

## Title XIX. Of Arbitration (Art. 3099 - 3132)

Louisiana

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- CC 1825, Art. 3064.** (No reference in Projet)  
 Same as above; but comma (,) after “goods.” Quiconque aura réclamé le bénéfice de la cession de biens, ne pourra plus revenir à demander un simple atermoyement.
- CC 1808, p. 440, Art. 8.** Same as above. -p. 441, Art. 8.  
 Quiconque aura réclamé le bénéfice de la cession des biens, ne pourra plus revenir à demander un simple atermoiement.
- CN 1804.** No corresponding article.

**ART. 3098.** When the creditors refuse a respite, the cession of property ensues, and the proceedings continue, as if the cession had been offered in the first instance.

RCC—2170 *et seq.*, 3086. RS—1781 *et seq.*

- RCC 1870, Art. 3098.**  
 Same as above.
- CC 1825, Art. 3065.\*** (Projet, p. 359. Addition adopted; no comment)  
 Same as above; but semicolon (;) after “ensues.” Lorsque les créanciers refusent l’atermoyement, la cession s’ensuit, et la procédure continue, comme si la cession avait été offerte d’abord.

**CC 1808.** No corresponding article.

**CN 1804.** No corresponding article.

\*Official edition reads “Art. 6065.”

## TITLE XIX—OF ARBITRATION\*

\*In connection with this title see Acts 1928, No. 262, as amended by Acts 1932, No. 218. See also general comment by redactors, Projet, p. 359.

**ART. 3099.\*** A *submission* is a covenant by which persons who have a lawsuit or difference with one another, name arbitrators to decide the matter and bind themselves reciprocally to perform what shall be arbitrated.

RCC—1761, 1765, 2465, 2672, 2998, 3071, 3100 *et seq.*, 3110, 3325. CP—444 *et seq.* Acts 1928, No. 262 (as am. by 1932, No. 218); 1938, No. 266. Const. 1921, III, 36.

**RCC 1870, Art. 3099.**

Same as above.

**CC 1825, Art. 3066.**

Same as above.

(No reference in Projet)

Le compromis est une convention par laquelle les personnes qui ont un procès ou un différend, nomment des arbitres pour le terminer, et s’obligent réciproquement à exécuter ce qui sera arbitré.

**CC 1808, p. 440, Art. 1.**

A compromise is a covenant by which persons who have a law suit or difference with one another, name arbitrators to decide the matter and bind themselves reciprocally to perform what shall be arbitrated.

**-p. 441, Art. 1.**

Same as above; but comma (,) after "compromis", and after "personnes"; "différend" misspelled "différent."

**CN 1804.** No corresponding article.

\*In connection with this article see Acts 1928, No. 262, §1, as amended by Acts 1932, No. 218.

**ART. 3100. A submission must be reduced to writing.**

RCC—1797, 2275, 2277, 2834, 2845, 3071, 3099, 3176. Acts 1928, No. 262, §1 (as am. by 1932, No. 218, §1).

**RCC 1870, Art. 3100.**

Same as above.

**CC 1825, Art. 3067.**

(No reference in Projet)

Same as above.

Les compromis doivent être rédigés par écrit.

**CC 1808, p. 440, Art. 2.**

A compromise must be reduced to writing.

**-p. 441, Art. 2.**

Same as above.

**CN 1804.** No corresponding article.

**ART. 3101. They who can not bind themselves can not make a submission; such as a married woman, unless it be under her husband's authority.**

An attorney in fact can not make a submission without a special power.

The tutors of minors and the curators of persons interdicted or absent, can not do it without being authorized by the judge.

RCC—121, 353, 370, 382, 415, 1780 *et seq.*, 1785, 1786, 2997, 2998, 3072, 3107, 3108. Acts 1928, No. 283.

**RCC 1870, Art. 3101.**

(Same as Art. 3101 of Proposed Revision of 1869)

Same as above.

**CC 1825, Art. 3068.**

(No reference in Projet)

Pars. 1, 2 same as pars. 1, 2, above; but comma (,) after "submission."

Ceux qui ne peuvent pas s'engager ne peuvent pas compromettre, telle qu'une femme sous puissance de mari, si ce n'est de son autorité.

Un fondé de procuration ne peut compromettre sans un pouvoir spécial.

The tutors or curators of minors, of persons interdicted or absent, cannot do it without being authorized by the judge.

Les tuteurs ou curateurs des mineurs, interdits ou absents, ne peuvent compromettre que sous autorité de justice.

**CC 1808, p. 440, Art. 3.**

They who cannot bind themselves cannot compromise, such as a married woman, unless it be under her husband's authority.

An attorney in fact cannot compromise without a special power.

