Title X. Of Rents and Annuities (Art. 2778 - 2800)

Louisiana
Art. 2778  COMPILER EDITION

RCC 1870, Art. 2777.  (Same as Art. 2777 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 2748.  (Projet, p. 326. Addition adopted; no comment)
Workmen employed in the construction or repair of ships and boats, enjoy the privilege established above, without being bound to reduce their contracts to writing, whatever may be their amount; but this privilege ceases, if they have allowed the ship or boat to depart, without exercising their right.

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

TITLE X—OF RENTS AND ANNUITIES*

*See general comment by redactors, Projet, p. 326.

ART. 2778. There are two species of rent; that of land which is properly called rent, and that of money.
RCC—474, 1778, 2010, 2779 et seq., 2793 et seq.

RCC 1870, Art. 2778.
Same as above.

CC 1825, Art. 2749.  (Projet, p. 326. Addition adopted; no comment)
"land."

The contract of rent of lands is a contract, by which one of the parties conveys and cedes to the other a tract of land, or any other immovable property, and stipulates that the latter shall hold it as owner, but reserving to the former an annual rent of a certain sum of money, or of a certain quantity of fruits, which the other party binds himself to pay him.


RCC 1870, Art. 2779.  (Same as Art. 2779 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 2750.  (Projet, p. 326. Addition adopted; no comment)
The contract of rent for lands is a contract, by which one of the parties to rent, celui de rente fonciere autrement appelé bail à rente, et celui de constitution de rente.

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

Chapter 1—Of Rent of Lands*

*See general comment by redactors, Projet, p. 326.

ART. 2779. The contract of rent of lands is a contract by which one of the parties conveys and cedes to the other a track of land, or any other immovable property, and stipulates that the latter shall hold it as owner, but reserving to the former an annual rent of a certain sum of money, or of a certain quantity of fruits, which the other party binds himself to pay him.

RCC 1870, Art. 2779.  (Same as Art. 2779 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 2750.  (Projet, p. 326. Addition adopted; no comment)
The contract of rent for lands is a contract, by which one of the parties to rent, ou bail
ART. 2782. The contract of rent partakes of the nature of sale and of lease.

Of sale, inasmuch as it transfers the ownership of the thing, and subjects the party to the same warranty which is imposed on the vendor.

And of lease, inasmuch as it subjects the rentee to the payment of rent.*

RCC—1392, 2456, 2462, 2476, 2710, 2779, 2784.
ART. 2783. The contract of rent is subjected to the same rules as the contract of sale, except in the cases hereafter specified.

RCC—1797, 2438 et seq., 2784 et seq.

ART. 2784. The thing sold with reservation of rent, becomes the property of the person receiving it, in the same manner as a thing sold becomes the property of the purchaser; but whereas the purchaser may make what use he pleases of the thing bought and may even destroy it, when he has paid the price, the purchaser under reservation of rent is bound to preserve the thing in good condition that it may continue capable of producing wherewith to pay the rent.

RCC—491, 492, 1908, 2779, 2782, 2783.

ART. 2785. The thing,” after “bought,” and after “condition.”
ART. 2785. When a thing sold is destroyed from unforeseen accident, the loss falls entirely on the purchaser; in case of a sale reserving rent, the loss is sustained by both parties; for on one side the lessee loses the enjoyment of the thing, and on the other the lessor loses the right to demand the rent which is extinguished.

But in order that the rent be extinguished, the thing must have perished entirely; if it be lost only in part, the rent is only reducible in proportion to the loss.

RCC—1891, 1899, 2219, 2455, 2471, 2728.

RCC 1870, Art. 2785.
Same as above.

CC 1825, Art. 2756. (Projet, p. 327. Addition amended and adopted; no comment)
Same as above; but comma (,) after “for”, after “side”, after “other”, and after “demand the rent”; semicolon (;) after “of the thing.”

