

Title I. Of the Distinction of Persons (Art. 24 - 37)

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BOOK I
Of Persons

TITLE I—OF THE DISTINCTION OF PERSONS

ART. 24. Laws on account of differences of conditions have established between persons essential differences with respect to their civil, social and political rights. (As amended by Acts 1921, E. S., No. 44)

Acts 1916, No. 94; 1918, No. 244; 1920, No. 219; 1928, No. 283.

RCC 1870, Art. 24.

Laws, on account of the difference of sexes, have established between men and women essential differences with respect to their civil, social and political rights.

CC 1825, Art. 24.

(No reference in Projet)

Same as above; but no punctuation after "Laws", or after "sexes."

Les lois, en raison de la différence des sexes, ont établi entre les hommes et les femmes des différences essentielles relativement à leurs droits civils, sociaux et politiques.

CC 1808, p. 8, Art. 1.

The sex alone which distinguishes men from women, establishes some essential differences between them, with respect to their civil, social and political rights.

-p. 9, Art. 1.

Le sexe seul qui distingue les hommes des femmes, établit entre eux, quelques différences essentielles, relativement à leurs droits civils, sociaux et politiques.

CN 1804. No corresponding article.

ART. 25. Men and women are capable of all kinds of engagements and functions, except where the law declares to the contrary, and unless disqualified by reasons and causes applying to particular individuals. (As amended by Acts 1921, E. S., No. 33)

RCC—264, 302, 1110, 1316, 1782, 2398, 3001, 3108. Acts 1916, No. 94; 1918, No. 244; 1920, No. 219; 1928, No. 283.

RCC 1870, Art 25.

(Same as Art. 25 of Proposed Revision of 1869; par. 2 similar to Acts 1828, p. 22 [RS §3984])

Men are capable of all kinds of engagements and functions, unless disqualified by reasons and causes applying to particular individuals. Women can not be appointed to any public office, nor perform any civil functions, except those which the law specially declares them capable of exercising.

Widows and unmarried women of age may bind themselves as sureties or indorsers for other persons, in the same manner and with the same validity as men who are of full age.

CC 1825, Art. 25.

(Projet, p. 3. Amendment adopted; comment by redactors)

Same as par. 1, above.

Les hommes sont capables de contracter toute sorte d'engagemens et d'exercer toutes sortes de fonctions, à moins qu'ils n'ayent perdu ce droit par des raisons qui ne s'appliquent qu'à de certains individus; les femmes ne peuvent occuper des emplois publics, ni remplir d'autres fonctions civiles que celles que la loi les déclare particulièrement capables d'exercer.

CC 1808, p. 8, Art. 2.

Whilst men are capable of all kinds of engagements and functions, unless disqualified by reasons and causes applying to particular individuals only, women are, by their sex alone, rendered incapable of various civil engagements and functions; thus, for example, women cannot exercise the offices of magistrate or representative, nor have they a right to elect or to be elected representatives of the people.

-p. 9, Art. 2.

Tandis que les hommes sont capables de contracter toutes sortes d'engagements et d'exercer toutes sortes de fonctions, à moins qu'ils n'ayent perdu ce droit par des raisons qui ne s'appliquent qu'à de certains individus, les femmes, par la seule raison de leur sexe, sont incapables de contracter divers engagements et de remplir certaines fonctions; ainsi par exemple, les femmes ne peuvent exercer les fonctions de magistrat, ou de représentant, et elles n'ont pas le droit d'élire ou d'être élues représentant du peuple.

CN 1804. No corresponding article.

ART. 26. Birth subjects children to the power and authority of their parents. The extent of this subjection on the one hand, and authority on the other, will be explained in its proper place.

RCC—35, 215 *et seq.*

RCC 1870, Art. 26.

Same as above.

CC 1825, Art. 26.

Same as above.

(No reference in Projet)

La naissance soumet les enfans au pouvoir et à l'autorité de ceux de qui ils sont nés; l'étendue de cette soumission d'un côté, et de cette autorité de l'autre, sera expliquée en son lieu.

CC 1808, p. 8, Art. 3.

Birth subjects children to the power and authority of those of whom they are born. The extent of this subjection on the one hand, and authority on the other, will be explained in its place.

-p. 9, Art. 3.

Same as above.

CN 1804. No corresponding article.

ART. 27. Children are legitimate or illegitimate. Legitimate children are those who are born of a marriage lawfully contracted; and illegitimate children are such as are born of an illicit union.

RCC—178 *et seq.*, 202, 920, 3556(8).

RCC 1870, Art. 27.

Same as above.

