Title XV. Of Mandate (Art. 2985 - 3034)

Louisiana
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.

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.
CC 1808, p. 420, Art. 1.  
A procuration or letter of attorney is an act by which one person gives power to another to transact for him* one or several affairs.

CN 1804, Art. 1984, par. 1.  
A procuration or letter of attorney is an act by which one person gives power to another to do something for the mandator and in his name.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 1.  
Same as CC 1808, p. 420, Art. 1, above.

*English translation of French text incomplete; should include “and in his name.”

ART. 2986. The mandate may take place in five different manners: For the interest of the person granting it alone; for the joint interest of both parties; for the interest of a third person; for the interest of such third person and that of the party granting it, and, finally, for the interest of the mandatary and a third person. (As amended by Acts 1871, No. 87)

RCC—2986.

RCC 1870, Art. 2986.  
(Same as Art. 2986 of Proposed Revision of 1869)

The mandate may take place in five different manners: for the interest of the person granting it only; for the joint interest of both parties; for the interest of a third person; for the interest of a third person and that of the party granting it; and finally, for the interest of the mandatary and a third person.

CC 1825, Art. 2955.  
(Same as RCC 1870, Art. 2986, as amended by Acts 1871, No. 87, above; but semicolon (;) after “party granting it”; no punctuation after “it; and.”

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 2987. The object of the mandate must be lawful, and the power conferred must be one which the principal himself has a right to exercise.

RCC—1764, 1779, 1885, 1891, 1892, 1893, 1895.

RCC 1870, Art. 2987.  
Same as above.

CC 1825, Art. 2956.  
(Same as above.

CC 1808. No corresponding article.

CN 1804. No corresponding article.
ART. 2988. The contract of mandate is completed only by the acceptance of the mandatary.

RCC—1766, 1773, 1779, 1780, 1797 et seq., 1809, 2989, 2990.

RCC 1870, Art. 2988.
Same as above.

CC 1825, Art. 2957. (No reference in Projet)
Same as above.

CC 1808, p. 420, Art. 2.
This contract is perfected only by the acceptance of the person empowered to represent the principal.

CN 1804, Art. 1984, par. 2.
The contract is formed only by the acceptance of the mandatary.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 2.
Same as CC 1808, p. 420, Art. 2, above; RCC 1870 preferred.

ART. 2989. A power of attorney may be accepted expressly in the act itself, or by a posterior act.

It may also be accepted tacitly; and this tacit acceptance is inferred, either from the mandatary acting under it, or from his keeping silence when the act containing his appointment is transmitted to him.

RCC—1766, 1780, 1797, 1800 et seq., 1809, 1811, 1816 et seq., 2988, 2990.

RCC 1870, Art. 2989.
Same as above.

CC 1825, Art. 2958. (Projet, p. 348. Amendment † adopted; no comment)
Same as above; but comma (,) after "appointment."

CC 1808, p. 420, Art. 3.
A power of attorney may be accepted either expressly and in the act itself, or by a posterior act, or tacitly by the attorney's acting under it.

CN 1804, Art. 1985, par. 2.
The acceptance of the mandate may be only tacit, and result from the mandatary's acting under it.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 3.
Same as CC 1808, p. 420, Art. 3, above.
ART. 2990. If the proxy or attorney in fact pleads that he has not accepted or acted under the power, it is incumbent on the principal to prove he has.

RCC—2988, 2989.

RCC 1870, Art. 2990.
Same as above.

CC 1825, Art. 2959. (No reference in Projet)
Si le mandataire prétend n'avoir pas accepté ou exécuté le mandat, c'est au mandant à le prouver.

CC 1808, p. 420, Art. 4.
Same as above; but comma (,) after "fact.

-CN 1804. No corresponding article.

-Projet du Gouvernement (1800), Book III, Title XVII, Art. 4.
Same as CC 1808, p. 420, Art. 4, above.

ART. 2991. The procuration is gratuitous unless there has been a contrary agreement.

RCC—1773, 2675, 2765, 2929, 2974, 3003.

RCC 1870, Art. 2991. (Same as Art. 2991 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 2960. (No reference in Projet)
The procuration is gratuitous unless there have been a contrary agreement.

CC 1808, p. 422, Art. 5. -p. 423, Art. 5.
Same as above; but comma (,) after "gratuitous.

The procuration is gratuitous unless there is a contrary agreement.

ART. 2992. A power of attorney may be given, either by a public act or by a writing under private signature, even by letter.

It may also be given verbally, but of this testimonial proof is admitted only conformably to the title: Of Conventional Obligations.

RCC—1154, 2234 et seq., 2240 et seq., 2275 et seq., 2996, 3028.

RCC 1870, Art. 2992.
Same as above.

CC 1825, Art. 2961. (No reference in Projet)
La procuration peut être donnée, ou par acte public, ou par écrit sous-seing privé, même par lettre.

Elle peut aussi être donnée verbalement, mais la preuve testimoniale n'en est admise que conformément au titre des obligations conventionnelles.

1639
Art. 2993

A power of attorney may be given either by a public act, or by a writing under private signature, even by letter. It may also be given verbally; but of this testimonial proof is admitted only conformably to the title of contract (contracts) or conventional obligations in general.