**-p. 441, Art. 3.**

Pars. 1, 2 same as pars. 1, 2, above; but comma (,) after "s'engager."

The tutors or curators of minors, of persons interdicted or absent, cannot compromise without being authorised to do so by a judge.

Les tuteurs ou curateurs des mineurs, interdits ou absents peuvent compromettre sous autorité de justice.

CN 1804. No corresponding article.

ART. 3102.\* Parties may submit either all their differences, or only some of them in particular; and likewise they may submit to arbitration a lawsuit already instituted or only in contemplation, and generally every thing which they are concerned in, or which they may dispose of.

RCC—1829, 2448, 2452, 3071, 3082, 3099, 3103. Acts 1928, No. 262, §2, 3 (as am. by 1932, No. 218, §1).

RCC 1870, Art. 3102.

Same as above.

CC 1825, Art. 3069.

Same as above.

(No reference in Projet)

On peut compromettre sur les dommages de tous différends, ou seulement de quelques uns en particulier, comme aussi on peut compromettre sur un procès à mouvoir, de même que sur un procès déjà mû, et généralement de toutes choses qui concernent les parties, et dont elles peuvent disposer.

CC 1808, p. 440, Art. 4.

Parties may compromise either all their differences or only some of them in particular; and likewise they may compromise a law suit already instituted or only in contemplation, and generally every thing which they are concerned in or which they may dispose of.

-p. 441, Art. 4.

On peut compromettre, en général, de tous différens, ou seulement de quelques-uns, en particulier, comme aussi on peut compromettre sur un procès à mouvoir, de même que sur un procès déjà mû, et généralement, de toutes choses qui concernent les parties, et dont elles peuvent disposer.

CN 1804. No corresponding article.

\*In connection with this article see Acts 1928, No. 262, §2, as amended by Acts 1932, No. 218.

ART. 3103. One may submit to arbitration the damages incurred for a public offense; but it is without any prejudice to the prosecution of it in behalf of the State.

RCC—2315, 3102.

RCC 1870, Art. 3103.

Same as above.

CC 1825, Art. 3070.

Same as above.

(No reference in Projet)

On peut compromettre sur les dommages-intérêts résultant d'un délit; mais c'est sans préjudice aux poursuites du ministère public.

CC 1808, p. 440, Art. 5.

One may compromise the damages incurred by a public offence, but it is without any prejudice to the prosecution of it in behalf of the territory.

-p. 441, Art. 5.

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

CN 1804. No corresponding article.

**ART. 3104.\*** The power of arbitrators is limited to what is explained in the submission.

RCC—3010, 3118, 3121, 3122.

**RCC 1870, Art. 3104.**

Same as above.

**CC 1825, Art. 3071.**

(No reference in Projet)

Same as above.

Le pouvoir des arbitres est borné à ce qui est expliqué par le compromis.

**CC 1808, p. 440, Art. 6.**

The power of arbitrators is limited to what is explained in the compromise.

-p. 441, Art. 6.

Same as above.

**CN 1804.** No corresponding article.

\*In connection with this article see Acts 1928, No. 262, §4, as amended by Acts 1932, No. 218.

**ART. 3105.** If the submission does not limit any time, the power of the arbitrators may continue in force during three months from the date of the submission, unless the parties agree to revoke it.

RCC—3120, 3123 *et seq.*, 3132. CP—452.

**RCC 1870, Art. 3105.**

Same as above.

**CC 1825, Art. 3072.**

(No reference in Projet)

Same as above.

Si le compromis ne limite aucun temps, le pouvoir des arbitres durera pendant trois mois, de la date du compromis, si ce n'est que les parties ne s'accordent à le révoquer.

**CC 1808, p. 442, Art. 7.**

If the compromise does not limit any time, the power of the arbitrators may continue in force during three months from the date of the compromise unless the parties agree to revoke it.

-p. 443, Art. 7.

Same as above.

**CN 1804.** No corresponding article.

**ART. 3106.** It is usual to undergo\* a penalty of a certain sum of money in the submission, which the person who shall contravene the award, or bring appeal therefrom, shall be bound to pay to the other who is willing to abide by it; but this covenant is not essential, and the submission may subsist without the penalty.

RCC—1764, 1771, 1930, 2117 *et seq.*, 3130.

**RCC 1870, Art. 3106.**

(Same as Art. 3106 of Proposed Revision of 1869)

Same as above.

**CC 1825, Art. 3073.**

(No reference in Projet)

It is usual to undergo\* a penalty of a certain sum of money in the submission, which the person who shall contravene the award, or bring appeal therefrom, shall be bound to pay to the

Il est d'usage d'imposer\* une peine pécuniaire par le compromis, que celui ou celle qui n'exécute pas le jugement des arbitres, et qui en appelle, est tenu de payer à l'autre partie qui veut

other who is willing to abide by it; but this covenant is not obligatory, and the submission may subsist without the penalty.