(Same as Art. 27 of Proposed Revision of 1869)

CC 1825, Art. 27.

Children are Legitimate or Bastards: Legitimate children are those who are born of a marriage lawfully contracted; and Bastards are such as are born of an illicit union.

(No reference in Projet)

Les enfans sont légitimes ou bâtards; Les enfans légitimes sont ceux qui sont nés d'un mariage légalement contracté;

Et les bâtards sont ceux qui sont nés d'une union illicite.

CC 1808, p. 8, Art. 4.

Same as above; but semicolon (;) after "bastards"; period (.) after "contracted."

-p. 9, Art. 4.

Same as above.

CN 1804. No corresponding article.

Art. 28

COMPILED EDITION

Projet du Gouvernement (1800), Book I, Title VII, Art. 1.

The law distinguishes two kinds of filiation:	La loi distingue deux sortes de filiations:
That of children born during marriage;	Celle des enfans nés dans le mariage;
That of children born out of marriage.	Celles des enfans nés hors le mariage.

ART. 28. Children born dead are considered as if they had never been born or conceived.

RCC—954 *et seq.*, 1482.

RCC 1870, Art. 28.

Same as above.

CC 1825, Art. 28.

(No reference in *Projet*)

Same as above.

Les enfans qui naissent morts, sont considérés comme s'ils n'étaient jamais nés, ou n'avaient jamais été conçus.

CC 1808, p. 8, Art. 5.

Same as above.

-p. 9, Art. 5.

Same as above.

CN 1804. No corresponding article.

ART. 29. Children in the mother's womb are considered, in whatever relates to themselves, as if they were already born; thus the inheritances which devolve to them before their birth, and which may belong to them, are kept for them, and curators are assigned to take care of their estates for their benefit.

RCC—30, 252, 254, 954, 955, 1482, 1705.

RCC 1870, Art. 29.

(Same as Art. 29 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 29.

(*Projet*, p. 3. Amendment adopted; no comment)

Children in their mother's womb are considered, in whatever relates to themselves, as if they were already born; thus the inheritances which devolve to them before their birth, and which may belong to them, are kept for them, and curators are assigned to take care of their estate for their benefit.

Les enfans, qui sont encore dans le sein de leur mère, sont considérés, en ce qui les regarde eux-mêmes, comme s'ils étaient déjà nés; ainsi on leur conserve les successions qui peuvent leur survenir avant leur naissance, et qui doivent leur appartenir, et on nomme des curateurs pour prendre soin de ces successions à leur profit.

CC 1808, p. 8, Art. 7.

Children in their mother's womb, cannot be reckoned among the number of children, not even for the purpose of imparting to the father, the rights and advantages which the law may grant to parents on account of the number of their children.

Yet the hope that such children may be born alive, causes them to be considered, in whatever relates to themselves, as if they were already born; thus the inheritances which fall to them, before their birth, and which belong to them, are kept for them, and curators are assigned to take care of their estates for their benefit.

-p. 9, Art. 7.

Les enfans qui sont encore dans le sein de leur mère, ne peuvent pas être comptés au nombre des enfans, pas même pour faire jouir le père des droits et avantages que la loi peut accorder aux pères et mères, en raison du nombre de leurs enfans, cependant l'espérance qu'ils naîtront vivans, fait qu'on les considère, en ce qui les regarde eux-mêmes, comme s'ils étaient déjà nés; ainsi on leur conserve les successions qui peuvent leur survenir avant leur naissance, et qui doivent leur appartenir; et on leur nomme des curateurs pour prendre soin de ces successions à leur profit.

CN 1804. No corresponding article.

ART. 30. Posthumous children are those who are born after the death of their father.

RCC—29, 252, 1705.

RCC 1870, Art. 30.

Same as above.

CC 1825, Art. 30.

(No reference in Projet)

Same as above.

Les enfans posthumes sont les enfans qui naissent après la mort de leur père.

CC 1808, p. 8, Art. 8.

Posthumous children are children born after the death of their father.

-p. 9, Art. 8.

Same as above; but comma (,) after "posthumes."

CN 1804. No corresponding article.

ART. 31. Persons of insane mind are those who do not enjoy the exercise and use of reason, after they have arrived at the age at which they ought, according to nature, to possess it, whether the defect results from nature or accident. This defect disqualifies those who are subject to it, from contracting any species of engagement, or from managing their own estates, which are for this reason placed under the direction of curators.

RCC—389, 404, 941, 951, 1004, 1475, 1782 *et seq.*, 1788, 1789.

RCC 1870, Art. 31.

(Same as Art. 31 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 31.