CN 1804, Art. 1985, par. 1.
The mandate may be given either by public act, or by writing under private signature, even by letter. It may also be given verbally, but of this testimonial proof is admitted only conformably to the title of contracts or conventional obligations in general.

Art. 2993. A blank may be left for the name of the attorney in fact in the letter of attorney.
In that case, the bearer of it is deemed the person empowered.

RCC 1870, Art. 2993.
Same as above.

CC 1825, Art. 2962.
Same as above.

CC 1808, p. 422, Art. 7.
Same as above; but comma (,) after "fact"; no punctuation after "case."

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 7.
Same as CC 1808, p. 422, Art. 7, above.

Art. 2994. It may be either general for all affairs, or special for one affair only.

RCC—1154, 1542, 2995 et seq.

RCC 1870, Art. 2994.
Same as above.

CC 1825, Art. 2963.
It may be either general for all affairs, or special for one affair alone.

CC 1808, p. 422, Art. 8.
Same as above; but comma (,) after "general"; semicolon (;) after "affairs."

Art. 2994. It may be either general for all affairs, or special for one affair only.

RCC—1154, 1542, 2995 et seq.

RCC 1870, Art. 2994.
Same as above.

CC 1825, Art. 2963.
It may be either general for all affairs, or special for one affair alone.

CC 1808, p. 422, Art. 8.
Same as above; but comma (,) after "general"; semicolon (;) after "affairs."

Art. 2994. It may be either general for all affairs, or special for one affair only.

RCC—1154, 1542, 2995 et seq.

RCC 1870, Art. 2994.
Same as above.

CC 1825, Art. 2963.
It may be either general for all affairs, or special for one affair alone.

CC 1808, p. 422, Art. 8.
Same as above; but comma (,) after "general"; semicolon (;) after "affairs."

Art. 2994. It may be either general for all affairs, or special for one affair only.

RCC—1154, 1542, 2995 et seq.

RCC 1870, Art. 2994.
Same as above.

CC 1825, Art. 2963.
It may be either general for all affairs, or special for one affair alone.

CC 1808, p. 422, Art. 8.
Same as above; but comma (,) after "general"; semicolon (;) after "affairs."

Art. 2994. It may be either general for all affairs, or special for one affair only.

RCC—1154, 1542, 2995 et seq.

RCC 1870, Art. 2994.
Same as above.

CC 1825, Art. 2963.
It may be either general for all affairs, or special for one affair alone.

CC 1808, p. 422, Art. 8.
Same as above; but comma (,) after "general"; semicolon (;) after "affairs."

Art. 2994. It may be either general for all affairs, or special for one affair only.

RCC—1154, 1542, 2995 et seq.

RCC 1870, Art. 2994.
Same as above.

CC 1825, Art. 2963.
It may be either general for all affairs, or special for one affair alone.

CC 1808, p. 422, Art. 8.
Same as above; but comma (,) after "general"; semicolon (;) after "affairs."

Art. 2994. It may be either general for all affairs, or special for one affair only.

RCC—1154, 1542, 2995 et seq.
CIVIL CODES OF LOUISIANA  Art. 2996

It is either special and for one affair or certain affairs only, or general and for all the affairs of the mandator.

Il est ou spécial et pour une affaire ou certaines affaires seulement, ou général et pour toutes les affaires du mandant.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 8.
Same as CC 1808, p. 422, Art. 8, above.

ART. 2995. It may vest an indefinite power to do whatever may appear conducive to the interest of the principal, or it may restrict the power given to the doing of what is specified in the procuration.

RCC—2994, 2996, 3006.

RCC 1870, Art. 2995.
Same as above.

CC 1825, Art. 2964. (No reference in Projet)
Elle peut contenir un mandat indéfini de faire tout ce qui paraitra convenable aux intérêts du mandant ou être bornée au pouvoir de faire ce qui est expliqué dans la procuration.

CC 1808, p. 422, Art. 9.
Same as above.

CC 1808, p. 423, Art. 9.
Same as above; but "bornée" misspelled "borné"; comma (,) after "indéfini", and after "mandant."

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 9.
Same as CC 1808, p. 422, Art. 9, above.

ART. 2996. A mandate conceived in general terms, confers only a power of administration.
If it be necessary to alienate or give a mortgage, or do any other act of ownership, the power must be express.

RCC—133, 1542, 1959, 2146, 2168, 2275, 2870, 2992, 2994, 2995, 2997, 3000, 3006, 3088, 3149, 3200, 3303, 3462.

RCC 1870, Art. 2996.
Same as above.

CC 1825, Art. 2965. (Projet, p. 349. Addition † adopted; no comment)
Le mandat conçu en termes généraux n’embrasse que les actes d’administration.
S’il s’agit d’aliéner, d’hypothéquer ou de faire quelqu’autre acte de propriété, le mandat doit être exprès.

CC 1808. No corresponding article.

Same as CC 1825, Art. 2965, above.

