Title II. Of Ownership (Art. 488 - 532)

Louisiana
CIVIL CODES OF LOUISIANA

Art. 490

ART. 488. Ownership is the right by which a thing belongs to some one in particular, to the exclusion of all other persons.

RCC—483, 484, 487, 489, 490, 494, 496, 504, 505, 870.

RCC 1870, Art. 488.

Same as above.

CC 1825, Art. 480.

Same as above.

(Rojet, p. 42. Addition adopted; comment by redactors)

La propriete est le droit par lequel une chose appartient a quelqu'un en propre, et exclusivement a tous autres.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 489. The ownership of a thing is vested in him who has the immediate dominion of it, and not in him who has a mere beneficiary right in it.

RCC—488, 1469, 2043.

RCC 1870, Art. 489.

Same as above.

CC 1825, Art. 481.

Same as above.

(Rojet, p. 42. Addition adopted; comment by redactors)

La propriete d'une chose est dite appartenir a celui qui en a le domaine direct, et non a celui qui n'en a que le domaine utile.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 490. Ownership is divided into perfect and imperfect.

Ownership is perfect, when it is perpetual, and when the thing is unincumbered with any real right towards any other person than the owner.

On the contrary, ownership is imperfect, when it is to terminate at a certain time or on a condition,* or if the thing, which is the object of it, being an immovable, is charged with any real right towards a third person; as a usufruct, use or servitude.

When an immovable is subject to a usufruct, the owner of it is said to possess the naked ownership.

RCC—488, 491, 492, 494, 533 et seq., 626, 646 et seq., 2010 et seq.
Art. 491

Perfect ownership gives the right to use, to enjoy and to dispose of one's property in the most unlimited manner, provided it is not used in any way prohibited by laws or ordinances.

Persons who reside out of the State, can not dispose of the property they possess here, in a manner different from that prescribed by its laws.

RCC—9, 10, 484, 490, 505, 666 et seq., 994, 1490, 1596, 1688.

Art. 491. Perfect ownership gives the right to use, to enjoy and to dispose of one’s property in the most unlimited manner, provided it is not used in any way prohibited by laws or ordinances.

Persons who reside out of the State, can not dispose of the property they possess here, in a manner different from that prescribed by its laws.

RCC—9, 10, 484, 490, 505, 666 et seq., 994, 1490, 1596, 1688.

Art. 491. (Same as Art. 490 of Proposed Revision of 1869)

RCC 1870, Art. 490.

Same as above.

CC 1825, Art. 482.

(Same as Art. 491 of Proposed Revision of 1869)

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CIVIL CODES OF LOUISIANA  

Art. 494

Ownership is the right to enjoy and to dispose of things in the most unlimited manner, provided one does not use the same in a way prohibited by the laws or ordinances.

Projet du Gouvernement (1800), Book II, Title II, Art. 1.  
Same as CC 1825, Art. 483, par. 1, above.  

ART. 492. Imperfect ownership only gives the right of enjoying and disposing of property, when it can be done without injuring the rights of others; that is, of those who may have real or other rights to exercise upon the same property.

RCC—490, 533, 658.

RCC 1870, Art. 492.  
Same as above.

CC 1825, Art. 484.  
Same as above; but comma (,) after "others."

ART. 493. The right of ownership necessarily supposes a person in whom this right exists; whether the owner be a real person, such as an individual, or a civil or intellectual person, such as a corporation.

RCC 1870, Art. 493.  
Same as above.

ART. 494. It is of the essence of the right of ownership that it can not exist in two persons for the whole of the same thing; but they may be the owners of the same thing in common, and each for the part which he may have therein.

RCC—488, 490, 538, 539, 1289, 1308, 1520 et seq.

RCC 1870, Art. 494.  
Same as above.
Art. 495

COMPILED EDITION

Art. 486. (Projet, p. 43. Addition adopted; comment by redactors)

Same as above; but no punctuation after “thing.”

Il est de l’essence du droit de propriété que deux personnes ne puissent avoir, chacune pour le total, le domaine de propriété d’une même chose. Mais elles peuvent être propriétaires de la même chose en commun et pour la part que chacune d’elles peut y avoir.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 495. He who has once acquired the ownership of a thing by one title, cannot afterwards acquire it by another title, unless it be to supply a deficiency in the first title.

On the other hand, nothing prevents a thing due to a person, under one title, from being also due to him under another; as for example, when a thing has been sold, and is afterwards bequeathed to the same person by the owner. (As amended by Acts 1871, No. 87)

RCC—852.

RCC 1870, Art. 495. (Same as Art. 495 of Proposed Revision of 1869)

Par. 1 same as par. 1, above; but semicolon (;) after “another title.”

On the other hand, nothing prevents a thing due to a person under one title from being also due to him under another.

CC 1825, Art. 487. (Projet, p. 44. Addition adopted; comment by redactors)

Par. 1 same as par. 1, above; but comma (,) after “another title.”

On the other hand, nothing prevents a thing due to a person under one title, from being also due to him under another, as for example, when a thing has been sold, and is afterwards bequeathed to the same person by the owner.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 496. The ownership and the possession of a thing are entirely distinct.

The right of ownership exists independently of the exercise of it. The owner is not less the owner because he performs no act of ownership, or because he is disabled from performing any such act, or even because another performs such acts without the knowledge or against the will of the owner.

But the owner exposes himself to the loss of his right of ownership in a thing if he permits it to remain in the possession of a third person for a time sufficient to enable the latter to acquire it by prescription.

