Title V. Of Quasi Contracts, and of Offenses and Quasi Offenses (Art. 2292 - 2324)

Louisiana
Art. 2291

Art. 2291. The judicial confession is the declaration which the party, or his special attorney in fact, makes in a judicial proceeding. It amounts to full proof against him who has made it. It cannot be divided against him. It cannot be revoked, unless it be proved to have been made through an error in fact. It cannot be revoked on a pretense of an error in law.

RCC—1819, 1821, 1822, 1846, 2248, 2289.

RCC 1870, Art. 2291.

Same as above.

CC 1825, Art. 2270.

Same as above; but semicolon (;) after “made it”, after “divided against him”, and after “fact.”

CC 1808, p. 314, Art. 257.

The judicial avowal is the declaration which the party, or his special attorney in fact, makes in judicial proceedings. Par. 2 same as par. 2, above; but period (.) after “made it.” It cannot be divided against him. It cannot be revoked, unless it be proved to have been made through an error in fact. It cannot be revoked on a pretext of an error in right.

CN 1804, Art. 1356.

Same as CC 1825, Art. 2270, above.

CC 1804, Art. 1356.

Same as above; but “qui la” correctly spelled “qui l’a”; no punctuation after “judiciaire”, after “partie”, or after “pourrait être révoqué”; period (.) after “l’a fait”, and after “lui.”

TITLE V—OF QUASI CONTRACTS, AND OF OFFENSES AND QUASI OFFENSES

Art. 2292. Certain obligations are contracted* without any agreement, either on the part of the person bound, or of him in whose favor the obligation takes place.

Some are imposed by the sole authority of the laws, others from an act done by the party obliged, or in his favor.

The first are such engagements as result from tutorship, curatorship, neighborhood, common property,** the acquisition of an inheritance, and other cases of a like nature.

The obligations, which arise from a fact, personal to him who is bound, or relative to him, result either from quasi contracts, or from offenses and quasi-offenses.


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RCC 1870, Art. 2292. (Same as Art. 2292 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2271. (Projet, p. 290. Substitution is adopted; no comment)

Some are imposed by the sole authority of the law, others from an act done by the party obliged, or in his favor.

Par. 3 same as par. 3, above.

The obligations, which arise from a fact, personal to him who is bound, or relative to him, result either from quasi-contracts, or from offenses and quasi-offences. They are the subject of the present title.

CC 1808, p. 318, Art. 1.

There are certain engagements formed without the intervention of any agreement, either on the part of him who obligates himself, or on the part of him towards whom he is obligated, such are those resulting from a fact personal to him who is obligated. Those engagements result either from quasi-contracts or from quasi-offences. (Suppressed on recommendation of redactors; Projet, p. 290)

-p. 318, Art. 3.

In the number of quasi-contracts are not included those engagements which are formed involuntarily, such as those of tutors and other administrators, who cannot refuse the function confided to them, nor those which are formed between neighboring landholders; in all those cases the obligation results only from the authority of the law.

What concerns tutors has been made the subject of a particular title.—What concerns engagements between neighboring landholders, makes part of the rules relating to legal servitudes. (Suppressed on recommendation of redactors; Projet, p. 290)

CN 1804, Art. 1370.

Certain obligations are formed without any agreement either on the part of the person bound, or of him in whose favor the obligation takes place.

Some result from the sole authority of the law. Others arise from a fact personal to him who is obligated.

The first are engagements formed involuntarily, such as those between neigh-

-p. 319, Art. 3.

On ne doit point mettre au nombre des quasi-contracts, les engagements qui se forment involontairement, tels que ceux des tuteurs, ou des autres administrateurs qui ne peuvent refuser la fonction qui leur est confiée, ni ceux qui se forment entre propriétaires voisins. Dans tous ces cas, l’obligation ne résulte que de l’autorité de la loi.

Ce qui concerne les tuteurs, a fait la matière d’un titre particulier; ce qui concerne les engagements entre propriétaires voisins, fait partie des règles relatives aux servitudes légales. (Suppressed on recommendation of redactors; Projet, p. 290)

Par. 1 same as CC 1825, Art. 2271, par. 1, above; but no punctuation after “forment.”