Par. 1 same as CC 1825, Art. 2965, par. 1, above.
Art. 2997

Thus the power must be express and special for the following purposes:

-To sell or to buy.
-To incumber or hypothecate.
-To accept or reject a succession.
-To contract a loan or acknowledge a debt.
-To draw or indorse bills of exchange or promissory notes.
-To compromise or refer a matter to arbitration.

To make a transaction in matters of litigation; and in general where things to be done are not merely acts of administration, or such as facilitate such acts.

RCC—130, 314, 733, 1020, 1045, 1154, 1542, 2140 et seq., 2275, 2994, 2996, 2998 et seq., 3101, 3149, 3303, 3462.

RCC 1870, Art. 2997.
Same as above.

CC 1825, Art. 2996. (Projet, p. 349. Substitution † adopted; no comment)
Same as above; but semicolon (;) after "buy", after "hypothecate", after "succession", after "debt", after "notes", after "arbitration", and after "such acts."

CC 1808, p. 422, Art. 10.
The attorney in fact has no power to alienate any thing but what is movable and perishable.
-To accept or reject a succession;
-To acknowledge a debt;
-To compromise or refer to arbitrators;
-To make a transaction in matters of litigation;
-To sue for restitution in integrum with regard to an act; Unless a special power to that effect be given in the procuration.

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 10.
Pars. 1-5 same as CC 1808, p. 422, Art. 10, pars. 1-5, above.

1642
To give or to accept a judicial oath,
To attack an act as a forgery,

De défréer ni d’accepter un serment,
De s’inscrire en faux,

Pars. 8, 9 same as CC 1808, p. 422,
Art. 10, pars. 6, 7, above.

De deferer ni d’accepter un serment,
De s’inscrire en faux,

Pars. 8, 9 same as CC 1808, p. 423,
Art. 10, pars. 6, 7, above; but no
punctuation after "restitution", or after
"entier"; comma (,) after "acte."

ART. 2998. A power to compromise on a matter in litigation
does not include that of submitting or referring to arbitrators.

RCC—2295, 2997, 3012, 3021, 3071, 3072, 3099, 3101.

RCC 1870, Art. 2998.
Same as above.

CC 1825, Art. 2967. (No reference in Projet)
Same as above.

Le mandat pour transiger ne ren­
ferme pas celui de compromettre.

CC 1808, p. 422, Art. 11.
A power to make a transaction on a
matter in litigation, does not include
that of compromising or referring to
arbitrators.

Le mandat, pour transiger, ne ren­
ferme pas celui de compromettre.

CN 1804, Art. 1899.
The mandatary has no power beyond
that granted by his procuration; the
power to compromise does not include
that of referring a matter to arbitra­
tion.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 11.
Same as RCC 1870, Art. 2998, above.

Same as CC 1808, p. 423, Art. 11,
above; but no punctuation after "man­
dat."

ART. 2999. A power to receive includes that of giving a re­
cceipt in acquittance.

RCC—2143, 2146, 2997, 3379.

RCC 1870, Art. 2999.
Same as above.

CC 1825, Art. 2968. (No reference in Projet)
Same as above.

Le mandat pour recevoir emporte
celui de donner quittance.

CC 1808, p. 422, Art. 12.
Same as above; but comma (,) after
"receive."

-p. 423, Art. 12.
Same as above; but comma (,) after
"mandat", and after "recevoir."

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 12.
Same as CC 1808, p. 423, Art. 12,
above; but no punctuation after "man­
dat."

ART. 3000. Powers granted to persons, who exercise a profes­sion,
or fulfill certain functions, or doing any business in the ordinary
course of affairs to which they are devoted, need not be specified,
but are inferred from the functions which these man­
daries exercise.

RCC—2143, 2996, 2997, 3006, 3088.

1643
Art. 3001

Women and emancipated minors may be appointed attorneys; but, in the case of a minor, the person appointing him has no action against him, except according to the general rules relative to the obligations of minors; and in the case of a married woman, who has accepted the power without authority from her husband, she can only be sued in the manner specified under the title: Of Marriage Contract, and the Respective Rights of the Parties in Relation to their Property.

RCC—25, 121, 122, 125, 376 et seq., 1664, 1665, 1782, 1783, 1785 et seq., 1791 et seq., 2222, 2229. Acts 1916, No. 94; 1918, No. 244; 1920, No. 219; 1921, E.S., No. 34; 1926, No. 132; 1928, No. 283.

RCC 1870, Art. 3001. (Same as Art. 3001 of Proposed Revision of 1869) Same as above.

Art. 3000. (Projet, p. 349. Addition † adopted; no comment)

Les pouvoirs que l'on donne à des personnes qui exercent une profession, ou qui remplissent de certaines fonctions, de faire quelque chose dans le cours ordinaire des affaires auxquelles elles se livrent, n'ont pas besoin d'être spécifiés; ils sont régis par la nature des fonctions que ces mandataires remplissent.

CC 1825, Art. 2969. (Projet, p. 349. Substitution † adopted; no comment)

Les femmes et les mineurs émancipés peuvent être choisis pour mandataires; mais le mandant n'a d'action contre le mandataire mineur, que d'après les règles générales relatives aux obligations des mineurs; et contre la femme mariée, et qui a accepté le mandat sans l'autorisation de son mari, que d'après les règles établies au titre du contrat de mariage et des droits respectifs des époux.