RCC—488, 3426 et seq., 3457, 3472 et seq., 3548.
ART. 497. No one can be deprived of his property unless for some purpose of public utility, and on consideration of an equitable and previous indemnity and in a manner previously prescribed by law.

By an equitable indemnity, in this case, is understood not only a payment for the value of the thing of which the owner is deprived, but a remuneration for the damages which may be caused thereby.

RCC—343, 699, 2626 et seq., 3472 et seq. Const. 1921, I, 2; IV, 15; XVI, 6 (as am. by Acts 1928, No. 165).

RCC 1870, Art. 497. (Same as Art. 497 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 489. (Projet, p. 44. Amendment adopted; comment by redactors)

No one can be divested of his property, unless for some purpose of public utility, and on consideration of an equitable and previous indemnity, and in a manner previously prescribed by law.

Par. 2 same as par. 2, above; but no punctuation after "indemnity", or after "case"; comma (,) after "understood."

CC 1808, p. 102, Art. 2.

No one can be compelled to part with his property, unless by reason of public utility and on consideration of an equitable and previous indemnification.

CN 1804, Art. 545.

Same as above; but comma (,) after "publique."
Art. 498. The ownership of a thing, whether it be movable or immovable, carries with it the right to all that the thing produces, and to all that becomes united to it, either naturally or artificially.

This is called the right of accession.

RCC—462 et seq., 499 et seq., 504, 509, 520 et seq., 544 et seq., 1515, 1569, 1636, 1944, 2371, 2374, 2489, 2506, 2553, 2651, 2948.

RCC 1870, Art. 498.
Same as above.

CC 1825, Art. 490. (Projet, p. 45. Amendment adopted; comment by redactors)
La propriété d'une chose, soit mobilière, soit immobilière, donne droit sur ce qu'elle produit et sur ce qui s'y unit accessoirement, soit naturellement, soit artificiellement.
Ce droit s'appelle droit d'accession.

RCC 1870, Art. 499.
Same as above.

CC 1825, Art. 491. (Projet, p. 45. Amendment adopted; comment by redactors)
Les fruits naturels ou industriels de la terre, les fruits civils, c'est-à-dire, les

Chapter 2—Of the Right of Accession to What Is Produced by the Thing

Art. 499. Fruits of the earth, whether spontaneous or cultivated; civil fruits, that is the revenues yielded by property from the operation of the law or by agreement; and the young of animals belong to the owner by right of accession.

RCC—498, 500 et seq., 520 et seq., 544 et seq., 870, 1940.

RCC 1870, Art. 499. (Same as Art. 499 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 491. (Projet, p. 45. Amendment adopted; comment by redactors)
Les fruits naturels ou industriels de la terre, les fruits civils, c'est-à-dire, les
is, the revenues yielded by property from the operation of the law or by agreement; children of slaves, and the young of animals, belong to the proprietor by right of accession.

CC 1808, p. 102, Art. 4.

All that is produced by a thing whether moveable or immovable belongs to the owner of that thing.

Such are the fruits of the earth whether they grow spontaneously or have been cultivated;

Civil rights*;
Children of slaves, and the young of cattle.

CN 1804, Art. 547.

Fruits of the earth, whether spontaneous or cultivated,
Civil fruits, and
The offspring of animals,
Belong to the owner by right of accession.

Projet du Gouvernement (1800), Book II, Title II, Art. 4.

Pars. 1-3 same as CC 1808, p. 102, Art. 4, pars. 1-3, above.

The young of animals.

*Note error in English translation of French text; "rights" should be "fruits."

ART. 500. The young of animals belong to the owner of the mother of them by right of accession.

RCC—499.

RCC 1870, Art. 500. (Same as Art. 500 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 492. (Projet, p. 45. Addition adopted; comment by redactors)

The children of slaves and the young of animals belong to the proprietor of the mother of them, by right of accession.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 501. The fruits produced by the thing belong to its owner, although they may have been produced by the work and labor of a third person, or from seeds sown by him, on the owner's reimbursing such person his expenses.

RCC—465, 499, 502, 503.

RCC 1870, Art. 501.

Same as above.

CC 1825, Art. 493. (No reference in Projet)

Same as above.
Art. 502

The products of the thing do not belong to the simple possessor, and must be returned with the thing to the owner who claims the same, unless the possessor held it *bona fide*.

RCC-499, 501, 503, 508, 1515, 1629, 3451 *et seq.*

RCC 1870, Art. 502.

(Same as Art. 502 of Proposed Revision of 1869)

Art. 503.

He is *bona fide* possessor who possesses as owner by virtue of an act sufficient in terms to transfer property, the defects of which he was ignorant of. He ceases to be a *bona fide* possessor from the moment these defects are made known to him, or are declared to him by a suit instituted for the recovery of the thing by the owner.


RCC 1870, Art. 503.

(Same as Art. 503 of Proposed Revision of 1869)
Chapter 3—Of the Right of Accession to What Unites or Incorporates Itself to the Thing

Art. 504. All that which becomes united to or incorporated with the property, belongs to the owner of such property, according to the rules hereafter established.

RCC 1870, Art. 504.
Same as above.

RCC 1825, Art. 496. (Projet, p. 46. Amendment ‡ adopted; comment by redactors)
Same as above.

CC 1808, p. 104, Art. 8.
The right of ownership gives in general to the owner by right of accession, all that unites and incorporates itself to his property.
But this general rule is susceptible of several modifications, according as the
Art. 505

Section 1—OF THE RIGHT OF ACCESSION IN RELATION TO IMMOVABLES

Art. 505. The ownership of the soil carries with it the ownership of all that is directly above and under it.