Les uns résultent de l’autorité seule de la loi. Les autres naissent d’un fait personnel à celui qui se trouve obligé.

Les premiers sont les engagements formés involontairement, tels que ceux
Quasi contracts are the lawful and purely voluntary act of a man, from which there results any obligation whatever to a third person, and sometimes a reciprocal obligation between the parties.

RCC—1760, 1785, 2292, 2294, 2295, 2301, 2302. CP—18, 30.

RCC 1870, Art. 2293.
Same as above.

CC 1825, Art. 2272.
Same as above.

CC 1808, p. 318, Art. 2.
Quasi contracts are a man's purely voluntary acts, from which results any kind of engagement towards another person, and sometimes a reciprocal engagement between the parties.

Les quasi contrats sont les faits licites, purement voluntaires de l'homme, dont il résulte un engagement quelconque envers un tiers, et quelquefois un engagement réciproque des deux parties.
ART. 2294. All acts, from which there results an obligation without any agreement, in the manner expressed in the preceding article, form quasi contracts. But there are two principal kinds which give rise to them, to wit: The transaction of another’s business, and the payment of a thing not due.

RCC—1760, 2292, 2293, 2301.

ART. 2295. When a man undertakes, of his own accord, to manage the affairs of another, whether the owner be acquainted with the undertaking or ignorant of it, the person assuming the agency contracts the tacit engagement to continue it* and to complete it, until the owner shall be in a condition to attend to it himself; he assumes also the payment of the expenses attending the business.

He incurs all the obligations which would result from an express agency with which he might have been invested by the proprietors.

RCC—508, 574, 760, 1781, 1908, 2293, 2296 et seq., 2864, 3010, 3031, 3038, 3315, 3355, 3426, 3433, 3438, 3441, 3445, 3510.

ART. 2295. When a man undertakes, of his own accord, to manage the affairs of another, whether the owner be acquainted with the undertaking or ignorant of it, the person assuming the agency contracts the tacit engagement to continue it* and to complete it, until the owner shall be in a condition to attend to it himself; he assumes also the payment of the expenses attending the business.

He incurs all the obligations which would result from an express agency with which he might have been invested by the proprietors.

RCC—508, 574, 760, 1781, 1908, 2293, 2296 et seq., 2864, 3010, 3031, 3038, 3315, 3355, 3426, 3433, 3438, 3441, 3445, 3510.

ART. 2295. When a man undertakes, of his own accord, to manage the affairs of another, whether the owner be acquainted with the undertaking or ignorant of it, the person assuming the agency contracts the tacit engagement to continue it* and to complete it, until the owner shall be in a condition to attend to it himself; he assumes also the payment of the expenses attending the business.

He incurs all the obligations which would result from an express agency with which he might have been invested by the proprietors.

RCC—508, 574, 760, 1781, 1908, 2293, 2296 et seq., 2864, 3010, 3031, 3038, 3315, 3355, 3426, 3433, 3438, 3441, 3445, 3510.
He incurs all the obligations, which would result from an express agency with which he might have been invested by the proprietor.

**CC 1808, p. 318, Art. 5.**
He who voluntarily takes upon himself to manage any business of another person's, whether he has undertaken to do it with or without the knowledge of the latter, contracts a tacit engagement to continue the management he has begun, and to complete it until the master be able to see to it himself.

He subjects himself to all the obligations that would have resulted from an express agency given to him by the proprietor.

**CN 1804, Art. 1372.**
When a man undertakes of his own accord to manage the affairs of another, whether the owner be acquainted with the undertaking or ignorant of it, the person assuming the agency contracts the tacit engagement to continue the management he has begun and to complete it until the owner shall be in a condition to attend to it himself; he assumes also all subsidiary matters attending this same business.

Par. 2 same as par. 2, above.

**Projet du Gouvernement (1800), Book III, Title III, Art. 5.**
Same as CC 1808, p. 318, Art. 5, above.

*Note error in English translation of French text; "it" should be "the management he has begun."

**ART. 2296.** He who has taken upon himself the management of some particular affair is not bound to manage others unconnected with that.

RCC—2295.

**RCC 1870, Art. 2296.**
(Same as Art. 2296 of Proposed Revision of 1869)
Same as above.

**CC 1825, Art. 2275.**
(No reference in Projet)
Same as above; but "taken upon himself" misspelled "taken himself"; comma (,) after "affair."

