Title XIII. Of Deposit and Sequestration (Art. 2926 - 2981)

Louisiana
ART. 2926. A deposit, in general, is an act by which a person receives the property of another, binding himself to preserve it and return it in kind.

RCC—65, 1761, 1765, 1771, 1773, 1778, 1884, 1908, 2210, 2669, 2927, 2930, 2944, 2963, 3065, 3133, 3162, 3166, 3222, 3260, 3438, 3441, 3445, 3510, 3513.

RCC 1870, Art. 2926.
Same as above.

CC 1825, Art. 2897. (Projet, p. 344. Amendment adopted; no comment)
Same as above.

CC 1808, p. 410, Art. 1, par. 1.
A deposit is, in general, any act by which a person receives into his possession, a thing belonging to another, taking upon himself to keep it safe for the owner and to restore it in kind.

CC 1825, Art. 2897. (Projet, p. 344. Amendment adopted; no comment)
Same as above; but comma (,) after “deposit.”

CC 1808, p. 410, Art. 1, pars. 2, 3.
The deposit taken in this general acceptation, comprises the conventional or judicial sequestration. Yet there are some points of difference between the deposit properly so called and the conventional or judicial sequestration, and these shall be the subject of particular chapters of the present title.

ART. 2927. There are two species of deposit that properly so called, and sequestration.

RCC—2926, 2931, 2963, 2972, 2973.

RCC 1870, Art. 2927.
Same as above.
Chapter 2—Of the Deposit properly so called

Section 1—Of the Nature and Essence of the Contract of Deposit

**Art. 2928.** The object of a deposit must be properly some movable thing.

RCC—461, 472 et seq., 1798, 1885, 2896, 2974 et seq., 2991.

**RCC 1870, Art. 2928.** (Same as Art. 2928 of Proposed Revision of 1869)

**CC 1825, Art. 2899.** (No reference in Projet)

The object of a deposit must be properly some moveable thing, but slaves also may be deposited.

CC 1808, p. 410, Art. 3.

Same as above.

**CN 1804, Art. 1918.**

It can have as its object only movable things.

**Projet du Gouvernement (1800), Book III, Title XVI, Art. 3.**

The object of a deposit must be some movable thing.

**Art. 2929.** The deposit is essentially gratuitous. If the person, with whom the deposit is made receive a compensation, it is no longer a deposit, but a hiring.

RCC—1764, 1773, 2669, 2710, 2894, 2938, 2948, 2973, 2974.

**RCC 1870, Art. 2929.** (Same as Art. 2929 of Proposed Revision of 1869)

**CC 1825, Art. 2900.** (No reference in Projet)

It is essentially gratuitous. If the person, with whom the deposit is made, receive a compensation, it is no longer a deposit, but a hiring.

CC 1808, p. 410, Art. 4.

Same as above; but semicolon (;) after "gratuitous"; no punctuation after "person", after "made", or after "a deposit."

-p. 411, Art. 4.

Same as above.
Art. 2930. The deposit is perfected only by the delivery, real or fictitious, of the thing deposited.

The fictitious delivery is sufficient, when the depositary is already possessed, in some other right, of the thing agreed to be left in deposit with him.

RCC—1816, 1909, 1910, 1918, 1922 et seq., 2477, 2478, 2481, 2926, 2932.

RCC 1870, Art. 2930.

Same as above.

Art. 2931. The deposit is voluntary or necessary.

RCC—2927, 2932 et seq., 2964 et seq.

RCC 1870, Art. 2931.

Same as above.

Section 2—OF VOLUNTARY DEPOSIT

Art. 2932. The voluntary deposit takes place by the mutual consent of the person making the deposit and the person receiving it.

RCC—1766, 1779, 1780, 1797, 1812 et seq., 1819 et seq., 1909, 2930, 2931, 2933, 2964.

RCC 1870, Art. 2932.

Same as above.
ART. 2933. The voluntary deposit can only be regularly made by the owner of the thing deposited, or with his consent expressed or implied.

Consent is implied when the owner has carried or sent the thing to the depository, and the latter knowing that the thing had been sent, has not refused to receive it.

RCC—1766, 1780, 1781, 1797, 1811, 1816, 2932, 2934, 2949, 2950, 2952, 3145, 3506.

RCC 1870, Art. 2933. Same as above.

CC 1825, Art. 2904. (Projet, p. 345. Substitution $^*$ adopted; no comment)

Le dépôt volontaire ne peut régulièrement être fait que par le propriétaire de la chose déposée, ou de son consentement exprès ou tacite.

Il y a consentement tacite, quand le propriétaire a porté ou fait porter la chose chez le dépositaire, et que le dépositaire, ayant eu connaissance de la remise de la chose, n'a pas refusé de la recevoir.

CC 1808, p. 412, Art. 8.

A deposit can be regularly made only by the owner of the thing deposited or with his express or tacit consent.

It cannot be reciprocally established without the express or tacit consent of the depository. (Suppressed on recommendation of redactors; Projet, p. 345)

-p. 412, Art. 9.

There is a tacit consent, whenever the owner has carried the thing or caused it to be carried to the house of the depository and the thing has been delivered with the knowledge of the depository. (Suppressed on recommendation of redactors; Projet, p. 345)

CN 1804, Art. 1922.

Same as CC 1825, Art. 2904, par. 1, above.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 8.

Same as CC 1808, p. 412, Art. 8, above.

-Book III, Title XVI, Art. 9.

Same as CC 1808, p. 412, Art. 9, above.

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ART. 2934. The owner, without whose knowledge the deposit has been made, may reclaim his property in the hands of the depository, who can not refuse to deliver it, but must call in the person who made the deposit, that he may oppose the restitution.

RCC—2933, 2949, 2950, 2955, 2961, 3142, 3145, 3222, 3507.

RCC 1870, Art. 2934.
Same as above.

CC 1825, Art. 2905.
Same as above.

CC 1808, p. 412, Art. 10.
A deposit made by a person not the owner of the thing deposited, is not the less valid against the depository, saving the action of the true owner to be spoken of in the following section. (Suppressed on recommendation of redactors; Projet, p. 345)

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 10.
A deposit made by a person not the owner of the thing deposited, is not the less valid against the depository, saving the action of the true owner to be spoken of in Section II below, Article 23.