The owner may make upon it all the plantations, and erect all the buildings which he thinks proper, under the exceptions established in the title: Of Servitudes.

He may construct below the soil all manner of works, digging as deep as he deems convenient, and draw from them all the benefits which may accrue, under such modifications as may result from the laws and regulations concerning mines and the laws and regulations of the police.

RCC—488, 491, 504, 506, 508, 520, 533, 552, 644, 646, 695, 697, 795. Acts 1918, No. 268; 1918, No. 270; 1920, No. 73; 1920, No. 250; 1922, No. 91; 1924, No. 252; 1924, No. 253; 1932, No. 62; 1934, No. 131; 1936, No. 211; 1936, No. 225.

RCC 1870, Art. 505. (Same as Art. 505 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 497. (Projet, p. 46. Amendment † adopted; comment by redactors)

The property of the soil carries with it the property of all that is directly above and under it.

The owner may make upon it all the plantations, and erect all the buildings which he thinks proper, under the exceptions established in the title of servitudes or services.

Par. 3 same as par. 3, above; but comma (,) after "mines."

CC 1808, p. 104, Art. 9.

The property of the soil carries with it the property of what is over and under it.
The owner may make upon it, all the plantations and erect all the buildings which he thinks proper, save the exceptions established under the title of servitudes or services.

He may construct below the soil all manner of works, digging as deep as he deems convenient, and draw from the holes dug in the ground, all the benefits which may accrue, under such modifications as may result from the regulations of the police.

CN 1804, Art. 552.

Pars. 1, 2 same as pars. 1, 2, above. He may construct below the soil all manner of works as he deems convenient, and draw from them all the products they may yield, under such modifications as may result from the laws and regulations concerning mines, and the laws and regulations of the police.

ART. 506. All the constructions, plantations and works, made on or within the soil, are supposed to be done by the owner, and at his expense, and to belong to him, unless the contrary be proved, without prejudice to the rights of third persons, who have acquired or may acquire by prescription the property of a subterraneous piece of ground under the building of another, or of any part of the building.

RCC—464, 505, 507, 508, 556, 594, 598.

RCC 1870, Art. 506.
Same as above.

CC 1825, Art. 498. (Projet, p. 46. Amendment adopted; comment by redactors)

Same as above.

CC 1808, p. 104, Art. 10.

All the constructions, plantations, and works made on or within the soil, are supposed to be done by the owner, and at his expense, and to belong to him unless the contrary be proved.

Nevertheless a third person may, by possession alone, when the same is sufficient to operate prescription, acquire the property whether of a subterraneous piece of ground under the building of another, or of any other part of the building.

CN 1804, Art. 553.

All constructions, plantations and works, made on or within a lot of ground, are supposed to be done by
Art. 507

If the owner of the soil has made constructions, plantations and works thereon, with materials which did not belong to him, he has a right to keep the same, whether he has made use of them in good or bad faith, on condition of reimbursing their value to the owner of them and paying damages, if he has thereby caused him any injury or damage.

RCC—506.

RCC 1870, Art. 507.

Same as above.

CC 1825, Art. 499. (Projet, p. 47. Amendment adopted; comment by redactors)

Same as above; but comma (,) after "owner of them."

CC 1808, p. 104, Art. 11.

If the owner of the soil has made thereon constructions, plantations and works, with materials which did not belong to him, he has a right to keep the same on condition of reimbursing their value to the owner and paying damages if the case require it.

CN 1804, Art. 554.

The owner of the soil who has made constructions, plantations and works with materials which did not belong to him, must reimburse their value; he may also be sentenced to pay damages, if the case require it: but the owner of the materials has not the right to remove them.

Projet du Gouvernement (1800), Book II, Title II, Art. 10.

Par. 1 same as CC 1808, p. 105, Art. 10, par. 1, above; but no punctuation after "sol": comma (,) after "frais."

Néanmoins, un tiers peut acquérir par la seule possession, lorsqu'elle est suffisante pour opérer la prescription, la propriété d'une cave ou autre sou­terrain sous le bâtiment d'autrui, ou la propriété d'une certaine partie de ce bâtiment.

ART. 507. If the owner of the soil has made constructions, plantations and works thereon, with materials which did not belong to him, he has a right to keep the same, whether he has made use of them in good or bad faith, on condition of reimbursing their value to the owner of them and paying damages, if he has thereby caused him any injury or damage.

RCC—506.

RCC 1870, Art. 507.

Same as above.

CC 1825, Art. 499. (Projet, p. 47. Amendment adopted; comment by redactors)

Same as above; but comma (,) after "owner of them."

CC 1808, p. 104, Art. 11.

If the owner of the soil has made thereon constructions, plantations and works, with materials which did not belong to him, he has a right to keep the same on condition of reimbursing their value to the owner and paying damages if the case require it.

CN 1804, Art. 554.

The owner of the soil who has made constructions, plantations and works with materials which did not belong to him, must reimburse their value; he may also be sentenced to pay damages, if the case require it: but the owner of the materials has not the right to remove them.

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ART. 508. When plantations, constructions and works have been made by a third person, and with such person's own materials, the owner of the soil has a right to keep them or to compel this person to take away or demolish the same.

If the owner requires the demolition of such works, they shall be demolished at the expense of the person who erected them, without any compensation; such person may even be sentenced to pay damages, if the case require it, for the prejudice which the owner of the soil may have sustained.

If the owner keeps the works, he owes to the owner of the materials nothing but the reimbursement of their value and of the price of workmanship, without any regard to the greater or less value which the soil may have acquired thereby.