**CC 1808, p. 318, Art. 6.**
He who has interfered in one affair is not obliged to concern himself with another that is not connected with the former.

**CN 1804.** No corresponding article.
ART. 2297. The duties he has undertaken do not cease even if the person, for whom he acts, die previous to the business being terminated; they continue until the heir can take upon himself the direction of it.

RCC—2295, 3002, 3027, 3034.

ART. 2298. In managing the business, he is obliged to use all the care of a prudent administrator.

Yet, where circumstances of friendship or of necessity have induced a person to undertake the management, that consideration may authorize the judge to mitigate the damages which may arise from the faults or the negligence of the manager.

RCC—221, 337, 415, 567, 1147, 1908, 1934, 2315, 2468, 2710, 2898, 2937, 3003, 3031, 3167, 3315, 3355.

ART. 2297. Il est obligé de continuer sa gestion, encore que le maître vienne à mourir avant que l'affaire soit consommée, jusqu'à ce que l'héritier ait pu en prendre la direction.

ART. 2298. Il est tenu d'apporter à la gestion de l'affaire tous les soins d'un bon père de famille.

Les circonstances d'amitié ou de nécessité qui néanmoins l'ont conduit à se charger de l'affaire, peuvent autoriser le juge à modérer les dommages-intérêts qui peuvent résulter des fautes ou de la négligence du gérant.
Yet, where circumstances have induced a person to undertake the management, that consideration may authorize the judge to mitigate the damages which may arise from the faults or the negligence of the manager.

Projet du Gouvernement (1800), Book III, Title III, Art. 8.
Same as CC 1808, p. 318, Art. 8, above.

ART. 2299. Equity obliges the owner, whose business has been well managed, to comply with the engagements contracted by the manager, in his name; to indemnify the manager in all the personal engagements he has contracted; and to reimburse him all useful and necessary expenses.

RCC—760, 1256, 1257, 1259, 1793, 1818, 1889, 1903, 1965, 2300, 2314, 2870, 2908, 2960, 3004, 3008, 3010, 3021 et seq., 3052, 3167, 3177, 3217(8), 3224 et seq., 3262, 3407.

RCC 1870, Art. 2299. (Same as Art. 2299 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 2278. (No reference in Projet)
Equity obliges the proprietor, whose business has been well managed, to comply with the engagements contracted by the manager, in his name; to indemnify the manager in all the personal engagements he has contracted; and to reimburse him all useful and necessary expenses.

CC 1808, p. 320, Art. 9.
Equity obliges the master whose business has been well managed, to comply with the engagements contracted by the manager, in his name; to indemnify the manager in all the personal engagements he has contracted; and to reimburse him all useful or necessary expenses.

CN 1804, Art. 1375.
The owner whose business has been well managed must comply with the engagements contracted by the manager, in his name, indemnify the manager in all the personal engagements he has contracted, and reimburse him all useful or necessary expenses.

Projet du Gouvernement (1800), Book III, Title III, Art. 9.
Same as CC 1808, p. 320, Art. 9, above.

*Note error in English translation of French text; “or” should be “and.”
ART. 2300. All persons, such even as are incapable of consent, may, by the quasi contract, resulting from the act of a third person, become either the object or the subject of an obligation*; because the use of reason, although necessary on the part of the person whose act forms the quasi contract, is not requisite in those by whom, or in whose favor, the obligations resulting from the act, are contracted.

RCC—760, 1782 et seq., 1889, 1890, 1902, 2299.

RCC 1870, Art. 2300.
Same as above.

CC 1825, Art. 2293.  (Projet, p. 292. Addition 1 adopted; no comment)
Same as above; but comma (,) after "obligation."

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*Note error in English translation of French text; "either the object or the subject of an obligation" should be "bound towards him and bind him towards them."

Section 3—OF THE PAYMENT OF A THING NOT DUE

ART. 2301. He who receives what is not due to him, whether he receives it through error or knowingly, obliges himself to restore it to him from whom he has unduly received it.


RCC 1870, Art. 2301.
Same as above.

CC 1825, Art. 2279.  (No reference in Projet)
Same as above; but comma (,) after "error."