ART. 2935. The voluntary deposit can only take place between persons capable of contracting.

Nevertheless, if a person capable of contracting accept a deposit from a person who is incapable, he incurs all the obligations of a real depository, and may be sued by the tutor or curator of the person who has made the deposit.

RCC—221, 337, 415, 1779, 1782 et seq., 1791, 1793, 1794, 2936, 2949, 2952.

RCC 1870, Art. 2935.
Same as above.

CC 1825, Art. 2906.
Same as above.
Art. 2936

It produces reciprocal obligations between the person with whom the deposit is made and the one who makes it, and for that reason, like all other contracts, it can take place only between persons capable of contracting. (Suppressed on recommendation of redactors; Projet, p. 345)

-p. 410, Art. 6.

If the deposit has been made with a person capable of contracting by a person incapable, such as a person under puberty, a minor, or one under interdiction, or a married woman, it produces against the person with whom the deposit is made, all the obligations resulting from that kind of contract, which shall be enforced by the tutor or the administrator of the person who has made the deposit. (Suppressed on recommendation of redactors; Projet, p. 345)

-p. 411, Art. 5.

It produces obligations réciproques, entre le dépositaire et celui qui fait le dépôt, et par cette raison, il ne peut, comme tous les autres contrats, avoir lieu qu'entre des personnes qui sont capables de contracter. (Suppressed on recommendation of redactors; Projet, p. 345)

-p. 411, Art. 6.

Si le dépôt a été fait entre les mains d'une personne capable de contracter, par une personne incapable, telle qu'un impubère, un mineur, un interdit, une femme mariée, il produit, contre le dépositaire, toutes les obligations qui résultent de ce genre de contrat, lesquelles peuvent être exercées par le tuteur, ou l'administrateur de celui qui a fait le dépôt. (Suppressed on recommendation of redactors; Projet, p. 345)

ART. 2936. If the deposit was made by a person capable of contracting, to another person not having that capacity, he who has made the deposit has only an action of revendication for the thing, as long as it remains in the hands of the depositary, or an action of restitution for the amount of the benefit the depositary has derived from it.

RCC—1782, 1783, 1791, 1793, 1794, 2147, 2229, 2935, 2961.

RCC 1870, Art. 2936. (Same as Art. 2936 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2907. (No reference in Projet)

If the deposit was made by a person capable of contracting, to another person not having that capacity, he who has made the deposit has only an action of claim for the thing, as long as it remains in the hands of the depositary, or an action of restitution for the amount of the benefit the depositary has derived from it.

Si le dépôt a été remis par une personne capable de contracter à une personne qui ne l'est pas, celui qui a fait le dépôt, n'a que l'action en revendication de la chose, tant qu'elle existe dans les mains du dépositaire, ou une action en restitution jusqu'à concurrence de ce dont le dépositaire en a profité.
ART. 2937. The depositary is bound to use the same diligence in preserving the deposit that he uses in preserving his own property.

RCC—567, 1908, 2298, 2710, 2898, 2900, 2938, 2945, 2956, 2960, 2980, 3003, 3167.

RCC 1870, Art. 2937.

Same as above.

CC 1825, Art. 2908.

Same as above; but comma (,) after "deposit." (Projet, p. 345. Substitution adopted; no comment)

Le dépositaire doit apporter dans la garde de la chose déposée, les mêmes soins qu'il apporte dans la garde des choses qui lui appartiennent.

CC 1808, p. 412, Art. 11, par. 1.

The depositary contracts the obligation of faithfully keeping the thing confided to his care. He is obliged to take the same care of it, as he takes of things belonging to himself. (Suppressed on recommendation of redactors; Projet, p. 345)

-p. 413, Art. 11, pars. 1, 2.

Le dépositaire contracte l'obligation de garder, avec fidélité, la chose dont la garde lui a été confiée.

Il est tenu d'apporter, à cette garde, le même soin qu'il apporte à la garde des siennes. (Suppressed on recommendation of redactors; Projet, p. 345)

CN 1804, Art. 1927.

Same as CC 1825, Art. 2908, above.

Same as CC 1808, p. 412, Art. 11, par. 1, above.

Projet du Gouvernement (1800). Book III, Title XVI, Art. 14, pars. 1, 2.

Same as CC 1808, p. 413, Art. 11, pars. 1, 2, above; but no punctuation after "garder", after "fidélité", after "d'apporter", or after "cette garde."
Art. 2938

The provision in the preceding article is to be rigorously enforced:
1. Where the deposit has been made by the request of the depositary.
2. If it has been agreed that he shall have a reward for preserving the deposit.
3. If the deposit was made solely for his advantage.
4. If it has been expressly agreed that the depositary should be answerable for all neglects.

RCC–2315, 2929, 2937, 2974, 3003, 3166.

RCC 1870, Art. 2938.
Same as above.

CC 1825, Art. 2909. (Projet, p. 345) Substitution + adopted; no comma (,) after “rigueur.”

La disposition de l’article précédent doit être appliquée avec plus* de rigueur:
1. Si le dépositaire s’est offert lui-même pour recevoir le dépôt;
2. S’il a stipulé un salaire pour la garde du dépôt;
3. Si le dépôt a été fait uniquement pour l’intérêt du dépositaire;
4. S’il a été convenu expressément que le dépositaire répondrait de toute espèce de faute.

Same as CC 1825, Art. 2909, above; but comma (,) after “rigueur.”

CC 1808, p. 412, Art. 11, pars. 2, 3.

This rule however must be applied less rigorously** to a gratuitous depositary than to him who has received a compensation and has taken charge of the deposit on hire.

In this matter regard is to be had to the quality, the condition, the sex of the depositary and to the nature of the circumstances that have occasioned the loss or deterioration of the deposit.
(Suppressed on recommendation of reductors; Projet, p. 345)

Same as CC 1825, Art. 2909, above; but comma (,) after “rigueur.”

CN 1804, Art. 1928.

The provision in the preceding article is to be more rigorously enforced:
Subds. 1-4 same as CC 1825, Art. 2909, subds. 1-4, above.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 14, par. 3.

Same as CC 1808, p. 412, Art. 11, pars. 2, 3, above.

*English translation of French text incomplete; should include “more.”
**English translation of French text incomplete; should include “by the judge.”

