

Preliminary Title. General Dispositions (Art. 870)

Louisiana

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BOOK III

Of the Different Modes of
Acquiring the Ownership of Things

PRELIMINARY TITLE — GENERAL DISPOSITIONS

ART. 870. The ownership of things or property is acquired by inheritance either legal or testamentary, by the effect of obligations, and by the operation of law.

RCC—481, 483, 488, 499 *et seq.*, 509, 934, 1467 *et seq.*, 1550, 1761, 2439, 3412 *et seq.*, 3420 *et seq.*, 3457, 3472, 3478, 3499, 3506.

RCC 1870, Art. 870. (Same as Art. 870 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 866. (Projet, p. 106. Recommendation to retain rejected; no comment)

The property of things or goods is acquired by inheritance either legal or testamentary, by the effect of obligations, and by the operation of law.

La propriété des choses ou des biens, s'acquiert par la succession légitime ou testamentaire, par l'effet des obligations et par l'opération de la loi.

CC 1808, p. 144, Art. 1.

The property of things or goods is acquired.

1. By paternal power, this matter has been treated of in the title of *father and child*.

2. By successions.

3. By obligations resulting from contracts or covenants.

4. By obligations which result from the mere deed of the person without any covenant, such as *quasi* contracts or *quasi* offences.

5. By accession or incorporation; of this mention has been made in the title of *property*.

6. By occupancy and prescription.

7. By judgment [judgment] or by seizure.

-p. 145, Art. 1.

La propriété des biens ou des choses s'acquiert:

1. Par la puissance paternelle; il en a été traité au titre des *Pères et des Enfants*;

2. Par succession;

3. Par les obligations qui naissent des contrats ou conventions;

4. Par les obligations qui résultent du seul fait de l'homme, sans convention, tels que les *quasi* contrats ou *quasi* délits;

5. Par l'accession ou l'incorporation; il en a été traité au titre de la *pleine propriété*;

6. Par l'occupation et la prescription;

7. Par jugement ou par voie de saisie arrêt, ou saisie exécution.

CN 1804, Art. 711.

The property of things is acquired and transmitted by inheritance, by donations, *inter vivos* or testamentary, and by the effect of obligations.

La propriété des biens s'acquiert et se transmet par succession, par donation entre-vifs ou testamentaire, et par l'effet des obligations.

-Art. 712.

Property is also acquired by accession or incorporation, and by prescription.

La propriété s'acquiert aussi par accession ou incorporation, et par prescription.

Projet du Gouvernement (1800), Book III, General Dispositions, Art. 1.

The property of things is acquired, 1. By paternal power. This matter has been treated of in the title of *tutorship*;

2. By succession;

La propriété des biens s'acquiert, 1. Par la puissance paternelle. Il en a été traité au titre des *tutelles*;

2. Par la succession;

Subds. 3, 4 same as CC 1808, p. 144, Art. 1, subds. 3, 4, above.

5. By accession or incorporation; of this mention has been made in section II, title II of book II.

6. By prescription.

Subds. 3, 4 same as CC 1808, p. 145, Art. 1, subds. 3, 4, above; but no punctuation after "l'homme."

5. Par l'accession ou l'incorporation; il en a été traité en la section II, du titre II du livre II.

6. Par la prescription.

TITLE I — OF SUCCESSIONS

Chapter 1—OF THE DIFFERENT SORTS OF SUCCESSIONS AND HEIRS

ART. 871. Succession is the transmission of the rights and obligations of the deceased to the heirs.

RCC—872 *et seq.*, 1422.

RCC 1870, Art. 871.

Same as above.

CC 1825, Art. 867.

(Projet, p. 106. Amendment ‡ adopted; comment by redactors)

Same as above.

La succession est la transmission des droits actifs et passifs d'un défunt dans la personne de son héritier.

CC 1808, p. 144, Art. 1.

Hereditary succession is the manner in which the estate, rights and charges of the deceased, pass to other persons who replace them.

-p. 145, Art. 1.

Les successions sont les manières dont les biens, les droits et les charges des personnes qui meurent passent à d'autres personnes qui les remplacent.

CN 1804. No corresponding article.

ART. 872. Succession signifies also the estates [estate], rights and charges which a person leaves after his death, whether the property exceeds the charges or the charges exceed the property, or whether he has only left charges without any property.

RCC—448, 871, 873, 884, 940.

RCC 1870, Art. 872.

Same as above.

CC 1825, Art. 868.

• (Projet, p. 106. Amendment adopted; comment by redactors)

Same as above; but "estates" correctly spelled "estate."

On appelle aussi succession ou hérédité, la masse des biens, des droits et des charges qu'une personne laisse après sa mort, soit que les biens excèdent les charges, soit que les charges excèdent les biens, et soit même qu'il n'existe que des charges sans biens.

CC 1808, p. 144, Art. 2.

Succession signifies also the estate, rights and charges which a person leaves after his death, whether the property exceeds the charges or the charges exceed the property.

-p. 145, Art. 2.

On appelle aussi succession ou hérédité la masse des biens, des droits et des charges qu'une personne laisse après sa mort, soit que les biens excèdent les charges, soit que les charges excèdent les biens.

CN 1804. No corresponding article.