CC 1808, p. 320, Art. 10.
Same as above; but no punctuation after "error."

CN 1804, Art. 1376.
He who receives through error or knowingly what is not due to him obliges himself to restore it to him from whom he has unduly received it.

Projet du Gouvernement (1800), Book III, Title III, Art. 10.
Same as CC 1808, p. 320, Art. 10, above.

Same as CC 1808, p. 321, Art. 10, above.
Art. 2302

ART. 2302. He who has paid through mistake, believing himself a debtor, may reclaim what he has paid.

RCC—1757 et seq., 1821, 1893, 2133, 2145, 2292, 2293, 2301, 2303 et seq., 2310, 2443, 2984, 3055, 3056. CP—17, 18.

RCC 1870, Art. 2302.
Same as above.

CC 1825, Art. 2280. (Projet, p. 291. Addition adopted; no comment)

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 2303. To acquire this right, it is necessary that the thing paid be not due in any manner, either civilly or naturally. A natural obligation to pay will be sufficient to prevent the recovery.

RCC—1757, 1759, 1822, 1846, 2133, 2301, 2302, 2304 et seq., 2984. CP—17, 18.

RCC 1870, Art. 2303.
Same as above.

CC 1825, Art. 2281. (Projet, p. 291. Addition adopted; no comment)

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 2304. A thing not due is that which is paid on the supposition of an obligation which did not exist, or from which a person has been released.

RCC—1846(6), 2301 et seq., 2305 et seq.

RCC 1870, Art. 2304.
Same as above.

CC 1825, Art. 2282. (Projet, p. 291. Addition adopted; no comment)

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 2305. That which has been paid in virtue of a void title is also considered as not due.

RCC—2301, 2303, 2304, 2306 et seq.

RCC 1870, Art. 2305.
Same as above.
CIVIL CODES OF LOUISIANA  
Art. 2308

CC 1825, Art. 2283.  (Projet, p. 292. Addition amended in English text and adopted; no comment)
That which has been paid in virtue of a void title, it is also considered as not true.

CC 1808.  No corresponding article.
CN 1804.  No corresponding article.

ART. 2306.  The payment from which we might have been relieved by an exception that would extinguish the debt, affords ground for claiming restitution.

RCC 1870, Art. 2306.
Same as above.

CC 1825, Art. 2284.  (Projet, p. 292. Addition adopted; no comment)
Le payement, auquel on pouvait se soustraire par une exception qui éteignait la dette, donne également lieu à la répétition.

CC 1808.  No corresponding article.
CN 1804.  No corresponding article.

ART. 2307.  But this exception must be such that it shall extinguish even all natural obligation. Thus he who, having the power to plead prescription, shall have made payment, can not* claim restitution.

RCC 1870, Art. 2307.
Same as above.

CC 1825, Art. 2285.  (Projet, p. 292. Addition adopted; no comment)
Mais il faut que cette exception soit telle, qu'elle anéantisson même l'obligation naturelle. Ainsi celui qui, pouvant se prévaloir de la prescription, aurait payé, ne pourrait ensuite* répéter.

CC 1808.  No corresponding article.
CN 1804.  No corresponding article.

*English translation of French text incomplete; should include “afterwards.”

ART. 2308.  It is considered that a thing has been paid, when not due, if the payment was made by virtue of an agreement, the effect of which is suspended by a condition, the event of which is uncertain.

RCC 1870, Art. 2308.
Same as above.

CC 1825, Art. 2286.  (Projet, p. 292. Addition adopted; no comment)
On a payé une chose non due quand le payment a été fait en vertu d'une convention, dont l'effet est suspendu par une condition, dont l'événement est incertain.

CC 1808.  No corresponding article.
CN 1804.  No corresponding article.

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ART. 2309. This principle must not be extended to things due on a day certain, nor to conditions which must certainly happen.

RCC—2049, 2308.

RCC 1870, Art. 2309.
Same as above.

CC 1825, Art. 2287.
Same as above.

CC 1808. No corresponding article.

CC 1804. No corresponding article.

ART. 2310. He who, through mistake has paid the debt of another to whom he believed himself indebted, has a claim to restitution from the creditor.

This right ceases, if, in consequence of the payment, the creditor has destroyed or parted with* his title; but the recourse still remains to the person paying against the true debtor.