Art. 2939. The depositary is not answerable, in any case, for accidents produced by overpowering force, unless he has delayed improperly* to restore the deposit.

RCC–1911, 1912, 1918, 1933 et seq., 2120, 2219, 2220, 2723, 2754, 2899, 2900, 2945, 2946, 2970.
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ART. 2941.

If the thing be of the nature of those which are consumed by use, and the depositor has given permission to the depository to use them [it], the contract is no longer a deposit, but a loan for consumption, and becomes subject to the rules which govern that contract.

RCC—2910 et seq., 2940.

RCC 1870, Art. 2941.

Same as above.

CC 1825, Art. 2912.

Same as above.

(Projet, p. 346. Amendment adopted; no comment)

Si la chose déposée est de celles qui se consomment par l'usage, et que le
Art. 2942. If the things deposited be animals, the depositary may employ them for the benefit of the depositor, unless the latter has directed otherwise.

RCC-2940.

RCC 1870, Art. 2942. (Same as Art. 2942 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2913. (Projet, p. 346. Addition adopted; no comment)

If the things deposited be slaves or animals, the depositary may employ them for the benefit of the depositor, unless the latter has directed otherwise.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 2943. The depositary should not seek to know what are the things confided to him, if they are shut up in a box, or in a sealed cover.

RCC—2940.

RCC 1870, Art. 2943. (Same as Art. 2943 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2914. (Projet, p. 346. Amendment adopted; no comment)

The depositary should not seek to know what are the things confided to him, if they were shut up in a box, or in a sealed cover.


He must not violate the secret under which the deposit has been confided to him, either by opening the box containing it, or by breaking the sealed envelope in which it is enclosed, or by giving to any other person, information of the deposit or of its contents.

CN 1804, Art. 1931.

He should not seek to know what are the things confided to him, if they are shut up in a box, or in a sealed cover.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 16.

Same as CC 1808, p. 412, Art. 13, above.

Same as CC 1808, p. 413, Art. 13, above; but no punctuation after "du dépôt."
ART. 2944. The depositary ought to restore the precise object which he received.

Thus a deposit of coined money must be restored in the same specie in which it was made, whether it has sustained an increase or diminution of value.

RCC—2150, 2210, 2489, 2913, 2926, 2945, 2948, 3222.

RCC 1870, Art. 2944.
Same as above.

CC 1825, Art. 2915.

The depository must restore the identical thing that was deposited with him, though it be a sum of money or a consumable thing.

A deposit of a sum of money must be restored in the same specified coin in which it was made, whether the value of the species be augmented or diminished.


Le dépositaire doit rendre identiquement la chose qu'il a reçue.
Ainsi, le dépôt des sommes monnayées doit être rendu dans les mêmes espèces qu'il a été fait, soit dans le cas d'augmentation, soit dans le cas de diminution de leur valeur.

RCC 1870, Art. 2945.
Same as above.

CC 1825, Art. 2916.

Le dépositaire n'est tenu de rendre identiquement la chose déposée que dans l'état où elle se trouve, au moment de la restitution. Les détériorations, qui ne sont pas survenues par son fait, sont à la charge du déposant.

ART. 2945. The depositary is only bound to restore the thing in the state in which it is at the moment of restitution. Deteriorations, not effected by any act of his, are to the loss of the depositor.

RCC—2155, 2219, 2220, 2312, 2489, 2578, 2720, 2902, 2937, 2939, 2944, 3022, 3167.

RCC 1870, Art. 2945.
Same as above.

CC 1808, p. 412, Art. 15.

Le dépositaire n'est tenu de rendre la chose déposée, que dans l'état dans
in which it may be, at the time of restoring it, even though it be impaired, provided it be not through his fault.

He is exonerated, if the thing has perished by an accident, for which he is not responsible, or has been stolen from him, without any want of care on his part.

CN 1804, Art. 1933. Same as CC 1825, Art. 2916, above.

Same as CC 1825, Art. 2916, above; but comma (,) after “déposée”; no punctuation after “trouve”, or after “détériorations.”

Projet du Gouvernement (1800), Book III, Title XVI, Art. 18. Same as CC 1808, p. 412, Art. 15, above.

Same as CC 1808, p. 413, Art. 15, above; but comma (,) after “détériorée”; no punctuation after “déposée”, after “déchargé”, or after “volée.”

ART. 2946. A depositary, from whom the thing deposited has been taken away by* force and who has received a price, or any thing in its stead, must restore what he has received in exchange.

RCC—2219, 2220, 2313, 2939, 2947, 3223.

RCC 1870, Art. 2946. Same as above.

CC 1825, Art. 2917. (No reference in Projet) Same as above; but comma (,) after “force.”

Le dépositaire auquel la chose a été enlevée par une force majeure,* et qui a reçu un prix ou quelque chose à la place, doit restituer ce qu'il a reçu en échange.

CC 1808, p. 412, Art. 16. Same as above; but no punctuation after “depositary”, or after “price.”

-p. 413, Art. 16.

CN 1804, Art. 1934. Same as above; but no punctuation after “prix.”

A depositary, from whom the thing deposited has been taken away by an irresistible force and who has received a price, or anything in its stead, must restore what he has received in exchange.

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

ART. 2947. The heir of a depositary, who has sold bona fide a thing which he knew not to be a deposit, is bound only to restore the price which he has received, or to make over his claim against the purchaser, if the price be not paid.

RCC—79, 940, 1922, 2313, 2314, 2452, 2510, 2946, 2962, 3223, 3481, 3506.

RCC 1870, Art. 2947. Same as above.

CC 1825, Art. 2918. (No reference in Projet) Same as above; but “heir” misspelled “heirs”; comma (,) after “thing.”

L'héritier du dépositaire, qui a vendu “heirs”; comma (,) after “thing.” de bonne foi la chose dont il ignorait
ART. 2948. If the thing deposited has been productive, and the proceeds have been received by the depositary, he is bound to restore them. He owes no interest for the money deposited in his hands, except from the day on which he became a defaulter by delaying to restore it.

RCC-498, 502, 1911, 1935, 2489, 2929, 2944, 3168, 3169, 3176.

RCC 1870, Art. 2948.
Same as above.

CC 1825, Art. 2919. (No reference in Projet)
Same as above; but comma (,) after "defaulter."