**CC 1808, p. 442, Art. 8.**

It is usual to undergo\* a penalty of a certain sum of money in the compromise which the person who shall contravene the award or bring appeal therefrom, shall be bound to pay to the other who is willing to stand to it, but this covenant is not obligatory and the compromise may subsist though no penalty [penalty] is stipulated against the person refusing to abide by it.

**CN 1804.** No corresponding article.

\*Note error in English translation of French text; "undergo" should be "impose."

**ART. 3107.** All persons may be arbitrators, except such as are under some incapacity or infirmity, which renders them unfit for that function.

Therefore, minors under the age of eighteen years, persons interdicted, those who are deaf and dumb, can not be arbitrators.

RCC—1782 *et seq.*, 3101, 3108.

**RCC 1870, Art. 3107.** (Same as Art. 3107 of Proposed Revision of 1869)  
Same as above.

**CC 1825, Art. 3074.** (No reference in Projet)

Par. 1 same as par. 1, above.

Therefore minors under the age of eighteen years, persons interdicted, those who are deaf or dumb, cannot be arbitrators.

s'y soumettre; mais cette convention n'est pas essentielle, et le compromis peut subsister sans qu'il y ait de peine stipulée contre les contrevenans.

**-p. 443, Art. 8.**

Same as above; but comma (,) after "partie", and after "subsister."

Toutes personnes peuvent être arbitres, à la réserve de celles qui sont sujettes à quelqu'incapacité ou infirmité qui ne leur permettrait pas d'exercer cette fonction.

Ainsi les mineurs au-dessous de l'âge de dix-huit ans, les interdits, les sourds ou les muets ne peuvent être arbitres.

**CC 1808, p. 442, Art. 9.**

Same as above; but no punctuation after "arbitrators", after "infirmity", or after "dumb."

**-p. 443, Art. 9.**

Same as above; but comma (,) after "infirmité", after "Ainsi", after "mineurs", and after "muets"; "permettrait" misspelled "permetrait."

**CN 1804.** No corresponding article.

**ART. 3108.\*** Women who, on account of their sex, can not be judges, are likewise incapable of being named arbitrators.

RCC—25, 1782, 3101, 3107, 3110. Acts 1921, No. 34; 1928, No. 283.

**RCC 1870, Art. 3108.**

Same as above.

**CC 1825, Art. 3075.**

Same as above.

(No reference in Projet)

Les femmes qui, à cause de leur sexe, ne peuvent être juges, ne peuvent aussi être nommées arbitres.

**CC 1808, p. 442, Art. 10.**

Women who on account of their sex cannot be judges are likewise incapable of being named arbitrators by a compromise.

**CN 1804.** No corresponding article.

\*In connection with this article see RCC 1870, Art. 25, as amended by Acts 1921, E.S., No. 33, above.

**ART. 3109.** There are two sorts of arbitrators:  
The arbitrators properly so called;  
And the amicable compounders.

RCC—3110. CP—444.

**RCC 1870, Art. 3109.**

Same as above.

**CC 1825, Art. 3076.**

Same as above.

(No reference in Projet)

Les arbitres sont de deux sortes:  
Les arbitres proprement dits;  
Et les amiables compositeurs.

**CC 1808, p. 442, Art. 11.**

There are two sorts of arbitrators;  
The arbitrators so properly called and  
the amicable compounders.

**CN 1804.** No corresponding article.

**-p. 443, Art. 11.**

Par. 1 same as par. 1, above.  
Les arbitres purement dits:  
Par. 3 same as par. 3, above.

**ART. 3110.** The arbitrators ought to determine as judges, agreeably to the strictness of the law.

Amicable compounders are authorized to abate something of the strictness of the law in favor of natural equity.

Amicable compounders are, in other respects, subject to the same rules which are provided for the arbitrators by the present title.

RCC—3099 *et seq.*, 3108, 3109, 3112, 3121. CP—444.

**RCC 1870, Art. 3110.**

Same as above.

(Same as Art. 3110 of Proposed Revision of 1869)

**CC 1825, Art. 3077.**

Par. 1 same as par. 1, above.

Amicable compounders are authorized to abate something of the strictness of the law, in favour of the natural equity.

Par. 3 same as par. 3, above.

(No reference in Projet)

Les arbitres doivent décider comme des juges, suivant la rigueur de la loi.

Les amiables compositeurs sont autorisés à se relâcher de la rigueur de la loi, et à suivre l'équité naturelle.

Les amiables compositeurs sont au reste sujets aux mêmes règles qui sont prescrites aux arbitres par le présent titre.