RCC—1821, 1881, 1893, 1896, 2133, 2145, 2301 et seq., 3055, 3056. CP—17, 18.

RCC 1870, Art. 2310.
(Same as Art. 2310 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2288.
(Projet, p. 292. Substitution adopted; no comment)

But this right ceases, if, in consequence of the payment, the creditor has destroyed or parted with his title; the recourse still remains to the person paying against the true debtor.

CC 1808, p. 320, Art. 11.
He who has received what was really due to him, but from a person who did not owe it, who paid in the belief that he did owe it, is obliged to restore it to him who made payment only through error.

The action of reclaim does not however lie in this case, if the creditor has suppressed his title in consequence of payment; but he who has paid, has recourse against the real debtor. (Suppressed on recommendation of redactors; Projet, p. 292)

CN 1804, Art. 1377.
When a person, who through mistake believed himself indebted, has paid a debt, he has a claim to restitution from the creditor.

Nevertheless, this right ceases, if, in consequence of the payment, the creditor has destroyed his title, but the recourse still remains to the person paying against the true debtor.

Lorsqu'une personne qui, par erreur, se croyait débitrice, a acquitté une dette, elle a le droit de répétition contre le créancier.

Néanmoins ce droit cesse dans le cas où le créancier a supprimé son titre par suite du paiement, sauf le recours de celui qui a payé contre le véritable débiteur.
ART. 2312. If the thing unduly received is an immovable property or a corporeal movable, he who has received it, is bound to restore it in kind, if it remain, or its value, if it be destroyed or injured by his fault; he is even answerable for its loss by fortuitous event, if he has received it in bad faith.

RCC—1933, 2155, 2219, 2311, 2315, 2945.

RCC 1870, Art. 2312.
Same as above.

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Art. 2313

CC 1825, Art. 2290. (Projet, p. 292. Amendment adopted; no comment)
Same as above.

Si la chose, indûment reçue, est un
immeuble ou un meuble corporel, celui
qui l'a reçue s'oblige à la restituer en
nature, si elle existe, ou sa valeur, si
elle est pérée ou détériorée par sa faute;
il est même garant de sa perte par cas
fortuit, s'il l'a reçue de mauvaise foi.

CC 1808, p. 320, Art. 13.
If the thing unduly received, is an
immoveable property or a corporeal
moveable, he who has received it, is
bound to preserve it; and he is even
responsible for its loss by fortuitous
accident, if he has received it through
want of good faith.

Si la chose indûment reçue est un
immeuble, ou un meuble corporel, celui
qui l'a reçue, est tenu de la conserver,
et il est même garant de sa perte par cas
fortuit, s'il l'a reçue de mauvaise foi.

CN 1804, Art. 1379.
Same as CC 1825, Art. 2290, above.

Si celui qui a reçu de bonne foi, a
vendu la chose, il ne doit restituer que
le prix de la vente.

ART. 2313. If he who has received bona fide, has sold the
thing, he is bound to restore only the price of the sale.

If he has received in bad faith, he is bound besides this re-
stitution to indemnify fully the person who has paid.

RCC—79, 2138, 2145, 2311, 2452, 2510, 2946, 2947, 3453, 3507.

RCC 1870, Art. 2313.*
Same as above.

CC 1825, Art. 2291. (Projet, p. 292. Amendment adopted; no comment)
Same as above; but comma (,) after
"faith, he is bound", and after "resti-
tution."

Si celui qui a reçu de bonne foi, a
vendu la chose, il ne doit restituer que
le prix de la vente.
S'il a reçu de mauvaise foi, il doit,
outre cette restitution, indemniser
pleinement celui qui a payé.

Same as par. 1, above.

Same as par. 1, above.

CN 1804, Art. 1380.
Same as above.

Same as above.

*Official edition reads "Art. 1313."

ART. 2314. He to whom property is restored must refund
to the person who possessed it, even in bad faith, all he had neces-
sarily expended* for the preservation of the property.

RCC—508, 1259, 1793, 2299, 2311, 2509, 2598, 2904, 2908, 2947, 2960,
3167, 3217(6), 3224 et seq., 3262, 3507.

RCC 1870, Art. 2314.
Same as above.