CC 1808, p. 414, Art. 18. (No reference in Projet)
Same as above; but no punctuation after "defaulter."

CN 1804, Art. 1936. Same as above.

ART. 2949. The depositary must restore the thing deposited only to him who delivered it, or in whose name the deposit was made, or who was pointed out to receive it.

RCC—2140, 2933 et seq., 2950 et seq., 2955. CP—302.

RCC 1870, Art. 2949.
Same as above.

CC 1825, Art. 2920. (No reference in Projet)
Same as above.
Art. 2950

The depository must restore the thing deposited only to him who delivered it to him, or in whose name the deposit was made, or who was pointed out to receive it.

CN 1804, Art. 1937.
The depositary must restore the thing deposited only to him who confided it to him, or to him in whose name the deposit was made, or who was pointed out to receive it.

ART. 2950. He can not require him who made the deposit to prove that he was the owner of the thing. Yet if he discovers that the thing was stolen and who the owner of it is, he must give him notice of the deposit, requiring him to claim within due time. If the owner, having received due notice, neglects to claim the deposit, the depositary is fully exonerated on returning it to the person from whom he received it.

RCC—2933, 2934, 2949, 2955.

RCC 1870, Art. 2950.
Same as above.

CC 1825, Art. 2921.
Same as above; but comma (,) after "made the deposit", and after "stolen."

CC 1808, p. 414, Art. 20.
He cannot require him who made the deposit, to prove that he was the owner of the thing. Yet if he discovers that the thing was stolen and who the owner of it is, he must give notice to him of the deposit, requiring him to claim within due time. If the owner having received due notice, neglects to claim the deposit, the depositary is fully exonerated on returning it to the person from whom he received it.

CN 1804, Art. 1938.
He cannot require him who made the deposit to prove that he was the owner of the thing deposited.

Yet if he discovers that the thing was stolen and who the true owner of it is, he must give him notice of the deposit, requiring him to claim within a determinate and sufficient time. If the owner having received due notice, neglects to claim the deposit, the depositary is fully exonerated on returning it to the person from whom he received it.

Il ne peut pas exiger de celui qui a fait le dépôt, la preuve qu'il en était le propriétaire.
Néanmoins, s'il découvre que la chose a été volée, et quel en est le propriétaire, il doit dénoncer à celui-ci le dépôt qui lui a été fait, avec sommation d'en faire la réclamation dans un délai suffisant; si celui auquel la dénonciation a été faite, néglige de régler le dépôt, le dépositaire est valablement déchargé par la remise qu'il en fait à celui duquel il l'a reçu.

Il ne peut pas exiger de celui qui a fait le dépôt, la preuve qu'il était propriétaire de la chose déposée.
Néanmoins, s'il découvre que la chose a été volée, et quel en est le véritable propriétaire, il doit dénoncer à celui-ci le dépôt qui lui a été fait, avec sommation de le réclamer dans un délai déter-
ART. 2951. If the person who made the deposit, he deceased, the thing deposited can be restored only to his heir; if there be several heirs, it must be delivered to each of them for his respective part and portion, unless the thing deposited be indivisible, in which case they must agree among themselves.

If the depositor has changed condition, as if a woman marries or a person of full age falls under interdiction, the deposit can be restored only to the person who has the administration of the rights and property of the depositor.

RCC—940, 1433, 1999, 2008, 2108 et seq., 2112, 2949, 2952, 3027. Acts 1894, No. 112 (as am. by 1918, No. 140, §1, and 1921, E.S., No. 64, §1); 1908, No. 188.

RCC 1870, Art. 2951. Same as above.

CC 1825, Art. 2922. (No reference in Projet) Lorsque celui qui a fait le dépôt, est décédé, le dépôt ne peut être remis qu'à son héritier; s'il y a plusieurs héritiers, il doit être remis à chacun d'eux, pour leur part et portion, à moins que le dépôt ne soit indivisible, auquel cas ils doivent s'accorder entre eux.

Si le déposant a changé d'état, comme la femme qui se marie, le majeur qui est interdit, le dépôt ne peut être restitué qu'à celui qui a l'administration des droits ou des biens du déposant.

CC 1808, p. 414, Art. 21. Same as above; but no punctuation after "If the person", or after "made the deposit"; comma (,) after "age."

CN 1804, Art. 1939. En cas de mort naturelle ou civile de la personne qui a fait le dépôt, la chose déposée ne peut être rendue qu'à son héritier. S'il y a plusieurs héritiers, elle doit être rendue à chacun d'eux pour leur part et portion.

Si la chose déposée est indivisible, les héritiers doivent s'accorder entre eux pour la recevoir.
Art. 2952

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-Art. 1940.

If the person who made the deposit has changed condition; for example, if a woman, free at the time when the deposit was made, later marries and is under the authority of her husband, if a depositor of full age becomes interdicted, and in all other cases of like nature, the deposit can be restored only to the person who has the administration of the rights and property of the depositor.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 24.

If the person who made the deposit be deceased, or be declared civilly dead, the thing deposited can be restored only to his heir; if there be several heirs, it must be delivered to each of them for his respective part and portion, unless the thing deposited be indivisible; in which case they must agree among themselves.

Par. 2 same as CC 1825, Art. 2922, par. 2, above.

ART. 2952. If the deposit has been made by a tutor, a husband, or by any other administrator, it can be restored after the function of that administrator has ceased, only to him whom he represented.

RCC—2933, 2935, 2949, 2951.

RCC 1870, Art. 2952.

Same as above.

CC 1825, Art. 2923.

(No reference in Projet)

Same as above; but comma (,) after "restored."

CC 1808, p. 414, Art. 22.

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

-p. 415, Art. 22.

Si le dépôt a été fait par un tuteur, par un mari ou par un autre administrateur, il ne peut être remis qu'à celui que cet administrateur représentait lorsque sa fonction a cessé.

CN 1804, Art. 1941.

If the deposit has been made by a tutor, a husband, or an administrator, in one of these capacities, it can be returned only to the person whom the tutor, husband, or administrator represented, if his management or administration has ended.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 25.

Si le dépôt a été fait à [par] un tuteur, à [par] un mari, ou à [par] un autre administrateur, il ne peut être remis qu'à la personne que ce tuteur, ce mari ou cet administrateur représentaient, si leur gestion ou leur administration est finie.
ART. 2953. When the contract specifies a place where the deposit is to be restored, it must be delivered at that place, but the expense of conveyance to the place of delivery must be borne by the depositor.