Nevertheless, if the plantations, edifices or works have been done by a third person evicted, but not sentenced to make restitution of the fruits, because such person possessed bona fide, the owner shall not have a right to demand the demolition of the works, plantations or edifices, but he shall have his choice either to reimburse the value of the materials and the price of workmanship, or to reimburse a sum equal to the enhanced value of the soil.

RCC—502, 504, 505 et seq., 569, 594, 598, 2295, 2726, 3453, 3454.

RCC 1870, Art. 508. (Same as Art. 508 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 500. (No reference in Projet)

When plantations, constructions and works have been made by a third person, and with such person's own materials, the owner of the soil has a right to keep them or to compel this third person to take away or demolish the same.

Pars. 2, 3 same as pars. 2, 3, above.

Nevertheless, if the plantations, edifices or works have been done by a third person evicted, but not sentenced to make restitution of the fruits, because such person possessed bona fide, the own-
er shall not have a right to demand the demolition of the works, plantations or edifices, but he shall have his choice either to reimburse the value of the materials and the price of workmanship, or to reimburse a sum equal to the enhanced value of the soil.

CC 1808, p. 104, Art. 12.
When plantations, constructions, and works have been made by a third person and out of said person’s own materials, the owner of the soil has a right to keep them, or to compel this third person to take away or demolish the same.

If the owner requires the demolition of said works they shall be demolished at the expense of the person who erected them, without any indemnification, said person may even be sentenced to pay damages if the case require it, for the prejudice which the owner of the soil may have sustained.

Par. 3 same as par. 2, above.

Nevertheless if the plantations, edifices, or works may have been done by a third person evicted but not sentenced to make restitution of the fruits, because such person possessed bona fide, the owner shall not have a right to demand the suppression of the said works, plantations or edifices, but he shall have his choice either to reimburse the value of the materials, and the price of workmanship, or to reimburse a sum equal to the enhanced value of the soil.

CN 1804, Art. 555.
When the plantations, constructions and works have been made by a third person, and with such person’s own materials, the owner of the soil has the right either to keep them, or to compel this third person to remove them.

If the owner of the soil requires the demolition of the plantations and constructions, it is at the expense of the person who erected them, without any indemnification for him; such person may even be sentenced to pay damages, if the case require it, for the prejudice which the owner of the soil may have sustained.

If the owner prefers to preserve these plantations and constructions, he owes the reimbursement of the value of the materials and of the price of workmanship, without any regard to the greater or less increase in value which the soil may have acquired. Nevertheless, if the plantations, edifices or works have been made by a third person evicted, but not sentenced to make restitution of the fruits, because such person possessed bona fide, the owner shall not have a right to demand the reimbursement of the fruits, because such person possessed bona fide, the owner shall not have a right to demand the suppression of the plantations and constructions, but he shall have the choice either to reimburse the value of the materials, and the price of workmanship, or to reimburse a sum equal to the enhanced value of the soil.

Lorsque les plantations, constructions et ouvrages ont été faits par un tiers évincé qui n’aurait pas été condamné à la restitution des fruits, attendu sa bonne foi, le propriétaire ne pourra demander la suppression desdits ouvrages, plantations et constructions, mais il aura le choix, ou de rembourser la valeur des matériaux et du prix de la main d’œuvre, ou de rembourser une somme égale à celle dont le fonds a augmenté de valeur.

Néanmoins si les plantations, constructions et ouvrages ont été faits par un tiers évincé qui n’aurait pas été condamné à la restitution des fruits, attendu sa bonne foi, le propriétaire ne pourra demander la suppression desdits ouvrages, plantations et constructions, mais il aura le choix, ou de rembourser la valeur des matériaux et du prix de la main d’œuvre, ou de rembourser une somme égale à celle dont le fonds a augmenté de valeur.

Si le propriétaire du fonds demande la suppression des plantations et constructions, elle est aux frais de celui qui les a faites, sans aucune indemnité pour lui; il peut même être condamné à des dommages et intérêts, s’il y a lieu, pour le préjudice que peut avoir éprouvé le propriétaire du fonds.

Si le propriétaire préfère conserver ces plantations et constructions, il doit le remboursement de la valeur des matériaux et du prix de la main-d’œuvre, sans égard à la plus ou moins grande augmentation de valeur que le fonds a pu recevoir. Néanmoins, si les plantations, constructions et ouvrages ont été faits par un tiers évincé, qui n’aurait pas été condamné à la restitution des fruits, attendu sa bonne foi, le propriétaire ne pourra demander la suppression desdits ouvrages, plantations et ouvrages, mais il aura le choix de rembourser la valeur des matériaux et du prix de la main-d’œuvre, ou de rembourser une somme égale à celle dont le fonds a augmenté de valeur.
ART. 509. The accretions, which are formed successively and imperceptibly to any soil situated on the shore of a river or other stream, are called alluvion.

The alluvion belongs to the owner of the soil situated on the edge of the water, whether it be a river or stream, and whether the same be navigable or not, who is bound to leave public* that portion of the bank which is required by law for the public use.

RCC-455, 498, 504, 510, 512 et seq., 558, 666, 870.

RCC 1870, Art. 509. (Same as Art. 509 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 501. (Projet, p. 47. Addition 1 adopted; comment by redactors)

Les accroissemens qui se forment successivement et imperceptiblement au fonds riverain d’un fleuve ou d’une rivière, s’appellent alluvion.

L’alluvion profite au propriétaire riverain, soit qu’il s’agisse d’un fleuve ou d’une rivière navigable ou non, mais à la charge de laisser le chemin de halage* ou l’espace de rive qui doit de­meurer libre à l’usage du public.