Even a minor who has attained the age of eighteen years, or a married woman, provided she accepts the procuration only under the authorisation of her husband, may be appointed an attorney in fact. (Suppressed on recommendation of redactors; Projet, p. 349)


On peut même constituer le mineur qui a dix-huit ans, et la femme mariée, pourvu que cette dernière n'accepte la procuration, que sous l'autorisation de son mari. (Suppressed on recommendation of redactors; Projet, p. 349)

-p. 422, Art. 15.

He who appoints a minor his attorney in fact, has no action against him for his mismanagement, but according to the general rules concerning the obligations of minors. (Suppressed on recommendation of redactors; Projet, p. 349)

-p. 423, Art. 15.

Celui qui établit un mineur pour son procureur constitué, n'a d'action contre lui, pour sa mauvaise gestion, que d'après les règles générales sur les obligations des mineurs. (Suppressed on recommendation of redactors; Projet, p. 349)
CHAPTER 2—OF THE OBLIGATIONS OF A PERSON ACTING UNDER A POWER OF ATTORNEY

ART. 3002. The attorney in fact is bound to discharge the functions of the procuration, as long as he continues to hold it, and is responsible to his principal for the damages that may result from the non-performance of his duty.

He is bound even to complete a thing which had been commenced at the time of the principal's death, if any danger result from delay.

RCC—1903, 1926, 1930, 1934, 2295 et seq., 3003, 3017, 3018, 3020, 3027, 3031, 3032, 3034.

RCC 1870, Art. 3002.
Same as above.

CC 1825, Art. 2971.
Same as above.

CC 1808, p. 422, Art. 16.
The attorney in fact is bound to discharge the functions of the procuration as long as he continues to hold it, and he is responsible to his principal for the damages that may result from the non-performance of his duty.

Par. 1 same as CC 1825, Art. 2971, par. 1, above.

1645
Art. 3003

He is bound likewise to complete a thing which had been commenced at the time of the principal's death, if any danger result from delay.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 18.
Same as CC 1808, p. 422, Art. 16, above.

ART. 3003. The attorney is responsible, not only for unfaithfulness* in his management, but also for his fault or neglect.

Nevertheless, the responsibility with respect to faults, is enforced less rigorously against the mandatary acting gratuitously, than against him who receives a reward.

RCC—567, 1847, 1848, 2298, 2315, 2316, 2862, 2937, 2938, 2991, 3002, 3004, 3018, 3019, 3031.

RCC 1870, Art. 3003.
Same as above.

CC 1825, Art. 2972.
Same as above.

CC 1808, p. 424, Art. 17.
The attorney is responsible not only for unfaithfulness* in his management, but also for his fault.

The attorney is responsible not only for fraud, but also for faults committed in his management.
Par. 2 same as CC 1825, Art. 2972, par. 2, above.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 19.
The attorney is responsible not only for fraud in his management, but also for his fault.

*Note error in English translation of French text; “unfaithfulness” should be “fraud.”

ART. 3004. He is obliged to render an account of his management, unless this obligation has been expressly dispensed with in his favor.


RCC 1870, Art. 3004.
Same as above.

1646
ART. 3005. He is bound to restore to his principal whatever he has received by virtue of his procuration, even should he have received it unduly.

RCC—1758, 2299, 3004, 3248.

RCC 1870, Art. 3005.
Same as above.

CC 1825, Art. 2974.
(No reference in Projet)
Il est tenu de restituer au mandant, tout ce qu'il a reçu en vertu de sa procuration, quand même il l'aurait reçu indûment.

RCC 1870, Art. 3005.
Same as above.

CC 1808, p. 424, Art. 19.
He is obliged to restore to his principal whatever he has received by virtue of his procuration, even should he have received it unduly.

CN 1804, Art. 1933.
Tout mandataire est tenu de rendre compte de sa gestion, et de faire raison au mandant de tout ce qu'il a reçu en vertu de sa procuration, quand même ce qu'il aurait reçu n'eût point été dû au mandant.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 20.
Same as CC 1808, p. 425, Art. 18, above.

ART. 3006. In case of an indefinite power, the attorney can not be sued for what he has done with good intention.

The judge must have regard to the nature of the affair, and the difficulty of communication between the principal and the attorney.

RCC—2862, 2867, 2995, 2996, 3000, 3022, 3024.

RCC 1870, Art. 3006.
Same as above.

CC 1825, Art. 2975.
(No reference in Projet)
Dans le cas du mandat indéfini, le mandataire ne peut être recherché pour ce qu'il a fait de bonne foi.
Art. 3007. The attorney is answerable for the person substituted by him to manage in his stead, if the procuration did not empower him to substitute.

RCC—2317, 2318, 2320, 2722, 2768, 3008, 3009.

RCC 1870, Art. 3007.
Same as above.

CC 1825, Art. 2976. (No reference in Projet)
Same as above.

CC 1808, p. 424, Art. 21. The attorney is answerable for the person substituted by him to manage in his stead, if the procuration did not empower him to do it.