RCC—2157, 2158, 2483, 2484, 2920, 2921, 2954.

RCC 1870, Art. 2953.
Same as above.

CC 1825, Art. 2924. (No reference in Projet)
Same as above.

CC 1808, p. 414, Art. 23.
Same as above; but comma (,) after "delivery."

Same as above; but comma (,) after "mais."

CN 1804, Art. 1942.
If the contract of deposit designates the place in which restitution is to be made, the depositary is bound to bring the thing deposited to that place. If there are expenses of transportation, they must be borne by the depositor.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 26.
Same as CC 1808, p. 414, Art. 23, above.

ART. 2954. If the contract does not specify the place where the deposit must be restored, it shall be restored at the place where such deposit has been made.

RCC—2157, 2484, 2920, 2953.

RCC 1870, Art. 2954.
Same as above.

CC 1825, Art. 2925. (No reference in Projet)
Same as above.

Same as above.

CN 1804, Art. 1943.
If the contract does not designate the place for restitution, it must be made at the same place as the deposit.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 27.
Same as CC 1808, p. 414, Art. 24, above.

ART. 2955. The deposit must be restored to the depositor as soon as he demands it, even though the contract may have specified the time for its being restored, unless there be in the hands of the
depository, an attachment on the property or an opposition made on the owner.

RCC—1911, 2052, 2149, 2210, 2727, 2899, 2903 et seq., 2934, 2949, 2950, 2956, 2961, 2977.

RCC 1870, Art. 2955.

Same as above.

CC 1825, Art. 2926. (No reference in Projet)

Le dépôt doit être rendu au déposant, aussitôt qu'il le redemande, quand même le contrat porterait un temps déterminé pour sa restitution, à moins qu'il n'existe dans les mains du dépositaire une saisie-arrêt, ou une opposition faite sur le propriétaire.

CC 1808, p. 414, Art. 25.

Same as above; but no punctuation after "be", after "depository", or after "property."

CN 1804, Art. 1944.

Le dépôt doit être rendu au déposant aussitôt qu'il le redemande, quand même le contrat aurait fixé un délai déterminé pour la restitution; à moins qu'il n'existe, entre les mains du dépositaire, une saisie-arrêt ou une opposition à la restitution et au déplacement de la chose déposée.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 28.

Le dépôt doit être rendu au déposant aussitôt qu'il le redemande, quand même le contrat aurait fixé un délai déterminé pour sa restitution; à moins qu'il n'existe, entre les mains du dépositaire, une saisie-arrêt ou une opposition faite sur le propriétaire.

ART. 2956. The depositary can not withhold the thing deposited on pretense of a debt due to him from the depositor on an account distinct from the deposit, or by way of offset.

But he may retain the deposit until his advances are repaid, as well as any other claims which he may have arising from the deposit.

RCC—508, 525, 1268, 2174, 2208, 2210, 2487, 2488, 2587, 2588, 2599, 2903, 2955, 2960, 3022, 3023, 3157, 3164, 3178, 3225. Acts 1894, No. 85 (as am. by 1898, No. 167); 1908, No. 221, §127-33.

RCC 1870, Art. 2956. (Same as Art. 2956 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2927. (Projet, comment)

The depositary cannot withhold the thing deposited on pretence of a debt due to him from the depositor on any account distinct from the deposit, or by way of offset.

Par. 2 same as par. 2, above; but comma (,) after "have."

Le dépositaire ne peut retenir la chose déposée sous prétexte d'une dette qui lui serait due par le déposant pour toute autre cause que celle du dépôt, ou par forme de compensation.

Mais il peut retenir la chose déposée, jusqu'à ce qu'il ait été remboursé des avances, et payé des indemnités, qui lui sont dues pour raison du dépôt.

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ART. 2957. When several persons have received the same object in deposit, each of them is bound to restore the whole.

RCC—2091, 2093, 2107, 2905.

RCC 1870, Art. 2957.
Same as above.

CC 1825, Art. 2928.
Same as above.

(Projet, p. 346. Addition adopted; no comment)

ART. 2958. The unfaithful depositary is not admitted to the benefit of a surrender.

RCC—2170, 2174, 2176.

RCC 1870, Art. 2958.
Same as above.

CC 1825, Art. 2929.
Same as above.

(No reference in Projet)

ART. 2959. All the obligations of the depositary cease on his discovering and proving that he himself is the owner of the thing deposited.

RCC—2217, 2232.

RCC 1870, Art. 2959.
Same as above.

CC 1825, Art. 2930.
Same as above.

(No reference in Projet)
Art. 2960

COMPILED EDITION

CC 1808, p. 414, Art. 27. All the obligations on the depository cease on his discovering and proving that he himself is the owner of the thing deposited.

CN 1804, Art. 1946. Same as above; RCC 1870 preferred.

Section 4—OF THE OBLIGATIONS AND RIGHTS OF HIM BY WHOM THE DEPOSIT HAS BEEN MADE

Art. 2960. He who has made a deposit is bound to reimburse the depository the money he has advanced for the safe keeping of the thing, and to indemnify him for all that the deposit has cost him.

He is to indemnify the depository for the losses which the thing deposited may have occasioned him.

RCC—1907, 1908, 1965, 2299, 2314, 2578, 2904, 2908, 2937, 2956, 2980, 3022 et seq., 3167, 3217(6), 3224 et seq., 3261, 3262.

RCC 1870, Art. 2960. Same as above.

CC 1825, Art. 2931. (No reference in Projet)

Same as above.

CC 1808, p. 414, Art. 28, para. 1, 2. Same as above; but no punctuation after “of the thing.”

CN 1804, Art. 1947. Same as above; but “causées” misspelled “causée”; comma (,) after “fait le dépôt.”

Projet du Gouvernement (1800), Book III, Title XVI, Art. 29, pars. 1, 2. Same as CC 1808, p. 414, Art. 28, pars. 1, 2, above.

Art. 2961. The depositor has a right to reclaim the thing deposited, when it exists in kind in the hands of the depository or his assigns.

RCC—2934, 2936, 2955, 2962, 3222, 3223.
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RCC 1870, Art. 2961.
Same as above.

