

CONTENTS

Basic Louisiana Law of Recordation.....William V. Redmann	1
The Basic Principles.....	2
The Race To Record.....	4
Recordation Does Not Create Rights.....	4
Recordation Is Not Constructive Notice.....	5
Indices Not Part of Records.....	7
Reliance On The Records?.....	8
"Exceptions" To The Law Of Recordation.....	10
Conclusion.....	11
The Privilege For Drilling And Operating Expenses	
Robert L. Cabes.....	13
Introduction And Historical Background.....	13
Nature And Extent Of The Privilege.....	16
To What Does The Privilege Apply.....	22
Preservation Of The Privilege.....	25
Enforcement Of The Privilege.....	26
Priority And Ranking Of Privileges.....	28
Attorney's Fees And Costs.....	29
Conclusions And Summary.....	30
The Natural Gas Situation - What Are The Prospects.....Keith Blinn	31
Legal Problems In The Development And Mining Of Lignite	
Arthur R. Carmody, Jr.....	39
Introduction.....	39
Lignite Coal In Louisiana.....	41

The Practical Side Of Coal Leasing In Louisiana.....	42
Considerations In The Leasing And Mining For Production Of Coal And Lignite In Louisiana.....	45
Rights in Solid Minerals in Louisiana.....	46
Identifying the Proper Party from whom to Lease.....	48
Relationships Between Coal Mining Lessee and Others Having Surface Use Rights.....	51
Lignite Lease Provisions.....	53
Royalty Clause.....	53
Testing Restoration Clause.....	54
Actual Mining.....	54
Restoration Provisions.....	54
No Implied Obligation.....	54
Release.....	54
Termination of Obligations.....	55
Applicability of the Louisiana Mineral Code.....	55
Regulatory Aspects of Coal Mining.....	56
State Legislation.....	56
Federal Legislation.....	56
Texas Surface-Mining Legislation.....	57
Conclusion.....	58
Additional Source Materials.....	59
 Prescriptibility of Mineral Rights in Public Lands Articles 149-151 of the New Mineral Code.....Winston R. Day	 61
Introduction.....	61
Federal Lands.....	62
Acquisition with no Mineral Rights Outstanding.....	62

Outstanding Mineral Rights at Time of Acquisition.....	66
Retransfers of the Land to Private Ownership.....	68
State Acquisition of Land.....	69
Current and Prospective Developments in the Taxation of Oil and Gas.....Terry R. Hanna	73
Introduction.....	73
Legislative Developments.....	73
Current Cases and Rulings.....	80
Income.....	80
Intangible Drilling and Development Costs.....	81
Loss on Abandonment.....	83
Special Problems Relating to Form of Business.....	84
Subchapter "S" Corporations.....	84
Limited Partnerships.....	85
Miscellaneous Matters.....	88
Prospective Legislation.....	89
Prospective Cases.....	91
The Mineral Code After a Year, Where Are The Problem Areas? Thomas A. Harrell.....	93
Introduction.....	93
The Adoption of Operations by a Servitude Owner.....	94
Co-Ownership and the Division of Servitudes.....	100
The Relationship of a Royalty Interest to a Servitude.....	104
Executive Rights.....	110
Transaction Involving Outstanding Mineral Servitudes.....	113
The Possession of a Mineral Lessee.....	118
Summary and Conclusions.....	126

Recent Jurisprudence.....	William S. Strain	133
Mineral Leases.....		133
Non-payment of Royalties.....		133
Non-Development.....		138
Novation.....		139
Working Interest Transactions.....		140
Subleases.....		140
Joint Operating Agreements.....		144
Definition of "Prospect".....		146
Mineral Servitudes.....		149
Mineral Acres.....		149
Partition.....		150
Unitization.....		150
Miscellaneous.....		154
The Lessee's Implied Obligations Under The Mineral Code		
J. Hugh Willey, Jr.....		155
The Mineral Lessee's Basic Duty In Connection With		
Development And Operation Of The Property Leased.....		157
To Develop and Operate the Property Leased.....		157
As A Reasonably Prudent Operator.....		158
For The Mutual Benefit of Himself and His Lessor.....		160
Reasonable Development.....		162
Further Exploration.....		171
Protection Against Drainage.....		175
Marketing.....		180
Operating The Property Leased.....		183

Unitization.....	184
Restoration Of The Premises.....	185
Conclusion.....	185