(No reference in Projet)

Persons of insane mind are those who do not enjoy the exercise and use of reason, after they have arrived at the age at which they ought, according to the course of nature, to possess it, whether the defect results from nature or accident. This defect disqualifies those who are subject to it, from contracting any species of engagement, or from managing their own estates, which are for this reason placed under the direction of a curator.

Les insensés sont ceux qui ne jouissent pas de l'usage de la raison, après l'âge où ils devraient l'avoir, soit que ce défaut provienne de la nature ou de quelqu'accident. Ce défaut prive les personnes qui y sont sujettes, du droit de contracter aucune espèce d'engagement et d'administrer leurs propres biens, qui sont en conséquence placés sous l'administration d'un curateur.

CC 1808, p. 8, Art. 9.

Persons of insane mind, are those who do not enjoy the exercise and use of reason, after they have arrived at the age, at which they ought to possess it, whether the defect results from nature or accident. This defect disqualifies those who are subject to it, from contracting any species of engagement, or from managing their own estates, which are consequently placed under the direction of a curator.

-p. 9, Art. 9.

Same as above; but comma (,) after "nature", and after "conséquence"; no punctuation after "biens."

CN 1804. No corresponding article.

ART. 32. Persons who, by reason of infirmities are incapable of managing their own affairs, have their persons and estates placed under the direction of curators.

RCC—404 *et seq.* RS—1095-1099.

RCC 1870, Art. 32.

Same as above.

CC 1825, Art. 32.

(Projet, p. 3. Amendment adopted; comment by redactors)

Same as above; but comma (,) after "infirmities."

Ceux qui, par cause d'infirmités, sont incapables d'administrer leurs propres affaires, sont placés, quant à leur personne et à leurs biens, sous la direction de curateurs.

CC 1808, p. 10, Art. 10.

Persons who are both deaf and dumb, or those who by reason of other infirmities, are incapable of managing their own affairs, have their persons and estates placed under the direction of curators.

-p. 11, Art. 10.

Ceux qui sont ensemble sourds et muets, ou qui par d'autres infirmités, sont incapables d'administrer leurs propres affaires, sont placés, quant à leurs personnes et à leurs biens, sous la direction de curateurs.

CN 1804. No corresponding article.

ART. 33. Persons laboring under the disabilities stated in the two preceding articles, are not, on this account, deprived of any right or advantages, which, notwithstanding such infirmity, they can enjoy. They retain their estates, their capacity for inheriting, and such branches of the paternal power as are compatible with their situation.

RCC—389, 941, 951, 1475.

RCC 1870, Art. 33.

Same as above.

CC 1825, Art. 33.

(No reference in Projet)

Same as above.

Ceux qui sont sujets aux infirmités mentionnées dans les deux articles précédents, ne perdent pas pour cela les autres avantages dont ils peuvent jouir d'ailleurs; ils conservent leurs droits sur leurs biens, la capacité de succéder, et les effets même de la puissance paternelle qui peuvent s'accorder avec leur état.

CC 1808, p. 10, Art. 11.

Persons laboring under the disabilities stated in the two preceding articles, do not lose [lose] particular advantages derived from other circumstances. They retain their estates, their capacity for inheriting, and such branches of the paternal power, as are compatible with their situations.

-p. 11, Art. 11.

Same as above.

CN 1804. No corresponding article.

ART. 34. Age forms a distinction between those who have, and those who have not sufficient reason and experience to govern themselves and to be masters of their own conduct. But as nature does not always impart the same maturity and strength of judgment at the same age, the law determines the period at which persons are sufficiently advanced in life to be capable of contracting marriage, and forming other engagements.

RCC—35, 36, 37, 216.

RCC 1870, Art. 34.

(Same as Art. 34 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 34.

(No reference in Projet)

Age forms a distinction between those who have, and those who have not sufficient reason and experience to govern themselves and to be masters of their own conduct. But as nature does not always impart the same maturity and strength of judgment at the same age, the law determines the period at which persons are sufficiently advanced in life to be capable of contracting marriage, and of forming other engagements.

L'âge forme une distinction entre ceux qui ont, et ceux qui n'ont pas une raison et une expérience suffisantes pour se gouverner eux-mêmes, et être maîtres de leur propre conduite. Mais comme la nature n'accorde pas toujours la même maturité et la même force de jugement au même âge, la loi détermine le tems où l'on est suffisamment avancé dans la vie, pour être capable de contracter mariage, et de former d'autres engagements.

CC 1808, p. 10, Art. 12.

Same as above; but no punctuation after "have"; comma (,) after "themselves", and after "life"; semicolon (;) after "conduct."