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Chapter 2—Of Offenses and Quasi Offenses

Art. 2315. Every act whatever of man that causes damage to another, obliges him by whose fault it happened to repair it; the right of this action shall survive in case of death in favor of the children, including adopted children, or spouse of the deceased, or either of them, and in default of these in favor of the surviving father and mother or either of them, and in default of any of the above persons, in favor of the surviving brothers and sisters, or either of them, for the space of one year from the death, provided that should the deceased leave a surviving spouse, together with minor children, the right of action shall accrue to both the surviving spouse and minor children; provided further, that the right of action shall accrue to the major children only in those cases where their survivial is not in the adoption or in favor of the surviving adoptive parents, or either of them, and in default of these in favor of the surviving father and mother of the adopted person, or either of them, and in default of these, then in favor of the surviving brothers and sisters of the adopted person, or either of them, for the space of one year from the death.

The survivors above mentioned may also recover the damages sustained by them by the death of the parent or child or husband or wife or brothers or sisters or adoptive parent, or parents, or adopted person, as the case may be. (As amended by Acts 1932, No. 159)
Art. 2315. (As amended by Acts 1918, No. 159)

Every act whatever of man that causes damages to another, obliges him by whose fault it happened to repair it; the right of this action shall survive in case of death in favor of the children or surviving spouse of the deceased or either of them, and in default of these in favor of the surviving father and mother or either of them, for the space of one year from the death; provided that should the deceased leave a surviving spouse, together with minor children, the right of action shall accrue to both the surviving spouse and minor children; provided further, that the right of action shall accrue to the major children only in cases where there is no surviving spouse or minor child or children.

The survivors above mentioned may also recover the damages sustained by them by the death of the parent or child or husband or wife or brothers or sisters as the case may be. (As amended by Acts 1908, No. 120)

Art. 2315. (As amended by Acts 1884, No. 71)

Every act whatever of man that causes damage to another, obliges him by whose fault it happened to repair it; the right of this action shall survive in case of death in favor of the minor children and widow of the deceased or either of them, and in default of these in favor of the surviving father and mother or either of them, for the space of one year from the death.

The survivors above mentioned may also recover the damages sustained by them by the death of the parent or child, or husband or wife, as the case may be. (As amended by Acts 1884, No. 71)

RCC 1870, Art. 2315. (Same as Art. 2315 of Proposed Revision of 1869; similar to CC 1825, Art. 2294, as amended by Acts 1855, No. 223 (RS §4351))

Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it; the right of this action shall survive in case of death in favor of the minor children or widow of the deceased, or either of them, and in default of these, in favor of the surviving father and mother, or either of them, for the space of one year from the death. The survivors above mentioned may also recover the damages sustained by them by the death of the parent or child, or husband or wife, as the case may be. (As amended by Acts 1884, No. 71)

CC 1825, Art. 2294. (Projet, p. 293. Amendment † adopted; no comment)

Every act whatever of man, that causes damage to another, obliges him, by whose fault it happened, to repair it. Tout fait quelconque de l'homme qui cause à autrui un dommage, oblige celui par la faute duquel il est est [il est] arrivé, à le réparer.


Every act whatever of man, that causes damage to another, obliges him by whose fault it happened, to repair it, even though the fault be not of the nature of those which expose to the penalties of simple or correctional police. Tout fait quelconque, qui cause à autrui un dommage, oblige celui, par la faute duquel il est arrivé, à le réparer, encore que la faute ne soit point de la nature de celles qui exposent à des peines de police simple ou correctionnelle.

CN 1804, Art. 1382.

Same as CC 1825, Art. 2294, above. Same as CC 1825, Art. 2294, above; but "il est est" correctly spelled "il est"; comma (,) after "l'homme."
Projet du Gouvernement (1800), Book III, Title III, Art. 16.

Same as CC 1808, p. 320, Art. 16, above.

Art. 2316. Every person is responsible for the damage he occasions not merely by his act, but by his negligence, his imprudence, or his want of skill.

RCC—670, 2315, 2317, 2320 et seq., 2695, 2754, 2759, 2762, 3003, 3167, 3536, 3545.

RCC 1870, Art. 2316.
Same as above.

CC 1825, Art. 2295.
Same as above.