The sand bars and accretions, which form themselves successively and imperceptibly to any soil situated on the shore of a river or creek are called alluvions.

The alluvion belongs to the owner of the soil situated on the edge of the water, whether it be a river or a creek, and whether the same be navigable or not.

CN 1804, Art. 556. Par. 1 same as par. 1, above.

The alluvion belongs to the owner of the soil situated on the edge of the water, whether it be a river or a creek, and whether the same be navigable, floatable, or not; he is bound, in the first case, to allow space for a footpath or towpath in conformity with regulations.

Par. 1 same as par. 1, above.

L’alluvion profite au propriétaire riv­erain, soit qu’il s’agisse d’un fleuve ou d’une rivière navigable, flottable ou non; à la charge, dans le premier cas, de laisser le marchepied ou chemin de halage, conformément aux règlements.

*English translation of French text incomplete; should include “the towpath or.”

ART. 510. The same rule applies to derelictions formed by running water retiring imperceptibly from one of its shores and encroaching on the other; the owner of the land, adjoining the shore
which is left dry, has a right to the dereliction, nor can the owner of the opposite shore, claim the land which he has lost.

This right does not take place in case of derelictions of the sea.

RCC—455, 509, 511 et seq.

Art. 511

If the river or stream, whether navigable or not, carries away by a sudden irruption a considerable tract of land from an adjoining field, which tract of land is susceptible of being identified, by carrying the same on a field lower down, or on the opposite shore, the owner of the tract of land thus carried away, may claim his property, provided he does it within a year, or even after the year has elapsed, if the person, to whose land the soil thus carried away has been united, has not yet taken possession of the same.

RCC—518.

RCC 1870, Art. 511.

Same as above.

CC 1825, Art. 502.

(No reference in Projet)

The same rule applies to derelictions formed by running water retiring imperceptibly from one of its shores and encroaching on the other, the owner of the land adjoining the uncovered shore has a right to the dereliction, nor can the owner of the opposite shore claim on this side, the land which he has there lost.

Par. 2 same as par. 2, above.


The same rule applies to derelictions formed by running water retiring imperceptibly from one of its shores and encroaching on the other, the owner of the land adjoining the uncovered shore has a right to the dereliction, nor can the owner of the opposite shore claim on this side, the land which he has there lost.

Par. 2 same as par. 2, above.

CN 1804, Art. 557.

Same as above; but colon (:) after "other."
If the river or creek whether navigable or not, carries away by a sudden irruption, a considerable tract of land from an adjoining field, which said tract of land is susceptible of being identified, by carrying the same on a field lower down, or on the opposite shore, the owner of the tract of land thus carried away may claim his property, provided he does it within the year, or even after the year has elapsed, if the person to whose land the soil thus carried away, has been united, has not yet taken possession of the same.

Si le fleuve ou la rivière navigable ou non, emporte par une force subite, un morceau considérable et reconnaissable d’un champ riverain, en le portant sur un champ inférieur, ou sur la rive opposée, le propriétaire de la partie enlevée peut reclamer sa propriété ; pour qu’il fasse sa reclamation dans l’année, ou même après ce laps de temps, si celui auquel le champ a été uni, n’en a pas encore pris possession.

ART. 512. Islands and sand bars, which are formed in the beds of navigable rivers or streams, and which are not attached to the bank, belong to the State, if there be no adverse title or prescription.

RCC—455, 504, 510, 513, 514, 517, 3475.

RCC 1870, Art. 512.
Same as above.

ART. 513. Islands and sand bars which are formed in streams not navigable, belong to the riparian proprietors, and are divided among them according to the rules prescribed in the following articles.

RCC—512, 514 et seq., 517, 553.

RCC 1870, Art. 513.
Same as above.
Art. 514

CC 1825, Art. 505. (Projet, p. 47. Addition † adopted; comment by redactors)

Les îles et attérissements littorissi­ments qui se forment dans les riv­ières non navigables, appartiennent aux propriétaires riverains et sont partagés entre eux d’après les règles prescrites dans les articles suivants.

CC 1808. No corresponding article.

CN 1804, Art. 561.

Islands and sand bars which are formed in non-navigable and non-float­able streams belong to the riparian proprietors on the side where the island was formed: if the island is not on one side only, it belongs to the riparian proprietors on both sides, divided by a line supposed to be drawn along the middle of the river.

ART. 514. If the island be formed in the middle of the stream, it belongs to the riparian proprietors, whose lands are situated on the sides opposite the island. If they wish to divide it, it must be divided by a line supposed to be drawn along the middle of the river. The riparian proprietors then, severally take the portion of the island which is opposite their land, in proportion to the front they respectively have on the stream opposite the island.

RCC—512, 513, 553.

RCC 1870, Art. 514.

Same as above.

CC 1825, Art. 506. (Projet, p. 47. Addition † adopted; comment by redactors)

Si l’île est formée au milieu de la rivière, elle appartiendra aux proprié­taires riverains dont les héritages sont situés sur les deux bords de la rivière, vis-à-vis de cette île. S’ils veulent la partager entre eux, on divisera l’île entière en deux portions par une ligne supposée tirée au milieu de la rivière. Après quoi les propriétaires de chaque bord se partageront la portion de l’île qui se trouvera vis-à-vis de leurs héritages, en proportion de l’étendue ou de la face que leurs héritages respectifs pourront avoir sur la rivière, vis-à-vis de cette île.

CC 1808. No corresponding article.

CN 1804, Art. 561.

Quoted under RCC 1870, Art. 513, above.