CN 1804, Art. 1994, par. 1. The attorney is answerable for the person substituted by him to manage in his stead, 1. when he has not received the power to substitute anyone for himself; 2. when this power has been conferred on him without designation of anyone, and when the person whom he has chosen was notoriously incapable or insolvent.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 23. Le mandataire répond de celui qu'il s'est substitué dans la gestion, lorsqu'il n'avait pas par la procuration le pouvoir de le faire.

Art. 3008. He is also answerable for his substitute, if, having the power to appoint one, and the person to be appointed not being named in the procuration, he has appointed for his substitute a person notoriously incapable, or of suspicious character.

RCC—2722, 3007.

RCC 1870, Art. 3008.
Same as above.
CIVIL CODES OF LOUISIANA  
Art. 3010

CC 1825, Art. 2977.  (No reference in Projet)  
Same as above.

Il en répond encore lorsqu'il avait le pouvoir de substituer, si le substitué ne lui était pas nommé dans la procuration, et qu'il ait substitué quelqu'un notoirement incapable ou suspect.

CC 1808, p. 424, Art. 22.  
He is also answerable for his substitute, if, having the power to appoint one, and the person to be appointed not being named in the procuration, he has appointed as his substitute a person notoriously incapable or of suspicious character.

He is also answerable for his substitute, if, having the power to appoint one, and the person to be appointed not being named in the procuration, he has appointed as his substitute a person notoriously incapable or of suspicious character.

CC 1808, p. 424, Art. 22.  
Same as above; but comma (,) after "encore."

Projet du Gouvernement (1800), Book III, Title XVII, Art. 24.  
Same as CC 1808, p. 424, Art. 22, above.

Il en répond encore lorsqu'il avait le pouvoir de se substituer, si le substitué ne lui était pas nommé dans la procuration, et qu'il ait substitué quelqu'un notoirement incapable ou suspect.

CN 1804, Art. 1994, par. 1.  
Quoted under RCC 1870, Art. 3007, above.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 24.  
Same as CC 1808, p. 424, Art. 22, above.

Dans tous les cas, le mandant peut agir directement contre la personne que le mandataire s'est substitué.

ART. 3009. Even where the attorney is answerable for his substitute, the principal may, if he thinks proper, act directly against the substitute.

RCC—2317, 2318, 2320, 3007, 3014.

RCC 1870, Art. 3009.  
Same as above.

CC 1825, Art. 2978.  (No reference in Projet)  
Same as above.

Dans le cas même où le mandataire doit répondre de celui qu'il a substitué, le mandant peut, si bon lui semble, agir directement contre* le substitué.

CC 1808, p. 424, Art. 23.  
Even where the attorney is answerable for his substitute, the principal may, if he thinks proper, come directly upon* the substitute.

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

CN 1804, Art. 1994, par. 2.  
In all cases, the principal may act directly against the person whom the mandatary has substituted.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 25.  
Same as CC 1825, Art. 2978, above.

Dans le cas même où le mandataire doit répondre de celui qu'il s'est substitué, le mandant peut, si bon lui semble, agir directement contre le substitué.

*Note error in English translation of French text; "come directly upon" should be "act directly against."

ART. 3010. The attorney can not go beyond the limits of his procuration; whatever he does exceeding his power is null and void
Art. 3011. The mandatary is not considered to have exceeded his authority, when he has fulfilled the trust confided to him, in a manner more advantageous to the principal, than that expressed in his appointment.

RCC—3010.

RCC 1870, Art. 3011.
Same as above.

CC 1825, Art. 2980.
Same as above.

(Projet, p. 350. Addition adopted; no comment)

Le mandataire n'est pas considéré comme ayant excédé les bornes de son mandat, lorsqu'il a rempli la commission qui lui était donnée, d'une manière plus avantageuse pour le mandant que celle qui était exprimée dans la procuration.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 3012. The mandatary, who has communicated his authority to a person with whom he contracts in that capacity, is not answerable to the latter for anything done beyond it, unless he has entered into a personal guarantee.

RCC—1889, 2998, 3010, 3013, 3021.

RCC 1870, Art. 3012.
Same as above.
ART. 3014. The mandataire is responsible to those with whom he contracts, only when he has bound himself personally, or when he has exceeded his authority without having exhibited his powers.

RCC—1889, 2615, 2867, 3010, 3012, 3021.

ART. 3013. When there are several attorneys in fact empowered by the same act, they are not responsible in solido for the acts of each, unless such responsibility be expressed in the procuration.

RCC—1871, 2091, 2093, 2107, 2868, 3009, 3026.

ART. 3014. When there are several attorneys in fact empowered by the same act, they are not responsible in solido for the acts of each, unless such responsibility be expressed in the procuration.

RCC—1870, Art. 3014. (Same as Art. 3014 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 2983. (No reference in Projet)

When there are several attorneys in fact empowered by the same act, they are not responsible jointly and severally in solido to one another, for the acts of each, unless such responsibility be expressed in the procuration.

CC 1808, p. 424, Art. 25. (P. 425, Art. 25.)