Projet du Gouvernement (1800), Book III, Title III, Art. 19.
Same as CC 1808, p. 320, Art. 19, above.

Art. 2317. We are responsible, not only for the damage occasioned by our own act, but for that which is caused by the act of persons for whom we are answerable, or of the things which we have in our custody. This, however, is to be understood with the following modifications.

RCC—176, 177, 216, 220, 237, 327, 415, 670, 2315, 2316, 2318 et seq., 2324, 2722, 2723, 2752, 2768, 2965, 2967, 3007 et seq., 3022.

RCC 1870, Art. 2317.
Same as above.

CC 1825, Art. 2296.
Same as above.
Every person is responsible not only for the damage which he causes by his own act, but also for that which is caused by the act of any person for whom he is answerable, or by any thing which is in his keeping.

Same as above; but no punctuation after "responsable"; period (.) after "garde."

The same responsibility attaches to the tutors and curators of minors.

The father, and after the death of the husband, the mother, are responsible for the delinquency of their minor children.

Le père, et la mère après le décès du mari, sont responsables des délits de leurs enfans mineurs;

The same responsibility attaches to the tutors and curators of minors.

The father, and after his decease, the mother, are responsible for the damage caused by their minor children residing with them.

Le père, et la mère après le décès du mari, sont responsables du dommage causé par leurs enfans mineurs habitant avec eux;

*Note error in English translation of French text; "or" should be "and."

**"Or" has no counterpart in French text.
ART. 2320. Masters and employers are answerable for the damage occasioned by their servants and overseers, in the exercise of the functions in which they are employed.

Teachers and artisans are answerable for the damage caused by their scholars or apprentices, while under their superintendence.

In the above cases, responsibility only attaches, when the masters or employers, teachers and artisans, might have prevented the act which caused the damage, and have not done it.

RCC—176, 177, 220, 670, 2315 et seq., 2768, 2965, 2967, 3007, 3009.

RCC 1870, Art. 2320. (Same as Art. 2320 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2299. (Projet, p. 293. Amendment adopted; no comment)

Les curateurs des insénés sont responsables du dommage causé par ceux qui sont sous leur garde.

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

Teachers and artisans, for the damage caused by their scholars or apprentices, while under their superintendence.

Par. 3 same as par. 3, above.

CC 1808, p. 320, Art. 20, pars. 3-6.

Masters and principals are responsible for the delinquency of their servants and agents in the functions in which they have employed them.

Institutors of youth or artisans are answerable for the delinquency of their scholars or apprentices.

The above responsibility takes place only when the parents, masters or principals could have prevented the delinquency and have failed to do it.

They are considered to have been able to prevent the delinquency when it was committed through their neglect to watch over the conduct of those for whom they are answerable, or when it was committed in their presence.

CN 1804, Art. 1384, pars. 3-5.

Masters and employers are answerable for the damage occasioned by their servants and overseers, in the functions in which they have employed them.

Les maitres et les commettans, du dommage causé par leurs domestiques et préposés dans les fonctions auxquelles ils les ont employés;
ART. 2321. The owner of an animal is answerable for the damage he has caused; but if the animal had been lost, or had strayed more than a day, he may discharge himself from this responsibility, by abandoning him to the person who has sustained the injury; except where the master has turned loose a dangerous or noxious animal, for then he must pay for all the harm done, without being allowed to make the abandonment.


RCC 1870, Art. 2321.
Same as above.

CC 1825, Art. 2301. (Projet, p. 293. Amendment 1 adopted; no comment)
Same as above; but semicolon (;) after “noxious animal.”

CC 1808, p. 320, Art. 20, par. 7.
The owner of an animal is responsible for the trespass or damage that the animal has caused, whether the animal was in his keeping or was strayed or runaway.

CN 1804, Art. 1385.
The owner of an animal, or he who uses it, while he is using it, is responsible for the damage that the animal has caused, whether the animal was in his keeping, or was strayed or runaway.

Le propriétaire d’un animal est responsable du dommage qu’il a causé; mais si l’animal était perdu ou égaré depuis plus d’un jour, il peut se décharger de cette responsabilité, en l’abandonnant à celui qui a souffert le dommage. Il faut excepter le cas où le maître a laissé échapper un animal dangereux ou de malfaissait; car alors il doit payer tout le dommage que l’animal (l’animal) a causé, sans pouvoir en faire l’abandon.