ART. 515. If on the contrary, the island lies on one of the sides of the line thus supposed to be drawn, it belongs to the riparian proprietors of the side on which the island is, and must be divided among them in proportion to the front they respectively have on the stream opposite the island.

RCC—513, 553.

RCC 1870, Art. 515. (Same as Art. 515 of Proposed Revision of 1869)
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Art. 517

CC 1825, Art. 507. (Projet, p. 48. Addition † adopted; comment by redactors)
If on the contrary, the island lie on one of the sides of the line thus sup­posed to be drawn, it belongs to the riparian proprietors of the side on which the island is, and must be divided among them in proportion to the front they respectively have on the stream opposite the island.

Si au contraire l’île se trouve formée en totalité de l’un des cotés d’une ligne qu’on supposera tirée au milieu de la rivière, cette île n’appartiendra qu’aux propriétaires riverains du côté où elle se trouve située, et se partagera entre’eux, à proportion de l’étendue ou de la face que leurs héritages pourront avoir sur la rivière, vis-à-vis de cette île.

CC 1808. No corresponding article.

CN 1804, Art. 561.
Quoted under RCC 1870, Art. 513, above.

ART. 516. If an alluvion be formed in front of the property of several riparian proprietors, the division is to be made according to the extent of the front line of each at the time of the formation of the alluvion.

RCC—509, 823 et seq.

RCC 1870, Art. 516.
Same as above.

CC 1825, Art. 508. (Projet, p. 48. Addition † adopted; no comment)
Same as above.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 517. If a river or stream, whether navigable or not, by opening itself a new branch cuts off and surrounds the field of any individual owner of the shore, and makes it an island, the owner shall keep the property of his field.

RCC—513 et seq., 553.

RCC 1870, Art. 517. (Same as Art. 517 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 509. (No reference in Projet)
If a river or creek, whether navigable or not, by opening itself a new bed, cuts off and surrounds the field of any individual owner of the shore, and makes it an island, the owner shall keep the property of his field.

CC 1808, p. 106, Art. 16.
If a river or creek whether navigable or not, by opening itself a new bed, cuts off and embraces the field of any individual owner of the shore, and makes it an island, the owner shall keep the property of his field.

-p. 107, Art. 16.
Same as above; but no punctuation after “riverain.”
Art. 518

If a river or stream, whether navigable or not, opens itself a new bed by leaving its former channel, the owners of the soil newly occupied shall take, by way of indemnification, the former bed of the river, every one in proportion to the quantity of land he has lost.

They shall again take their former property, if the river or stream returns to its former channel.

RCC—509, 510, 511, 707.

RCC 1870, Art. 518. (Same as Art. 518 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 510. (No reference in Projet)

If a river or creek, whether navigable or not, opens itself a new bed by leaving its former channel, the owners of the soil newly occupied shall take, by way of indemnification, the former bed of the river, every one in proportion to the quantity of land he has lost.

They shall again take their former property, if the river or creek returns to its former channel.

CC 1808, p. 106, Art. 17.

Same as above; but no punctuation after "a river or creek", after "shall take", or after "of the river"; comma (,) after "occupied."

Art. 519.

Pigeons, bees or fish, which go from one pigeon house, hive or fish pond, into another pigeon house, hive or fish pond, belong to the owner of those things; Provided, Such pigeons, bees or fish have not been attracted thither by fraud or artifice.

RCC—468, 3415, 3417 et seq. Acts 1932, No. 68.

RCC 1870, Art. 519.

Same as above.
Section 2—OF THE RIGHT OF ACCESSION IN RELATION TO MOVABLES

Art. 520. The right of accession, when it operates upon two movable things, belonging to two different owners, rests altogether upon principles of natural equity.

The following rules shall direct the determination of the judge in unforeseen cases, according to the peculiar circumstances of such cases.

RCC—21, 498, 499, 504, 505 et seq.

RCC 1870, Art. 520.
Same as above.

CC 1825, Art. 512. (No reference in Projet)
Same as above; but "unforeseen" spelled "unforeseen."

The right of accession, when it extends to two movable things belonging to two different owners, rests altogether upon principles of natural equity. The following rules shall direct the determination of the judge, in unforeseen cases, according to the peculiar circumstances of said cases.

CN 1804, Art. 565.
Par. 1 same as par. 1, above.

Le droit d'accession lorsqu'il a pour objet deux choses mobilières appartenant à deux maîtres différents, est entièrement subordonné aux principes de l'équité naturelle.
Art. 521

The following rules shall serve as examples to the judge for his decision, in unforeseen cases, according to the peculiar circumstances of such cases.

ART. 521. When two things belonging to different owners, and which have been united in such a manner as to form a whole, are nevertheless of a nature to be separated, so that one may exist without the other, the whole belongs to the owner of the thing which forms the principal part, under the obligation of reimbursing to the other the value of the thing which has been united to his own.

RCC—522 et seq., 528.

RCC 1870, Art. 521.
Same as above.

CC 1825, Art. 513.
Same as above.

(No reference in Projet)

CC 1808, p. 106, Art. 20.
When two things belonging to different owners and which have been united in such a manner as to form a whole, are nevertheless of a nature to be separated, so that one may exist without the other, the whole belongs to the owner of the thing which forms the principal part, subject to his reimbursing to the other, the value of the thing which has been united to his own.

CN 1804, Art. 566.
Same as above; RCC 1870 preferred.

(No reference in Projet)

ART. 522. The part which is considered as principal, is that to which the other has been united only for the use, ornament or completion of the other.

Thus the diamond is the principal part with reference to the gold in which it is set.