Same as above; but "in solido" enclosed in parentheses.
ART. 3015. The attorney is answerable for the interest of any sum of money he has employed to his own use, from the time he has so employed it; and for that of any sum remaining in his hands from the day he becomes a defaulter by delaying to pay it over.*

RCC-1911, 1912, 1935, 1938, 2924, 3004, 3025.

RCC 1870, Art. 3015.
Same as above.

CC 1825, Art. 2984. (No reference in Projet)
Same as above; but comma (,) after "hands."

Same as above; but comma (,) after "employed it"; no punctuation after "hands."

CN 1804, Art. 1996.
The attorney is answerable for the interest of any sum of money he has employed to his own use, from the time that he has so employed it; and for that of any sum which he owes as a balance, reckoning from the day he is put in default. Le mandataire doit l'intérêt des sommes qu'il a employées à son usage, du moment de l'emploi, et de celles qu'il peut retenir, du jour qu'il est mis en demeure.*

Projet du Gouvernement (1800), Book III, Title XVII, Art. 28.
The attorney is answerable for the interest of any sum of money he has employed to his own use, from the time he has so employed it; and for that of any sum remaining in his hands from the day he is put in default. Le mandataire doit l'intérêt des sommes qu'il a employées à son usage, à dater de cet emploi; et de celles dont il est reliquataire, à compter du jour qu'il est mis en demeure.

*Note error in English translation of French text; "becomes a defaulter by delaying to pay it over" should be "is put in default."

Chapter 3—Of the Mandatary or Agent of Both Parties

ART. 3016. The broker or intermediary is he who is employed to negotiate a matter between two parties, and who, for that reason, is considered as the mandatary of both.

RCC—3017 et seq.

RCC 1870, Art. 3016.
Same as above.
ART. 3017. The obligations of a broker are similar to those of an ordinary mandatary, with this difference, that his engagement is double, and requires that he should observe the same fidelity towards all parties, and not favor one more than another.

RCC—3002 et seq., 3016, 3020.

ART. 3018. Brokers are not responsible for events which arise in the affairs in which they are employed; they are only, as other agents, answerable for fraud or faults.

RCC—1819, 1847, 3002, 3003, 3019, 3020.

ART. 3019. Brokers, except in case of fraud,* are not answerable for the insolvency of those to whom they procure sales or loans, although they receive a reward for their agency and speak in favor of him who buys or borrows.

RCC—1819, 1847, 1985, 3003, 3018.
ART. 3020

Commercial and money brokers, besides the obligations which they incur in common with other agents, have their duties prescribed by the laws regulating commerce.

RCC—3002 et seq., 3017, 3018.

ART. 3021. The principal is bound to execute the engagements contracted by the attorney, conformably to the power confided to him. For anything further he is not bound, except in so far as he has expressly ratified it.

RCC—1889, 2272, 2299, 2998, 3010, 3012, 3013, 3303.

Chapter 4—Of the Obligations of the Principal Who Acts by His Attorney in Fact

ART. 3021. The principal is bound to execute the engagements contracted by the attorney, conformably to the power confided to him. For anything further he is not bound, except in so far as he has expressly ratified it.

RCC—1889, 2272, 2299, 2998, 3010, 3012, 3013, 3303.

CC 1825, Art. 2990. (Projet, p. 351. Substitution amended and adopted; no comment)
Le mandant est tenu d'exécuter les engagements contractés par le mandataire, conformément au pouvoir qui lui a été donné.
Il n'est tenu de ce qui a été fait au-delà, qu'autant qu'il l'a ratifié expressément.
ART. 3022. The principal ought to reimburse the expenses and charges which the agent has incurred in the execution of the mandate, and pay his commission where one has been stipulated.

If there be no fault imputable to the agent, the principal can not dispense with this reimbursement and payment, even if the affair has not succeeded; nor can he reduce the amount of reimbursement, under pretense that the charges and expenses ought to have been less.

RCC—1865, 2299, 2317, 2767, 2862, 2945, 2956, 2960, 3003, 3006, 3023 et seq., 3247.

RCC 1870, Art. 3022.
Same as above.

CC 1825, Art. 2991.

The attorney has a right to the reimbursement of the money advanced by him, and the contingent expenses he has been at, in the execution of his procuration, even in case the affair has not succeeded, provided there has been no fault on his part.

The principal is even obliged to reimburse to the attorney, those expenses and advances, though they be more considerable than he himself would have employed, had he undertaken the business, provided no fraud nor fault can be imputed to the attorney.

CN 1804, Art. 1999.
Same as CC 1825, Art. 2991, above.

1655
ART. 3023. The mandatary has a right to retain out of the property of the principal in his hands, a sufficient amount to satisfy his expenses and costs.

He may even retain, by way of offset, what the principal owes him, provided the debt be liquidated.

RCC—2299, 2956, 2960, 3022, 3024, 3164, 3247.

ART. 3024. The attorney must also be compensated for such losses as he has sustained on occasion of the management of his principal’s affairs, when he can not be reproached with imprudence.

RCC—2299, 2960, 3006, 3022, 3023, 3025.
ART. 3025. If the attorney has advanced any sum of money for the affairs of the principal, the latter owes the interest of it, from the day on which the advance is proved to have been made.

