

Title III. Of Obligations (Art. 1756 - 1760)

Louisiana

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TITLE III—OF OBLIGATIONS

Chapter I—OF THE NATURE AND DIVISION OF OBLIGATIONS

ART. 1756. An obligation is, in its general and most extensive sense, synonymous with duty.

RCC—1747 *et seq.*, 3556. CP—19.

RCC 1870, Art. 1756.

Same as above.

CC 1825, Art. 1749.

Same as above.

(Projet, p. 226. Addition adopted; no comment)

Le mot *obligation*, dans son sens le plus général et le plus étendu, est synonyme de *devoir*.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 1757. Obligations are of three kinds: imperfect obligations, natural obligations, and civil or perfect* obligations.

1. If the duty created by the obligation operates only on the moral sense, without being enforced by any positive law, it is called an imperfect obligation, and creates no right of action, nor has it any legal operation. The duty of exercising gratitude, charity and the other merely moral duties, is an example of this kind of obligation.

2. A natural obligation is one which can not be enforced by action, but which is binding on the party who makes it, in conscience and according to natural justice.

3. A civil obligation is a legal tie, which gives the party, with whom it is contracted, the right of enforcing its performance by law.

RCC—119, 120, 175, 215, 217, 227, 229, 239, 1001, 1756, 1758 *et seq.*, 1846, 1901, 1945, 1996, 2301 *et seq.*, 3139, 3182. CP—14, 17, 18.

RCC 1870, Art. 1757.

Same as above.

CC 1825, Art. 1750.

(Projet, p. 226. Addition adopted; comment by redactors)

Same as above; but period (.) after "perfect obligations"; semicolon (;) after "of obligation", and after "justice."

Les obligations sont de trois sortes: les obligations imparfaites, les obligations naturelles et les obligations civiles.*

1. Si le devoir créé par l'obligation n'est recommandé que par la morale, et n'est imposé par aucune loi positive, il est appelé obligation imparfaite, laquelle ne donne aucun droit d'action, et ne produit aucun effet légal. Le devoir d'être reconnaissant, d'exercer la charité et autres semblables, sont des exemples de cette espèce d'obligation.

2. L'obligation naturelle est celle qui, sans donner un droit d'action, lie la partie qui l'a contractée, dans le for de la conscience, et selon la justice naturelle.

3. L'obligation civile est un lien légal, qui donne à la partie envers laquelle elle est contractée, le droit de la faire exécuter par l'autorité de la loi.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*"Or perfect" has no counterpart in French text.

ART. 1758. Natural obligations are of four kinds:

1. Such obligations as the law has rendered invalid for the want of certain forms or for some reason of general policy, but which are not in themselves immoral or unjust.

2. Such as are made by persons having the discretion necessary to enable them to contract, but who are yet rendered incapable of doing so by some provision of law.

3. When the action is barred by prescription, a natural obligation still subsists, although the civil obligation is extinguished.

4. There is also a natural obligation on those who inherit an estate, either under a will or by legal inheritance, to execute the donations or other dispositions which the former owner had made, but which are defective for want of form only.

RCC—1520, 1536 *et seq.*, 1570, 1757, 1759, 1782 *et seq.*, 1791, 1793, 1846, 2138, 2147, 2216, 2274, 2301, 2440, 3036, 3139, 3457 *et seq.*, 3528 *et seq.*, 3549 *et seq.* CP—17, 18.

RCC 1870, Art. 1758.

Same as above.

CC 1825, Art. 1751.

(Projet, p. 226. Addition † adopted; no comment)

Same as above; but semicolon (;) after "unjust", after "of law", and after "extinguished"; comma (,) after "disposition."

Les obligations naturelles sont de quatre sortes:

1. Celles que la loi a défendues ou déclarées nulles par défaut de forme ou par quelque raison de bien public, mais qui en elles-mêmes ne sont pas immorales ou injustes;

2. Celles qui sont faites par des personnes qui ont assez de raison pour pouvoir contracter, mais que la loi n'en a pas encore rendues capables;

3. Celles dont le droit d'action est éteint par la prescription, mais qui subsiste encore dans le for de la conscience après cette extinction;

4. Celles des héritiers légitimes ou testamentaires, qui, dans le for de la conscience, doivent exécuter les donations ou autres dispositions de leur prédécesseur, qui ne sont nulles que par défaut de forme.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 1759. Although natural obligations can not be enforced by action, they have the following effect [effects]:

1. No suit will lie to recover what has been paid, or given in compliance with a natural obligation.

2. A natural obligation is a sufficient consideration for a new contract.

RCC—1757, 1758, 1822, 1824, 1846, 1893 *et seq.*, 2133, 2274, 2303, 2307, 2984, 3139. CP—17 *et seq.*

RCC 1870, Art. 1759.

Same as above.

CC 1825, Art. 1752. (Projet, p. 226. Addition † adopted; no comment)

Same as above; but semicolon (;) after "with a natural obligation."

Les obligations naturelles, quoiqu'on n'en puisse exiger l'exécution par les voies légales, produisent les effets suivans:

1. On n'a point d'action pour recouvrer ce qui a été payé en vertu d'une obligation naturelle;

2. Une obligation naturelle est une cause suffisante pour un nouveau contrat.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 1760. Civil obligations, in relation to their origin, are of two kinds:

1. Such as are created by the operation of law.

2. Such as arise from the consent of the parties who are bound by them, which are called contracts or conventional obligations.

Each of these divisions will form the subject of a separate title.

RCC—540, 659, 666, 1100, 1422, 1757, 1761, 1793, 2292, 2293, 2294, 2972, 3556.

RCC 1870, Art. 1760.

Same as above.

CC 1825, Art. 1753. (Projet, p. 227. Addition † adopted; no comment)

Same as above; but no punctuation after "Civil obligations"; semicolon (;) after "law", and after "conventional obligations."

Les obligations civiles, considérées quant à leur origine, sont de deux sortes:

1. Celles qui sont créées par l'opération de la loi;

2. Celles qui résultent du consentement des parties, lesquelles sont appelées contrats ou obligations conventionnelles.

Ces deux sortes d'obligations sont chacune l'objet d'un titre séparé.

CC 1808. No corresponding article.

CN 1804. No corresponding article.