La chose vendue, qui vient à périr par cas fortuit, pérît pour le compte de l'acheteur; dans le cas du bail à rente, elle pérît pour le compte des deux parties; car d'un côté, le preneur en perd la jouissance, et de l'autre le bailleur perd le droit de demander sa rente, laquelle demeure éteinte.

Mais pour que la rente soit éteinte, il faut que la chose ait péré en totalité; si elle n'est péré qu'en partie, la rente n'est que réductible à proportion de la perte.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 2786. A thing sold and paid for may be alienated absolutely and unconditionally; but if it be sold with a rent reserved, it remains perpetually subject to the rent, into whatsoever hands it may pass.


RCC 1870, Art. 2786.
Same as above.

CC 1825, Art. 2757. (Projet, p. 327. Addition adopted; no comment)
Same as above; but comma (,) after “thing.”

La chose vendue et payée, peut être aliénée absolument et sans condition; la chose, baillée à rente, demeure éternellement sujette à la rente, en quelques mains qu'elle passe.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 2787. The price of a thing sold is a debt personal to the purchaser. But where there has been rent reserved, it is a charge imposed on the property, and the person alienating it is only answerable for the arrears which become due while he was in the possession.


RCC 1870, Art. 2787.
Same as above.
ART. 2788. The rent charge, although stipulated to be perpetual, is essentially redeemable. But the seller may determine the terms of the redemption and stipulate that it shall not take place until after a certain time, which can never exceed thirty years.

RCC—1901, 2017, 2567, 2568, 2789, 2790, 2796, 2797.

ART. 2789. If the value of the property has been determined by the contract, the possessor who wishes to redeem cannot be made to pay anything beyond that value.

RCC—2587, 2788, 2790.

ART. 2790. If there has been no valuation, the rent is considered as fixed at the rate of six per cent. on the value, and the lessee may pay the capital at that valuation.

RCC—1764, 2788, 2789.
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CC 1825, Art. 2761. (Projet, p. 328. Addition amended in English text and adopted; no comment)

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

Si la valeur n’a pas été fixée, la rente est considérée comme établie à raison de six pour cent sur cette valeur, et le preneur ou possesseur est tenu de payer le capital en raison de cette évaluation.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*Note error in English translation of French text; “may” should be “is bound to.”

ART. 2791. The rentor has for the payment of this rent a right of mortgage on the property, commencing from the date of the contract. But he can not have it seized and sold, unless there be at least one entire year’s rent due.

RCC-2012, 2792, 3278 et seq., 3311, 3312.

RCC 1870, Art. 2791.

Same as above.

CC 1825, Art. 2762. (Projet, p. 328. Addition amended in English text and adopted; no comment)

Le bailleur a, pour le payement de sa rente, un droit d’hypothèque sur la chose, à dater du jour du contrat; mais il ne peut la saisir et faire vendre, que pour la rente d’aumoins une année entière.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 2792. The rent, charged, [rent charge] being inherent to the property burdened with it, is itself susceptible of being mortgaged, except when it has been gratuitously established, for the benefit of a third person, on condition that it should not be liable to seizure.

(As amended by Acts 1871, No. 87)

RCC-2791, 3278 et seq., 3289.

RCC 1870, Art. 2792. (Same as Art. 2792 of Proposed Revision of 1869)

The rent charge, being inherent to the property burdened with it, is itself susceptible of being mortgaged, except where it has been gratuitously established for the benefit of a third person, on condition that it should be liable to seizure.

CC 1825, Art. 2763. (Projet, p. 328. Addition adopted; no comment)

La rente foncière, étant inhérente au fonds qui en est grevé, est elle-même susceptible d’être hypothéquée.
Il faut excepter le cas où la rente aurait été établie à titre gratuit au profit d’un tiers, sous la condition qu’elle ne serait point saisissable.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

1525
ART. 2793. The contract of annuity is that by which one party delivers to another a sum of money, and agrees not to reclaim it so long as the receiver pays the rent agreed upon.