RCC—1935, 1938, 2299, 2924, 3015, 3022, 3024.

RCC 1870, Art. 3025.
Same as above.

CC 1825, Art. 2994.
Same as above.

CC 1808, p. 426, Art. 31.
Same as above; but comma (,) after "money"; no punctuation after "it."

CN 1804, Art. 2001.
The interest on advances made by the mandantary is owed to him by the principal reckoning from the day on which the advances are proved to have been made.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 33.
Same as CC 1808, p. 426, Art. 31, above.

ART. 3026. If the attorney has been empowered by several persons for an affair common to them, every one of these persons shall be bound in solido to him for all the effects of the procuration.

RCC—2077, 2088, 2091, 2093, 2107, 2113, 3014, 3054.

RCC 1870, Art. 3026. (Same as Art. 3026 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 2995. (No reference in Projet)
If the attorney has been empowered by several persons for an affair common to them, every one of these persons shall be bound jointly and severally in solido to him for all the effects of the procuration.

CC 1808, p. 426, Art. 32.
Same as above; but "effects" misspelled "effect"; "in solido" enclosed in parentheses.

CN 1804, Art. 2002.
When the attorney has been empowered by several persons for an affair common to them, every one of these persons is bound in solido to him for all the effects of the mandate.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 34.
Same as CC 1808, p. 427, Art. 32, above; but no punctuation after "personnes."
Chapter 5—How the Procuration Expires

Art. 3027. The procuration expires:
By the revocation of the attorney.
By the attorney’s renunciation of the power.
By the change of condition of the principal.
By the death, seclusion, interdiction or failure of the agent or principal.

But the powers of attorney by public act or by writings under private signature, or by letter, to transfer on the books of stock corporations, bonds or shares of stock in said corporations, shall be irrevocable, and shall not expire by the death, seclusion, interdiction or failure of the principals, where the said bonds or shares of stock have been previously sold to the persons holding the said powers of attorney, for value received, and said facts are set forth in such powers of attorney. (As amended by Acts 1882, No. 19)

RCC—1543, 1784, 1810, 2007, 2130, 2141 et seq., 2297, 3002, 3028 et seq., 3031, 3032, 3034, 3539.

RCC 1870, Art. 3027.
Same as paras. 1-5, above.

CC 1825, Art. 2996. (Projet, p. 352. Amendment amended in English text and adopted; no comment)
Same as above; but semicolon (;) after “attorney”, after “power”, and after “the principal.”

Le mandat finit:
- Par la révocation du mandataire;
- Par la renonciation de celui-ci au mandat;
- Par le changement d’état du mandant;
- Par la mort, la réclusion, l’interdiction ou la faillite, soit du mandant, soit du mandataire.

-p. 427, Art. 33.
Le mandat prend fin:
-Par la mort;
- Et par l’interdiction du mandant ou du mandataire;
- Le tout, sous les modifications qui suivent.

CC 1808, p. 426, Art. 33.
Para. 1-3 same as paras. 1-3, above; but semicolon (;) after “expires.”
By the principal’s changing his condition;
By death;
And by the interdiction of the principal or of the attorney.
The whole under the following modifications.

Par la mort naturelle ou civile, l’interdiction ou la déconfinure, soit du mandant, soit du mandataire.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 35.
Para. 1-4 same as CC 1808, p. 426, Art. 33, para. 1-4, above.

By natural or civil death, the interdiction, or the insolvency, either of the principal or of the attorney.

Para. 1-3 same as CC 1825, Art. 2996, paras. 1-3, above; but comma (,) after “fin”, after “mandataire”, and after “mandat.”

1658
ART. 3028. Except in the case of irrevocable powers of attorney, as described in the preceding article, the principal may revoke his power of attorney, whenever he thinks proper, and, if necessary, compel the agent to deliver up the written instrument containing it, if it be an act under private signature. (As amended by Acts 1882, No. 19)

RCC—1901, 2868, 2992, 3027, 3029, 3030.

RCC 1870, Art. 3028.
The principal may revoke his power of attorney whenever he thinks proper, and, if necessary, compel the agent to deliver up the written instrument containing it, if it be an act under private signature.

CC 1825, Art. 2997. (Projet, p. 352. Amendment ↓ adopted; no comment)
Same as above.

CC 1808, p. 426, Art. 34.
The principal is at liberty to revoke his power of attorney whenever he thinks proper.

The principal may revoke his power of attorney whenever he thinks proper, and, if necessary, compel the agent to deliver up either the writing under private signature which contains it, or the original power of attorney, if such original has been delivered, or the executory copy, if the original has been retained.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 36.
Same as CC 1808, p. 426, Art. 34, above.

ART. 3029. If the principal only notifies his revocation to the attorney, and not to the persons with whom he has empowered the attorney to transact for him, such persons shall always have the right of action against the principal to compel him to execute or ratify what has been done by the attorney; the principal has, however, a right of action against the attorney.

RCC—2141, 3028, 3030, 3033.

RCC 1870, Art. 3029.
Same as above.

CC 1825, Art. 2998.
Same as above.

