiana Civil Code of 1870	423

REVIEWS

B. TER HAAR: Adat Law in Indonesia.....	<i>Charles S. Black, Jr.</i>	426
CAIRNS: Legal Philosophy from Plato to Hegel.....	<i>James K. Feibleman</i>	427
FRANK: Mr. Justice Black—The Man and His Opinions....	<i>Ray Forrester</i>	429