The coat itself, with reference to the lace, lining and embroidery.

RCC—521, 523, 524, 528.

RCC 1870, Art. 522.
Same as above.

CC 1825, Art. 514.
Same as above; but no punctuation after “itself.”
Nevertheless equity requires that there should be some exception to the preceding rule, when the thing united is much more precious than the principal thing, and when it has been made use of, unknown to the owner. In such case, the owner may demand that the thing be separated and returned to him; even though some injury should result to the thing to which it has been united.

RCC—521, 522, 524, 1289.

RCC 1870, Art. 523.
Same as above.

CC 1825, Art. 515.
(No reference in Projet)
L'équité veut néanmoins que la règle précédente reçoive exception, quand la chose unie est beaucoup plus précieuse que la chose principale, et quand elle a été employée à l'insu du propriétaire; dans ce cas celui-ci peut demander que la chose unie soit séparée pour lui être rendue, même quand il pourrait en résulter quelque dégradation de la chose à laquelle elle a été jointe.

CC 1808, p. 108, Art. 22.
Nevertheless equity requires that there should be some exception to the preceding rule, when the thing united is much more precious than the principal thing, and when it has been made use of unknown to the owner. In such case the owner may demand that the thing be separated and returned to him; even though some injury should result to the thing to which it has been united.

CN 1804, Art. 568.
Néanmoins, quand la chose unie est beaucoup plus précieuse que la chose principale, et quand elle a été employée à l'insu du propriétaire, celui-ci peut demander que la chose unie soit séparée pour lui être rendue, même quand il pourrait en résulter quelque dégradation de la chose à laquelle elle a été jointe.

Projet du Gouvernement (1800), Book II, Title II, Art. 28.
L'équité veut néanmoins que la règle précédente reçoive exception, quand la chose unie est beaucoup plus précieuse...
Art. 524

is much more precious than the principal thing, and has been made use of unknown to the true owner, although some injury might result to the thing to which it has been united.

Art. 524. If of the two things united to form one whole, the one can not be considered as the accession [accessory] of the other, the most considerable in value or in bulk, if the value be nearly equal, shall be considered as the principal.

RCC—521 et seq., 528.

RCC 1870, Art. 524.
Same as above.

CC 1825, Art. 516.
Same as above.

If the two things united to form one whole, the one cannot be considered as the accession [accessory] of the other, the most considerable in value, or in bulk, if the value be nearly equal, shall be considered as the principal.

CN 1804, Art. 569.
If of the two things united to form one whole, the one cannot be considered as the accessory of the other, the more considerable in value, or in bulk, if the value be nearly equal, shall be considered as the principal.

Art. 525. If an artificer, or any person whatever, has employed materials which did not belong to him, in making another article, whether the materials may or may not be brought back to their former shape, the person who was the owner of the materials, has a right to claim the thing which was made out of them, on reimbursing the price of the workmanship.

RCC—526, 531.

RCC 1870, Art. 525.
Same as above.

CC 1825, Art. 517.
Same as above.

Si un artisan ou une personne quelconque a employé une matière qui ne lui appartenait pas, à former une chose d'une nouvelle espèce, soit que la matière puisse ou non, reprendre sa première forme, celui qui en était le propriétaire a le droit de réclamer la chose qui en a été formée, en remboursant le prix de la main-d'œuvre.
If an artificer or any person whatever has employed materials which did not belong to him, in the making of a thing of a new kind, whether the materials may or not receive their former shape, the person who was the owner of the substance, has a right to claim the thing which was made out of it on reimbursing the price of the workmanship.

Same as above; but no punctuation after "quelconque", or after "non"; comma (,) after "propriétaire."

ART. 526. The rule established in the preceding article does not apply when the workmanship is so important that it greatly surpasses the value of the materials which have been employed. Industry, then, is considered as the principal part, and gives the workman a right to keep the thing which he has made on condition of reimbursing the price of the materials which were employed.

La règle établie dans l'article ci-dessus cesse lorsque la main-d'œuvre est tellement importante, qu'elle surpasse de beaucoup la valeur de la matière employée; l'industrie est alors réputée la partie principale, et donne le droit à l'ouvrier de retenir la chose travaillée, en remboursant le prix de la matière employée.

Si cependant la main-d'œuvre était tellement importante, qu'elle surpassait de beaucoup la valeur de la matière employée, l'industrie serait alors réputée la partie principale, et l'ouvrier aurait le droit de retenir la chose travaillée, en remboursant le prix de la matière au propriétaire.
Art. 527  

Industry then is considered as the principal part, and gives the workman a right to keep the thing which he has worked, on condition of reimbursing to the owner the price of the materials.

ART. 527. When a person has employed materials, part of which did, and part of which did not belong to him, in making a thing of a new kind, without either part of the materials being entirely destroyed, but in such a manner that they can not be separated without inconvenience, the thing belongs in common to both proprietors, the share of the one being in proportion to the value of the materials which belonged to him, and of the other in proportion both to the value of the materials which belonged to him, and of the price of the workmanship.

RCC—530, 1289.

RCC 1870, Art. 527.  
Same as above.

CC 1825, Art. 519.  
Same as above.

When a person has employed materials, part of which did, and part of which did not belong to him, in making a thing of a new kind, without either part of the materials being entirely destroyed, but in such a manner that they cannot be separated without inconvenience, the thing is common to both proprietors, to the one as to the materials which belonged to him, and to the other both as to the materials which belonged to him and as to the price of the workmanship.