(No reference in Projet)
Si le mandant ne notifie sa révocation qu'au mandataire, et non à ceux
Art. 3030

The appointment of a new attorney to transact the same business produces the same effect as a revocation of the first, from the day such appointment is notified to the first attorney.

RCC—2141, 3028, 3029, 3033.

RCC 1870, Art. 3030.
Same as above.

CC 1825, Art. 2999. (Projet, p. 352. Amendment ‡ adopted; no comment)

La constitution d'un nouveau procureur pour la même affaire, vaut revocation du premier, du jour qu'elle a été notifiée à celui-ci.

CC 1808, p. 426, Art. 36.
The appointment of a new attorney to transact the same business produces the same effect as a revocation of the first, from the day the said appointment is notified to said first attorney and to the persons with whom he was to transact.

CN 1804, Art. 2006.
Same as CC 1825, Art. 2999, above.

La constitution d'un nouveau mandataire pour la même affaire, vaut révocation du premier, à compter du jour où elle a été notifiée à celui-ci.
ART. 3031. The attorney may renounce his power of attorney by notifying to the principal his renunciation.

Nevertheless, if this renunciation be prejudicial to the principal, he ought to be indemnified by the agent, unless the latter should be so situated that he can not continue the agency without considerable injury.

RCC—2295, 2298, 2315, 3002, 3003, 3027, 3034.

RCC 1870, Art. 3031.

Same as above.

CC 1825, Art. 3000. (Projet, p. 352. Substitution adopted; no comment)

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

CC 1808, p. 426, Art. 37.

The attorney may renounce his power of attorney by notifying to the principal his renunciation, provided said renunciation be made in such circumstances that no injury can result therefrom to the principal. (Suppressed on recommendation of redactors; Projet, p. 352)

-p. 426, Art. 38.

He may also renounce to his powers as attorney when he is in the impossibility to fulfill the duties imposed on him, or when a considerable injury might result to him therefrom. (Suppressed on recommendation of redactors; Projet, p. 352)

CN 1804, Art. 2007.

Same as CC 1825, Art. 3000, above.

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

Same as CC 1808, p. 426, Art. 37, above.

-Book III, Title XVII, Art. 40.

Same as CC 1808, p. 426, Art. 38, above.

ART. 3032. If the attorney, being ignorant of the death or of the cessation of the rights of his principal, should continue under his
Art. 3033

POWER OF ATTORNEY, THE TRANSACTIONS DONE BY HIM, DURING THIS STATE OF IGNORANCE, ARE CONSIDERED AS VALID.

RCC—1543, 2141, 2144, 3002, 3027, 3033, 3034.

RCC 1870, Art. 3032.
Same as above.

CC 1825, Art. 3001.
Same as above; but comma (,) after “death.”

CC 1808, p. 426, Art. 40.
If the attorney being ignorant of the death or of the determination of the rights of his principal, should continue to act under his power of attorney, the transactions done by him until he has been made acquainted with either of these circumstances, are considered as valid.

If the attorney is ignorant of the principal’s death, or of one of the other causes which terminate the power of attorney, the transactions done by him during this state of ignorance are considered as valid.

Projet du Gouvernement (1800), Book III, Title XVII, Art. 42.
Same as CC 1808, p. 426, Art. 40, above.

ART. 3033. IN THE CASES ABOVE ENUMERATED, THE ENGAGEMENTS OF THE AGENT ARE CARRIED INTO EFFECT IN FAVOR OF THIRD PERSONS ACTING IN GOOD FAITH.

RCC—2141, 3029 et seq.

RCC 1870, Art. 3033.
Same as above.

CC 1825, Art. 3002.
Same as above.

CC 1808. No corresponding article.

CN 1804, Art. 2009.
Same as CC 1825, Art. 3002, above.

ART. 3034. IN THE CASE OF THE DEATH OF THE ATTORNEY, HIS HEIR OUGHT TO INFORM THE PRINCIPAL OF IT, AND IN THE MEAN TIME, ATTEND TO WHAT MAY BE REQUISITE FOR THE INTEREST OF THE PRINCIPAL.

RCC—940, 2297, 3002, 3027, 3032.

RCC 1870, Art. 3034.
Same as above.
CIVIL CODES OF LOUISIANA

Art. 3035.

Suretyship is an accessory promise by which a person binds himself for another already bound, and agrees with the creditor to satisfy the obligation, if the debtor does not.

RCC—1761, 1765, 1767, 1771, 1773, 1778, 1890, 2091, 2092, 2134, 2162, 2192, 2488, 2557, 2645, 3045, 3066, 3076, 3284, 3295 et seq., 3553. Acts 1904, No. 64, 166.

RCC 1870, Art. 3035.

Same as above.

CC 1825, Art. 3004.

Same as above; but “accessory” spelled “accessary.”

CC 1808, p. 428, Art. 1.

The person who becomes surety on a debt, is bound to pay to the creditor said debt, either in whole or in part, in behalf of the debtor, if said debtor does not pay it himself.

CN 1804, Art. 2011.

The person who becomes surety on a debt agrees with the creditor to satisfy the obligation, if the debtor does not.

1663