CC 1825, Art. 2932. (Projet, p. 347. Addition adopted; no comment)
Same as above.

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

ART. 2962. If the depositary or his assigns have disposed of the thing and the price remains due, the depositor has a right to it in preference to any other creditor of the depositary.

RCC—2947, 2961, 2965, 3003, 3006, 3022, 3222, 3223, 3261.

RCC 1870, Art. 2962.
Same as above.

CC 1825, Art. 2933. (Projet, p. 347. Addition adopted; no comment)
Si le dépositaire ou ses ayans-causa ont disposé de cette chose, et que le prix en soit dû, le déposant a droit à ce prix par préférence à tous autres créanciers du dépositaire.

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

ART. 2963. The distinction formerly established by law between the perfect and the imperfect deposit, is abolished.

The only real deposit is that where the depositary receives a thing to be preserved in kind, without the power of using it, and on the condition that he is to restore the identical object.

RCC—2926, 2927.

RCC 1870, Art. 2963.
Same as above.

CC 1825, Art. 2934. (Projet, p. 347. Addition adopted; no comment)
La distinction autrefois établie par la loi entre le dépôt parfait et le dépôt imparfait est abolie.

Il n'y a de véritable dépôt que celui que le dépositaire reçoit pour garder en nature la chose déposée, sans pouvoir en user, et à la charge de rendre identiquement le même objet.

CC 1808. No corresponding article.
CN 1804. No corresponding article.
Chapter 3—Of the Necessary Deposit

ART. 2964. The necessary deposit is that which has been compelled by some accident; such as fire, falling down of a house, pillage, shipwreck, or other casualty.

The deposition on oath, or affirmation of a single competent or credible witness, may be sufficient to prove a necessary deposit, even when the amount* of the thing deposited exceeds five hundred dollars.

RCC—2277, 2931, 2932, 2965, 2971.

RCC 1870, Art. 2964.
Same as above.

CC 1825, Art. 2935.
Same as above; but comma (,) after “accident.”

CC 1808, p. 416, Art. 29.
The necessary deposit is that which had been compelled by some accident, such as fire, falling down of a house, pillage, shipwreck or other casualty.
Par. 2 same as par. 2, above; but no punctuation after “witness.”

CN 1804, Art. 1949.
Same as par. 1, above.

-Art. 1950.
Proof by witnesses may be received in regard to the necessary deposit, even when it involves a value exceeding one hundred and fifty francs.

*Note error in English translation of French text; “amount” should be “value.”

ART. 2965. An innkeeper is responsible as depository for the effects brought by travelers who lodge at his house; the deposit of such effects is considered as a necessary deposit.

RCC—1908, 2317, 2320, 2692, 2751, 2752, 2964, 2966 et seq., 2971, 3234, 3235.

RCC 1870, Art. 2965.
Same as above.

CC 1825, Art. 2936.
Same as above; but “travelers” misspelled, “travellers”; comma (,) after “depository.”

L’hôtelier est responsable, comme dépositaire, des effets apportés par le voyageur qui loge chez lui; le dépôt de ces sortes d’effets est regardé comme un dépôt nécessaire.

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Same as above; but comma (,) after “responsible,” and after “travellers.”

CN 1804, Art. 1952.
Innkeepers and hotel keepers are responsible, as depositaries, for the effects brought by travelers who lodge at their houses; the deposit of such effects must be considered as a necessary deposit.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 31.
Same as CC 1808, p. 416, Art. 30, above.

ART. 2966. An innkeeper is responsible for the effects brought by travelers, even though they were not delivered into his personal care, provided however, they were delivered to a servant or person in his employment.

RCC—2965, 2967, 2971, 3235.

RCC 1870, Art. 2966.
Same as above.

CC 1825, Art. 2937.
An inn-keeper is responsible for the effects brought by travelers [travelers], even though they were not delivered into his personal care.

CN 1804.
No corresponding article.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 32.
Same as CC 1808, p. 416, Art. 31, above.

ART. 2967. He is responsible if any of the effects be stolen or damaged, either by his servants or agents, or by strangers going and coming in the inn.

RCC—2317, 2320, 2721, 2722, 2965, 2966.

RCC 1870, Art. 2967.
Same as above.

CC 1825, Art. 2938.
Il est responsable du vol fait ou du dommage apporté aux effets du voyageur, soit que le vol ait été fait, ou que le dommage ait été causé par ses domestiques et préposés, ou par des étrangers allant et venant à l'hôtellerie (hôtellerie).
ART. 2968

Every landlord or keeper of a public inn or hotel, shall be required to provide with an iron chest or other safe deposit for valuable articles belonging to his guests or customers, and each landlord or hotel keeper shall keep posted upon his doors and other public places in his house of entertainment, written or printed notices to his guests and customers that they must leave their valuable things with the landlord, his agent or clerk, for safe keeping, that he may make safe deposit of the same in the place provided for that purpose.

RCC—2965, 2969.

RCC 1870, Art. 2968. (Same as Art. 2968 of Proposed Revision of 1869; same as Acts 1860, No. 5, §1 [RS §1701])

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 2969. Every landlord, hotel or inn keeper who shall comply with the requirements of the foregoing articles [article], shall not be liable for any money, jewelry, watches, plate, or other things made of gold or silver, or of rare and precious stones, or for other valuable articles of such description as may be contained in small compass, which may be abstracted or lost from any such public inn or hotel, if the same shall not be left with the landlord, his clerk or agent, for deposit, unless such loss shall occur through the fraud or negligence of the landlord, or some clerk or servant employed by him in such inn or hotel; provided, however, that the provisions of this article shall not apply to a wearing watch, or such other articles of jewelry as are ordinarily worn about the person.

RCC—1847, 1934, 2968, 2971.

RCC 1870, Art. 2969. (Same as Art. 2969 of Proposed Revision of 1869; similar to Acts 1860, No. 5, §2 [RS §1702])

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.
ART. 2970. He is not responsible for what is stolen by force and arms, or with exterior breaking open of doors, or by any other extraordinary violence.

RCC—1933, 2219, 2939.

RCC 1870, Art. 2970.
Same as above.

CC 1825, Art. 2939. (No reference in Projet)
Same as above.

CC 1808, p. 416, Art. 33.
Same as above; but no punctuation after “arms.”