RCC-474, 545, 580, 1499, 1600, 1631, 1761, 1764, 1765, 1766, 1768, 1769, 1771, 1774, 1833, 1905, 1944, 2004, 2778, 2779, 3506, 3515.

RCC 1870, Art. 2793.
Same as above.

CC 1825, Art. 2764. (Projet, p. 328. Amendment adopted; no comment)
Same as above; but comma (,) after "it."

CC 1808, p. 408, Art. 33.
Interest may be stipulated in consideration of a stock or fund of money which the lender agrees not to ask.
In such a case the loan goes by the appellation of constitution of an annuity or rent charge.

CN 1804, Art. 1909.
Same as above.

ART. 2794. This annuity may be either perpetual or for life.

RCC-2004, 2780, 2795.

RCC 1870, Art. 2794.
Same as above.

CC 1825, Art. 2765. (Projet, p. 328. Transposition adopted*; comment by redactors)
Cette rente peut être constituée de deux manières, en perpétuelle (perpétuel), ou en viagère (viager).

CC 1808, p. 408, Art. 34.
Same as above.

CN 1804, Art. 1910.
Same as above.

*Explanatory Note: “transposition adopted” indicates a proposed transposition of articles from one title to another.

ART. 2795. The amount of annuity for life can in no case exceed the double of the conventional interest.
The amount of perpetual annuity can not exceed the conventional interest.

RCC-2794, 2924.
ART. 2796. Constituted annuity is essentially redeemable.

The parties may only agree that the same shall not be redeemed prior to a time which can not exceed ten years, or without having warned the creditor a time before, which they shall limit.

RCC—474, 1901, 2053, 2567, 2568, 2788, 2797, 2799, 3515.

RCC 1870, Art. 2796.
Same as above.

CC 1825, Art. 2767.
Same as above.

CC 1808, p. 408, Art. 36.
Same as above.

CN 1804, Art. 1911.
Annuity constituted in perpetuity is essentially redeemable.

La rente constituée en perpétuel est essentiellement rachetable.
Art. 2797

The debtor of a constituted annuity may be compelled to redeem the same:
1. If he ceases fulfilling his obligations during three years.
2. If he does not give to the lender the securities promised by the contract.

RCC—2046, 2047, 2788, 2796, 2799, 3043.

RCC 1870, Art. 2797.
Same as above.

CC 1825, Art. 2768.
(Projet, p. 328. Transposition adopted; comment by redactors)
Le débiteur d’une rente constituée peut être contraint au rachat:
1. S’il cesse de remplir ses obligations pendant trois années;
2. S’il manque à fournir au prêteur les sûretés promises par le contrat.

CC 1808, p. 408, Art. 37.
Par. 1 and subd. 1 same as par. 1 and subd. 1, above; but comma (,) after "same."
2d. If he does not give to the lender the securities promised by the contract.

CN 1804, Art. 1912.
The debtor of an annuity constituted in perpetuity may be compelled to redeem the same,
1. If he ceases fulfilling his obligations during two years;
Subd. 2 same as subd. 2, above.

Projet du Gouvernement (1800), Book III, Title XV, Art. 40.
Same as CC 1808, p. 408, Art. 37, above; but comma (,) after "rachat"; semicolon (;) after "années."

Art. 2798. If the debtor should fail, or be in a state of insolvency, the capital of the constituted annuity becomes exigible; but only up to the amount at which it is rated, according to the order of contribution amongst the creditors.

RCC—1985, 2799, 3043.

RCC 1870, Art. 2798.
Same as above.

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CC 1825, Art. 2769. (Projet, p. 329. Amendment amended and adopted; comment by redactors, p. 328) Si le débiteur fait faillite ou devient insolvable, le capital de la rente constituée devient exigible, mais jusqu'à concurrence seulement de la somme pour laquelle le créancier entre utilement dans l'ordre de la contribution.