Le propriétaire d’un animal, ou celui qui s’en sert, pendant qu’il est à son usage, est responsable du dommage que l’animal a causé, soit que l’animal fut sous sa garde, soit qu’il fut égaré ou échappé.
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Art. 2322. The owner of a building is answerable for the damage occasioned by its ruin, when this is caused by neglect to repair it, or when it is the result of a vice in its original* construction.

RCC—177, 670, 671, 2315, 2316, 2692, 2693, 2695, 2715 et seq., 2721, 3545.

RCC 1870, Art. 2322.
Same as above.

CC 1825, Art. 2302.
Same as above.

CC 1808, p. 322, Art. 22.
The owner of a house** is responsible for the damage caused by its falling down, when that has happened in consequence of his not having kept it in repair, or through a defect in its construction.

CN 1804, Art. 1386.
The owner of a building is answerable for the damage occasioned by its ruin, when this is caused by neglect to repair it, or when it is the result of a vice in its construction.

Projet du Gouvernement (1800), Book III, Title III, Art. 21.
Same as above.

*"Original" has no counterpart in French text.
**Note error in English translation of French text; "house" should be "building."

Art. 2323. The damage caused is not always estimated at the exact value of the thing destroyed or injured; it may be reduced according to circumstances, if the owner of the thing has exposed it imprudently.

RCC—1934.

RCC 1870, Art. 2323.
Same as above.

CC 1825, Art. 2303.
Same as above.

CC 1808. No corresponding article.

CN 1804. No corresponding article.
ART. 2324. He who causes another person to do an unlawful act, or assists or encourages in the commission of it, is answerable, in solido, with that person, for the damage caused by such act.

RCC—2088, 2091, 2093, 2100, 2107, 2203, 2315 et seq. RS—436, 2584.

RCC 1870, Art. 2324. (Same as Art. 2324 of Proposed Revision of 1869; same as CC 1825, Art. 2304, as amended by Acts 1844, No. 20 [RS §436])

CC 1825, Art. 2304. (Projet, p. 294. Addition adopted; no comment) Celui qui fait commettre à un tiers un acte illicite, ou l'aide ou l'encourage à le commettre, est responsable solidairement avec lui, du dommage causé par ce fait.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*Note error in English translation of French text; “jointly” should be “in solido.”

TITLE VI—OF THE MARRIAGE CONTRACT, AND OF THE RESPECTIVE RIGHTS OF THE PARTIES IN RELATION TO THEIR PROPERTY

Chapter 1—GENERAL DISPOSITIONS

ART. 2325. In relation to property, the law only regulates the conjugal association, in default of particular agreements, which the parties are at liberty to stipulate as they please, provided they be not contrary to good morals, and under the modifications hereafter prescribed.

RCC—11, 122 et seq., 133, 156, 158, 540, 732, 1242, 1317, 1519, 1535, 1734 et seq., 1743 et seq., 1761, 1765, 1790, 1888, 1892, 1895, 2031, 2265, 2326 et seq., 2336, 2338, 2352 et seq., 2360, 2361, 2364, 2367, 2368, 2372, 2378, 2392, 2395, 2399, 2424, 2446, 3333, 3523, 3555. RS—2512, 3066.

RCC 1870, Art. 2325. Same as above.

CC 1825, Art. 2305. (Projet, p. 294. Amendment t adopted; no comment) La loi ne régit l'association, quant aux biens, qu'à défaut de conventions spéciales, que les époux peuvent faire comme ils le jugent à propos, pourvu qu'elles ne soient pas contraires aux bonnes mœurs, et en outre sous les modifications qui suivent.

CC 1808, p. 322, Art. 1. Husband and wife may regulate their matrimonial agreements as they please, provided they stipulate in it nothing contrary to good morals, and provided likewise it be done under the modifications hereafter prescribed.

-p. 323, Art. 1. Les époux peuvent régler leurs conventions matrimoniales, ainsi qu'il leur plait, pourvu qu'ïls n'y stipulent rien de contraire aux bonnes mœurs, et que ce soit sous les modifications ci-après prescrites.