CN 1804, Art. 1954.
They are not responsible for what is stolen by force of arms or other superior force.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 34.
Same as CC 1808, p. 416, Art. 33, above.

ART. 2971. No landlord or innkeeper shall be liable under the provisions of the foregoing six articles to any guests or party of guests occupying the same apartments for any loss sustained by such guests or party of guests by theft or otherwise, in any sum exceeding one hundred dollars, unless by special agreement in writing with the proprietor, manager or lessee of the hotel or inn a greater liability has been contracted for.

Provided that no guest shall be held bound by the limitation of value established in this Article unless this Article is conspicuously posted in the guest room. (As amended by Acts 1912, No. 231)

RCC—2277, 2964 et seq.

RCC 1870, Art. 2971.
The deposition on oath or affirmation of a single competent and credible witness as to the deposit at inns, may be admitted as a good proof, even when the value of the thing so deposited exceeds five hundred dollars; but the judge must admit this kind of proof, in that case, with circumspection, according to the circumstances of the fact and the condition of the parties.

CC 1825, Art. 2940. (No reference in Projet)
Same as above; but comma (,) after “fact.”

CC 1808, p. 416, Art. 34.
Same as above; but comma (,) after “dollars”; no punctuation after “of proof”, after “circumspection”, or after “fact.”

CN 1804. No corresponding article.
Testimonial proof is admitted in the case of deposits at inns, even when the value exceeds the sum of 150 francs. However, the judge must admit it with circumspection, according to the circumstances of the fact and the condition of the parties.

Chapter 4—Of Sequestration

Section 1—Of Its Different Species

Art. 2972. Sequestration is either conventional or ordered by the judge.

RCC—1760, 2927, 2973 et seq., 2979 et seq. CP—269 et seq.

RCC 1870, Art. 2972.
Same as above.

CC 1825, Art. 2941. (No reference in Projet)
Le séquestre est, ou conventionnel, ou ordonné par le juge.

CC 1808, p. 416, Art. 35.
Same as above.

CC 1808, p. 417, Art. 35.
Same as above.

CN 1804, Art. 1955.
Sequestration is either conventional or judicial.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 36.
Same as CC 1808, p. 416, Art. 35, above; but no punctuation after "est."

Section 2—Of the Conventional Sequestration

Art. 2973. Sequestration is a kind of deposit, which two or more persons, engaged in litigation about any thing, make of the thing in contest to an indifferent person, who binds himself to restore it, when the issue is decided, to the party to whom it is adjudged to belong.

The depositary in this case is called the sequestrator.

RCC—1761, 1884, 1890, 2927, 2929, 2979, 2980.

RCC 1870, Art. 2973.
Same as above.

CC 1825, Art. 2942. (No reference in Projet)
Le séquestre est une espèce de dépôt, que deux ou plusieurs personnes, qui ont contestation sur une chose, font d'elle cette chose contentieuse, à un tiers qui s'oblige de la rendre, après la contestation terminée, à celle d'entre elles à laquelle elle est jugée appartenir.

Le dépositaire en ce cas s'appelle [s'appelle] séquestre.
CC 1808, p. 416, Art. 36.
Same as above; but comma (,) after "contest"; no punctuation after "deposit", after "persons", or after "person."

CN 1804, Art. 1956.
Conventional sequestration is the deposit of a thing in contest made by one or more persons to a third person who binds himself to restore it, when the issue is decided, to the person who is adjudged to have the right to obtain it.

*Projet du Gouvernement (1800)*, Book III, Title XVI, Art. 37.
Same as CC 1808, p. 416, Art. 36, above.

ART. 2974. A sequestration may be not gratuitous, and then it is rather a contract of hiring than of deposit.

RCC—1764, 1773, 2929, 2938, 2975, 2991.

RCC 1870, Art. 2974.
Same as above.

CC 1825, Art. 2943.
Same as above.

CC 1808, p. 416, Art. 37.
Same as above; but no punctuation after "gratuitous"

CN 1804, Art. 1957.
The sequestration may be not gratuitous.

*Projet du Gouvernement (1800)*, Book III, Title XVI, Art. 38.
Same as CC 1808, p. 416, Art. 37, above.

ART. 2975. When it is gratuitous, it is a real contract of deposit, subject to all rules which apply to that contract, save the differences hereafter explained.

RCC—1773, 2929, 2974.

RCC 1870, Art. 2975.
Same as above.

CC 1825, Art. 2944.
Same as above.

CC 1808, p. 418, Art. 38.
Same as above.

p. 417, Art. 36.
Same as above; but "s'appèle" correctly spelled "s'appelle", no punctuation after "personnes", or after "contentieuse"; comma (,) after "dépositaire", and after "cas."

Le sequestre conventionnel est le dépôt fait par une ou plusieurs personnes, d'une chose contentieuse, entre les mains d'un tiers qui s'oblige de la rendre, après la contestation terminée, à la personne qui sera jugée devoir l'obtenir.

Le sequestre peut n'être pas gratuit, et alors c'est plutôt un contrat de louage que de dépôt.

Le sequestre peut n'être pas gratuit.

Lorsqu'il est gratuit, c'est un véritable contrat de dépôt, soumis à toutes les règles qui concernent ce contrat, sauf les différences ci-après expliquées.

Lorsqu'il est gratuit, il est un véritable contrat de dépôt, soumis à toutes les règles qui concernent ce contrat, sauf les différences ci-après expliquées.
Art. 2976

A sequestration has this difference from a deposit, that it may have for its object not only movables, but also immovables.

RCC—1798, 1885, 2928.

RCC 1870, Art. 2976. (Same as Art. 2976 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2945. (No reference in Projet)

A sequestration has this difference from a deposit, that it may have for its object, not only moveables and slaves,* but also real property.

CC 1808, p. 418, Art. 39.

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

CN 1804, Art. 1959.

Sequestration may have as its object not only movable effects, but even immovables.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 39.

Same as RCC 1870, Art. 2976, above.

Le sequestre, à la différence du dépôt, peut avoir pour objet, non-seulement des meubles et des esclaves, mais encore des immeubles.

CC 1808, p. 419, Art. 39.

Le sequestre, à la différence du dépôt, peut avoir pour objet, non-seulement des meubles,* mais encore des immeubles.

*R “And slaves” has no counterpart in French text.