CN 1804, Art. 572.  
Same as above.
ART. 528. When a thing has been formed by a mixture of several materials belonging to different proprietors, neither of which can be considered as the principal substance, if the materials can be separated, the proprietor, without whose consent the mixture was made, may demand the separation.

If the materials cannot be separated without inconvenience, their owners acquire in common the property of the thing in proportion to the quantity, quality and value of the materials belonging to each of them.

RCC—521, 522, 524, 529 et seq., 1289.

RCC 1870, Art. 528.
Same as above.

CC 1825, Art. 520. (No reference in Projet)
Same as above.

CC 1808, p. 108, Art. 27.
When a thing has been formed by a mixture of several materials belonging to different proprietors, each of which cannot be considered as the principal substance,* the person unknown to whom the materials have been mixed may require the division of the same.

If the materials cannot be separated without inconvenience, their owners acquire in common the property of the thing, in proportion to the quantity, quality and value of the materials belonging to every one of them.

CC 1804, Art. 573.
Same as CC 1825, Art. 520, above.

-CN 1804, Art. 573.
Par. 1 same as par. 1, above; but "chacune" correctly spelled "aucune"; semicolon (;) after "principale."
Si les matières ne peuvent plus être séparées sans inconvénient, ils en acquièrent en commun la propriété dans la proportion de la quantité, de la qualité et de la valeur des matières appartenant à chacun d'eux.

*English translation of French text incomplete; should include "if the materials can be separated."

ART. 529. If the materials belonging to one of the proprietors, be far superior to the others, both in quantity and value, in that case

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the proprietor of the most valuable materials may claim the thing resulting from the mixture, on reimbursing to the other the value of his materials.

RCC—528, 531.

Art. 529.

When the thing remains in common to the proprietors of the materials with which it has been formed, it must be sold at auction for the common benefit.

RCC—527, 528, 1289.

Art. 530. When the thing belongs in common to the proprietors of the materials with which it has been formed, it must be sold at auction for the common benefit.

RCC—527, 528, 1289.

Art. 531. In all cases where the proprietor, whose materials have been employed unknown to him in making a thing of another kind, has a right to claim the property of that thing, he is at liberty
to demand either that the materials be returned to him in the same species, quantity, weight, measure and quality, or that their value be paid.

RCC—523, 525, 528 et seq.

RCC 1870, Art. 531.
Same as above.

CC 1825, Art. 523.
Same as above.

In all cases when the proprietor whose materials have been employed unknown to him, in making a thing of another kind, has a right to claim the property of that thing, he is at liberty to demand either that the materials be returned to him, in the same species, quantity, weight, measure and quality, or that their value be paid.

CN 1804, Art. 576.
Same as above.

ART. 532. Damages may also be recovered against those who have employed materials belonging to others, unknown to them,* according to circumstances**; and they are still liable to be prosecuted criminally, should the case require it.

RCC—528.

RCC 1870, Art. 532.
Same as above.

CC 1825, Art. 524.
Same as above.

Against those who shall have employed materials belonging to others, unknown to them,* may also be recovered damages according to circumstances** and they are still liable to be prosecuted criminally, should the case require it.

Ceux qui auront employé des matières appartenant à d'autres, et à leur insu,* pourront aussi être condamnés à des dommages-intérêts, s'il y a lieu,** sans préjudice des poursuites par la voie criminelle, si le cas y échet.

-p. 109, Art. 31.

Same as above; but no punctuation after "d'autres", or after "insu."
Art. 533

CN 1804, Art. 577.

Damages may also be recovered against those who have employed materials belonging to others, and without the knowledge of the latter, if the occasion warrants, and they are still liable to be prosecuted criminally, should the case require it.

*Note error in English translation of French text; "unknown to them" should be "and without the knowledge of the latter."

**Note error in English translation of French text; "according to circumstances" should be "if the occasion warrants."

TITLE III—OF USUFRUCT, USE AND HABITATION

Chapter 1—Of Usufruct

Section 1—GENERAL PRINCIPLES

Art. 533. Usufruct is the right of enjoying a thing, the property of which is vested in another, and to draw from the same all the profit, utility and advantages which it may produce, provided it be without altering the substance of the thing.

The obligation of not altering the substance of the thing takes place only in the case of perfect usufruct.


RCC 1870, Art. 533. (Same as Art. 533 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 525. (Projet, p. 48. Amendment I adopted; comment by redactors)

Par. 1 same as par. 1, above.

The obligation of not altering the substance of the thing takes place only in the case of a complete usufruct.

CC 1808, p. 110, Art. 1.

Usufruct is the right of enjoying a certain thing the property of which is vested in another, and to draw from the same, all the profit, utility and advantages which it may produce, as the owner himself could do, provided it be without altering the substance of the thing.

This obligation of not altering the substance of the thing, takes place only in the case of a complete usufruct.

CN 1804, Art. 578.

Usufruct is the right of enjoying things, the property of which is vested in another, as could the owner himself, but under the obligation of preserving its substance.

L'usufruit est le droit de jouir d'une chose dont un autre a la propriété, d'en tirer tout le profit, toute l'utilité, toute la commodité qu'elle peut produire, pourvu que ce soit sans altérer sa substance.

Cette obligation de ne point altérer la substance de la chose sujette à l'usufruit, n'a lieu que dans le cas de l'usufruit parfait.

p. 111, Art. 1.

L'usufruit est le droit de jouir d'une certaine chose dont un autre a la propriété et d'en tirer tout le profit, toute l'utilité, toute la commodité qu'elle peut produire, comme pourrait le faire le propriétaire lui-même, pourvu que ce soit sans en altérer la substance.

Par. 2 same as par. 2, above.