Title XIV. Of Aleatory Contracts (Art. 2982 - 2984)

Louisiana

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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. (Projet, p. 348. Amendment † adopted; no comment)
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.

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.

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. 421, Art. 1, pars. 1-5, above.
Par. 1 same as CC 1825, Art. 2951, above; but no punctuation after “réci-
proque.”
Tels sont,
Le contrat d’assurance,
Le prêt à grosse aventure,
Le jeu et le pari,
Le contrat de rente viagère.
Les deux premiers sont régis par les lois maritimes.

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Art. 2983

The two former contracts, coming under maritime commerce, are foreign to the Civil Code properly so called.

Les deux premiers, appartenant au commerce maritime, sont étrangers au Code civil proprement dit.

ART. 2983. The law grants no action for the payment of what has been won at gaming or by a bet, except for games tending to promote skill in the use of arms, such as the exercise of the gun and foot, horse and chariot racing.

And as to such games, the judge may reject the demand, when the sum appears to him excessive.


RCC 1870, Art. 2983. (Same as Art. 2983 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2952. (No reference in Projet)

The law grants no action for the payment of what has been won at gaming or by a bet, except for games tending to promote skill in the use of arms, such as the exercise of gun, foot, horse, and chariot racing.

Par. 2 same as par. 2, above.

CC 1808, p. 420, Art. 2.

The law grants no action for the payment of what has been won at gaming or by a bet, except for games tending to promote skill in the use of arms, such as the exercise of the gun, foot, horse and chariot racing.

Par. 2 same as par. 2, above; but no punctuation after "demand."

CN 1804, Art. 1965.

The law grants no action for a gaming debt or for the payment of a bet.

-Art. 1966.

Games tending to promote skill in the use of arms, foot and horse racing, chariot racing, tennis, and other games of the same nature which promote skill and physical exercise, are excepted from the preceding provision.

 Nevertheless the court may reject the demand, when the sum appears to it excessive.

Projet du Gouvernement (1800), Book III, Title XIX, Art. 2.

The law grants no action for the payment of what has been won at gaming or by a bet, except for games tending to promote skill in the use of arms, such as the exercise of the gun, foot, horse, and chariot racing, and tennis.

And as to such games, the judge may dismiss the action, when the sums wagered or bet exceed twenty-four francs.

La loi n'accorde aucune action pour le paiement de ce qui a été gagné au jeu, ou par un pari; excepté pour les jeux propres à exercer au fait des armes, tels que l'exercice au fusil, les courses à pied ou à cheval et de chariot.

A l'égard de ces sortes de jeux, le juge peut rejeter la demande, quand la somme lui paraît excessive.

Nevertheless the court may reject the demand, when the sum appears excessive.

-Art. 2.

The law grants no action for the payment of what has been won at gaming or by a bet, except for games tending to promote skill in the use of arms, such as the exercise of the gun, foot, horse, and chariot racing, and tennis.

And as to such games, the judge may dismiss the action, when the sums wagered or bet exceed twenty-four francs.
Art. 2984. In all cases in which the law refuses an action to the winner, it also refuses to suffer the loser to reclaim what he has voluntarily paid, unless there has been, on the part of the winner, fraud, deceit, or swindling.


RCC 1870, Art. 2984. (Same as Art. 2984 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 2953. (No reference in Projet)
In all cases in which the law refuses an action to the winner, it also refuses to suffer the loser to reclaim what he has voluntarily paid, unless there have been, on the part of the winner, fraud, deceit, or swindling.

CC 1808, p. 420, Art. 3.
Same as above; but no punctuation after "been", or after "deceit."

CN 1804, Art. 1967.
In no case can the loser reclaim what he has voluntarily paid, unless there has been, on the part of the winner, fraud, deceit, or swindling.

Projet du Gouvernement (1800), Book III, Title XIX, Art. 3.
In all cases in which the law refuses an action to the winner, it also refuses to suffer the loser to reclaim what he has voluntarily paid. Nevertheless recovery may be sought by a criminal proceeding when there has been, on the part of one of the gamblers, fraud, deceit, or swindling.

Dans tous les cas où la loi dénie l'action au gagnant, elle refuse au perdant la répétition de ce qu'il a volontairement payé; si ce n'est qu'il y ait eu de la part de celui qui a gagné, dol, supercherie ou escroquerie.

Dans aucun cas le perdant ne peut répeter ce qu'il a volontairement payé, à moins qu'il n'y ait eu, de la part du gagnant, dol, supercherie ou escroquerie.

TITLE XV—OF MANDATE

Chapter 1—Of the Nature and Form of Mandates

Art. 2985. A mandate, procuration or letter of attorney is an act by which one person gives power to another to transact for him and in his name, one or several affairs.


RCC 1870, Art. 2985. (Same as Art. 2985 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 2954. (No reference in Projet)
A procuration or letter of attorney is an act by which one person gives power to another to transact for him and in his name, one or several affairs.

Le mandat ou procuration est un acte par lequel quelqu'un donne à un autre le pouvoir de faire pour lui et en son nom, une ou plusieurs affaires.