ART. 2977. The depositary, under this title, is not to restore the thing deposited till after the decision of the suit, and then he must restore it to the party to whom it is adjudged. (As amended by Acts 1871, No. 87)

RCC—2955, 2978.

RCC 1870, Art. 2977. (Same as Art. 2977 of Proposed Revision of 1869)

The depositary, under this title, is not to restore the thing deposited, till after the decision of the party to whom it is adjudged.

CC 1825, Art. 2946. (No reference in Projet)

Same as RCC 1870, Art. 2977, as amended by Acts 1871, No. 87, above; but comma (,) after “deposited.”

CC 1808, p. 419, Art. 40.

Same as above; but comma (,) after “déposée.”

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 41.

Same as CC 1808, p. 419, Art. 40, above; but no punctuation after “déposée.”

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ART. 2978. He can not even till then exonerate himself from the care of the thing sequestered in his hands, unless for some cause rendering it indispensable that he resign his trust.

In that case he can deliver up the thing only to a person agreed upon by the parties concerned; and in case they do not agree, he must cite them to have a new sequestreator appointed.

RCC—2977.

RCC 1870, Art. 2978.
Same as above.

CC 1825, Art. 2947.
(No reference in Projet)

Il ne peut pas même se décharger plutôt (plus tôt) de la garde de la chose séquestrée entre ses mains, si ce n'est pour une cause qui rende cette décharge indispensable.

Dans ce cas, il ne peut remettre la chose qu'à la personne dont sont convenues les parties intéressées; faute par elles de s'accorder, il doit les citer pour voir nommer un second sequestre.

CC 1808, p. 418, Art. 41.
Same as above; but no punctuation after "concerned."

Par. 1 same as par. 1, above; but comma (,) after "pas."

Dans ce cas, il ne peut remettre la chose qu'à la personne dont sont convenues les parties intéressées: faute par elles de s'accorder, il doit les citer pour voir nommer un nouveau sequestre.

CN 1804, Art. 160.

The depository charged with the sequestration cannot be exonerated before the termination of the contest, without the consent of all interested parties, or for a cause adjudged to be legitimate.

Le dépositaire chargé du séquestre ne peut être déchargé avant la contestation terminée, que du consentement de toutes les parties intéressées, ou pour une cause jugée légitime.

Projet du Gouvernement (1800), Book III, Title XVI, Art. 42.
Same as CC 1808, p. 418, Art. 41, above; but no punctuation after "pas."

Section 3—OF THE JUDICIAL SEQUESTRATION OR OF DEPOSIT

ART. 2979. The judicial deposit is that which is made in consequence of an order or judgment rendered by a judge in the cases provided for by the laws regulating judicial proceedings.

RCC—2972, 2973. CP—269 et seq.

RCC 1870, Art. 2979.
Same as above.

CC 1825, Art. 2948.
(Projet, p. 347. Amendment adopted; no comment)

Le dépôt judiciaire est celui qui est fait par suite d'une ordonnance du juge, dans les cas auxquels il est pourvu par les lois qui règlent la procédure.
Art. 2980

**The judicial deposit is that which is made in consequence of an order or judgment rendered by a judge of a competent jurisdiction, to wit:**

1st, With respect to moveables or immovables seized from a debtor;

2d, With respect to immovable property or to a thing movable, the property or possession of which is in litigation between two or more persons;

3d, With respect to the things which a debtor tenders for his discharge.

**The judge may order the sequestration,**

1. Of the movables seized from a debtor;

2. Of immovable property, or of a thing movable, the property or possession of which is in litigation between two or more persons;

3. Of the things which a debtor tenders for his discharge.

**The obligation of the party that has seized the property, consists in paying the guardian his legal fees.**

RCC-1908 et seq., 2937 et seq., 2960, 2973.

RCC 1870, Art. 2980.

Same as above.

CC 1825, Art. 2949.

Same as above.
ART. 2981. The judicial sequestration is confided to the public officer whom the law provides to execute the orders of the judge.

This officer is subject to all the obligations imposed in the case of conventional sequestration.

RCC—2973 et seq.

CC 1808, p. 418, Art. 44.

A judicial sequestration is granted either to a person agreed upon by the parties or to a person appointed ex officio by the judge, if there is no public officer appointed by law for that purpose.

In any case the person to whom the thing is entrusted is subject to all the obligations incident to the conventional sequestration.

CN 1804, Art. 1963.

A judicial sequestration is granted either to a person agreed upon by the
parties or to a person appointed \textit{ex officio} by the judge.

In both cases the person to whom the thing is entrusted is subject to all the obligations incident to the conventional sequestration.

**TITLE XIV—OF ALEATORY CONTRACTS**

**ART. 2982.** The aleatory contract is a mutual agreement, of which the effects, with respect both to the advantages and losses, whether to all the parties or to one or more of them, depend on an uncertain event.


RCC 1870, Art. 2982.

Same as above.

CC 1825, Art. 2951.

Same as above.

CC 1808, p. 420, Art. 1.

The aleatory contract is that by which each of the contracting parties engages to give or to do a thing and receive as an equivalent of the thing given, only the risk which he has taken on himself and which depends on a casual and uncertain event:

Such are:
- Contracts of insurance;
- Loan on bottomry;
- Gaming and betting;
- The contract of annuity for life.

The two former contracts coming under the laws of commerce, are foreign from this code.

The contract of annuity has been treated of under the title of loan.

CN 1804, Art. 1964.

Par. 1 same as CC 1825, Art. 2951, above.

Such are:
- The contract of insurance,
- Loan on bottomry,
- Gaming and betting,
- The contract of annuity for life.

The first two are governed by maritime law.

Projet du Gouvernement (1800), Book III, Title XIX, Art. 1.

Pars. 1-5 same as CC 1808, p. 420, Art. 1, pars. 1-5, above.

Le contrat aléatoire est une convention réciproque, dont les effets, quant aux avantages et aux pertes, soit pour toutes les parties soit pour l'une ou plusieurs d'entre elles, dépendent d'un événement incertain.

Tels sont: le contrat d'assurance;
- Le prêt à grosse aventure;
- Le jeu et le pari;
- Le contrat de rente viagère.

Les deux premiers, appartenant aux lois de commerce, sont étrangers au présent code.

Il a été traité du contrat de rente viagère au titre du prêt.

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