CC 1808, p. 408, Art. 38. If the debtor should fail or be in a state of insolvency the capital of the constituted annuity becomes exigible; but only up to the amount for which the creditor of such annuity is actually employed by contribution with the other creditors.

CN 1804, Art. 1913. The capital of an annuity constituted in perpetuity also becomes exigible in the case of failure or insolvency of the debtor.

Projet du Gouvernement (1800), Book III, Title XV, Art. 41, pars. 3, 4. S'il fait faillite ou tombe en déconfiture; Le capital de la rente constituée devient exigible, mais jusqu'à concurrence seulement de la somme pour laquelle le créancier entre utilement dans l'ordre de la distribution.

ART. 2799. The debtor may be compelled by his security to redeem the annuity within the time which has been fixed in the contract, if any time has been fixed, or after ten years, if no mention be made of the time in the act.

RCC—2796 et seq., 3052 et seq., 3057.

RCC 1870, Art. 2799. Same as above.

CC 1825, Art. 2770. (Projet, p. 329. Transposition adopted; comment by redactors, p. 328) Le débiteur peut être contraint au rachat, par sa caution, dans le temps qui a été fixé au contrat, s'il en a été fixé quelqu'un, ou après dix ans, s'il n'en a pas été fait mention dans l'acte.

CC 1808, p. 408, Art. 39. The debtor may still be compelled to redeem by his security within the time which has been fixed in the contract if any time has been fixed, or after ten years if no mention has been made in the act, of the time.

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book III, Title XV, Art. 42. Le débiteur peut encore être contraint au rachat par sa caution, dans le temps qui a été fixé au contrat, s'il en a été fixé quelqu'un; ou après dix ans, s'il n'en a pas été fait mention dans l'acte.
Art. 2800

The interest of the sums lent and the arrears of constituted and life annuity can not bear interest but from the day a judicial demand of the same has been made by the creditor and when interest is due for at least one whole year.


RCC 1870, Art. 2800.
Same as above.

CC 1825, Art. 2771. (Projet, p. 329. Transposition adopted; comment by redactors, p. 328)
Les intérêts des sommes prêtées et les arrérages des rentes viagères et constituées ne peuvent produire intérêt que du jour de la demande judiciaire, formée par le créancier, et lorsqu'il s'agit au moins d'intérêts d'une année entière.

CC 1808, p. 408, Art. 40.
Same as above; but no punctuation after "lent", or after "creditor."

Same as above; but comma (,) after "lent", and after "annuity", and after "creditor."

CC 1804. No corresponding article.

Projet du Gouvernement (1800), Book III, Title XV, Art. 43.
Same as CC 1808, p. 408, Art. 40, above.

Same as CC 1808, p. 409, Art. 40, above; but "des rentes" spelled "de rentes"; no punctuation after "judiciaire."

TITLE XI—OF PARTNERSHIP*

*See general comment by redactors, Projet, p. 329.

Chapter 1—GENERAL PROVISIONS

Art. 2801. Partnership is a synallagmatic and commutative contract made between two or more persons for the mutual participation in the profits which may accrue from property, credit, skill or industry, furnished in determined proportions* by the parties.

RCC—474, 1761, 1765, 1766, 1768, 1770, 1774, 1778, 1779, 1901, 2399, 2402 et seq., 2802 et seq., 2809 et seq., 2829 et seq., 2835 et seq., 2839 et seq., 2852, 2865, 2871, 2872. RS—2668, 2669.

RCC 1870, Art. 2801.
Same as above.

CC 1825, Art. 2772. (Projet, p. 329. Substitution adopted; no comment)
La société est un contrat synallagmatique et commutatif, par lequel deux ou plusieurs personnes mettent en commun* leurs biens, leur crédit, leurs talents ou leur industrie, pour partager entre'elles les bénéfices qui peuvent en résulter.

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