-p. 11, Art. 12.

Same as above; but no punctuation after "eux-mêmes."

CN 1804. No corresponding article.

ART. 35. Emancipation and the other ways which free the son or daughter of family from the father's authority, regard only the effects which the civil law gives to the paternal power, but changes in no respect those that are derived from natural right.

RCC—26, 39, 216, 365, 366 *et seq.*, 379 *et seq.*, 385 *et seq.*

RCC 1870, Art. 35.

Same as above.

CC 1825, Art. 39.

(No reference in Projet)

Same as above.

L'émancipation et les autres voies qui mettent le fils ou la fille de famille hors de la puissance paternelle, ne regardent que les effets que les lois civiles donnent à cette puissance, mais ne changent rien à ceux qui sont de droit naturel.

CC 1808, p. 10, Art. 17.

Same as above; but comma (,) after "family."

-p. 11, Art. 17.

Same as above; but comma (,) after "famille."

CN 1804. No corresponding article.

ART. 36. Males who have not attained the age of fourteen years complete, and females who are under twelve, are under the age of puberty; and males who have attained fourteen years complete, and females the age of twelve complete, are distinguished by the name of adults.

RCC—34, 218.

RCC 1870, Art. 36.

(Same as Art. 36 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 40.

(No reference in Projet)

Males who have not attained the age of fourteen years complete, and females who are under twelve, are under the age of puberty; and sons who have attained fourteen years complete, and

Les garçons qui n'ont pas atteint l'âge de quatorze ans accomplis, et les filles qui n'ont pas atteint l'âge de douze ans accomplis, sont appelés impubères; les garçons qui ont atteint l'âge de qua-

daughters the age of twelve complete, are distinguished by the name of adults.

torze ans accomplis, et les filles celui de douze ans accomplis, sont distingués par le nom d'adultes.

CC 1808, p. 10, Art. 18.

Males who have not attained the age of fourteen years complete and females who are under twelve are called impubes; and sons who have attained fourteen years complete and daughters the age of twelve complete, are distinguished by the name of Adults.

-p. 11, Art. 18.

Les garçons qui n'ont pas atteint l'âge de quatorze ans accomplis, et les filles qui n'ont pas atteint l'âge de douze ans accomplis, sont appelés *impubères*; les garçons qui ont atteint l'âge de quatorze ans accomplis, et les filles celui de douze ans accomplis, sont distingués par le nom d'adultes.

CN 1804. No corresponding article.

ART. 37. Minors are those of both sexes, who have not yet attained the age of one and twenty years complete; and they remain under the direction of tutors till that age. When they have attained that age, then they are said to be of full age.

RCC—34, 39, 98, 216, 221, 223, 246, 302, 353, 1369, 1476 *et seq.*, 1665, 1748, 1782, 1785, 2222 *et seq.*, 2330, 3001, 3072, 3522.

RCC 1870, Art. 37.

(Same as Art. 37 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 41.

(No reference in Projet)

Minors are those of both sexes, who have not yet attained the age of one and twenty years complete; and they remain under the direction of tutors or curators till that age. When they have arrived at it, they then are said to be of full age.

Les mineurs sont les personnes des deux sexes qui n'ont pas atteint l'âge de vingt-un ans accomplis; ils restent, jusqu'à cet âge, sous la direction d'un tuteur ou d'un curateur, et lorsqu'ils ont atteint cet âge, on dit qu'ils sont en plein âge, ou qu'ils sont majeurs.

CC 1808, p. 10, Art. 19.

Minors are those of both sexes who have not yet attained the age of one and twenty years complete, and they remain under the direction of tutors or curators till that age;—when they have arrived at it, they are then said to be of full age or majors.

-p. 11, Art. 19.

Same as above; but no punctuation after "restent."

CN 1804, Art. 388.

The minor is an individual of either sex who has not yet attained the age of twenty-one years complete.

Le mineur est l'individu de l'un ou de l'autre sexe qui n'a point encore l'âge de vingt-un ans accomplis.

TITLE II—OF DOMICILE

AND THE MANNER OF CHANGING THE SAME

ART. 38. The domicile of each citizen is in the parish wherein he has his principal establishment.

The principal establishment is that in which he makes his habitual residence; if he resides alternately in several places, and nearly as much in one as in another, and has not declared his intention in the manner hereafter prescribed, any one of the said places where he resides may be considered as his principal establishment, at the option of the persons whose interests are thereby affected.

RCC—39 *et seq.*, 57, 95, 392, 935, 1086, 1110, 3042. CP—162, 166.