**CC 1808, p. 442, Art. 12.**

The arbitrators ought to determine as judges agreeable to the strictness of the law.

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

Amicable compounders are moreover subject to the same rules which are provided for the arbitrators by the present title.

**CN 1804.** No corresponding article.

**-p. 443, Art. 12.**

Same as above; but comma (,) after "décider", after "sont" in par. 3, after "reste", and after "aux arbitres."

ART. 3111. Before examining the difference to them submitted, the arbitrators ought to take an oath before a judge or justice of the peace, to render their award with integrity and impartiality in the cause which is laid before them.

RCC—3119. CP—448.

RCC 1870, Art. 3111.

Same as above.

CC 1825, Art. 3078.

(No reference in Projet)

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

Les arbitres doivent, avant d'examiner le différend qui leur est soumis, prêter serment devant le premier juge ou juge de paix, "de rendre leur sentence avec intégrité et impartialité, sur la cause qui leur est soumise."

CC 1808, p. 442, Art. 13.

Before examining the difference to them submitted, the arbitrators ought to take an oath before a judge, or justice of the peace, to render their award with integrity and impartiality, in the cause which is laid before them as arbitrators.

-p. 443, Art. 13.

Les arbitres doivent, avant d'examiner le différent [différend] qui leur est soumis, prêter serment devant le premier juge ou juge de paix, "de rendre leur sentence, avec intégrité et impartialité, sur la cause qui leur est soumise, comme arbitres".

CN 1804. No corresponding article.

ART. 3112. The parties, who have submitted their differences to arbitrators, must make known their claims, and prove them, in the same manner as in a court of justice, by producing written or verbal evidence in the order agreed on between them or fixed by the arbitrators.

RCC—3110. CP—450, 451.

RCC 1870, Art. 3112.

Same as above.

CC 1825, Art. 3079.

(No reference in Projet)

Same as above.

Les parties, qui ont compromis sur leurs différends, doivent faire connaître leurs prétentions et les prouver de la même manière que dans les cours de justice, soit par écrit, soit par témoins, suivant l'ordre dont elles conviennent de gré à gré, ou qui est réglé par les arbitres.

CC 1808, p. 442, Art. 14.

The parties who have submitted their differences to a compromise, must declare their pretensions and prove them in the same manner as in a court of justice, by producing writings and evidence, observing in this the rules agreed on by mutual consent or which are established by the arbitrators.

-p. 443, Art. 14.

Les parties qui ont compromis sur leurs différens, doivent faire connaître leurs prétentions, et les prouver de la même manière que dans les cours de justice, soit par écrit ou par témoins, suivant l'ordre dont elles conviennent de gré à gré, ou qui est réglé par les arbitres.

CN 1804. No corresponding article.

ART. 3113. The arbitrators shall appoint a time and place for examining the matter to them submitted, and give notice thereof to the parties or to their attorneys.

RCC—3556(19). CP—450.



**RCC 1870, Art. 3113.**

Same as above.

**CC 1825, Art. 3080.**

Same as above.

(No reference in Projet)

Les arbitres doivent fixer le temps et le lieu où ils examineront l'affaire qui leur est soumise, et en donner avis aux parties ou à leurs procureurs.

**CC 1808, p. 442, Art. 15.**

The arbitrators ought to appoint a time and place for examining the matter to them submitted and to give notice of such appointment to the parties or to their attornies.

**-p. 443, Art. 15.**

Same as above.

**CN 1804.** No corresponding article.

**ART. 3114.** The parties must attend the arbitrators either in person, or by their attorney, with their witnesses and documents. If one or both of them should not appear, the arbitrators may proceed and inquire into the affair in their absence.

RCC—3115. CP—450, 451.

**RCC 1870, Art. 3114.**

Same as above.

**CC 1825, Art. 3081.**

Same as above; but comma (,) after "attend the arbitrators"; no punctuation after "person."

(Projet, p. 359. Amendment adopted; no comment)

Les parties doivent comparaître devant les arbitres, soit en personnes, soit par procureurs, avec leurs titres et leurs témoins. Si l'une d'elles, ou toutes les deux ne comparaissent pas, les arbitres doivent passer outre, et instruire l'affaire en leur absence.

**CC 1808, p. 442, Art. 16.**

The parties must attend the arbitrators either in person or by their attorney, with their witnesses and documents, the arbitrators may also if they think it proper, examine the parties themselves or call for any other information.

**-p. 443, Art. 16.**

Les parties doivent comparaître devant les arbitres, soit en personnes ou par procureurs, avec leurs titres et leurs témoins; les arbitres peuvent aussi, s'ils le jugent convenable, examiner les parties elles-mêmes, ou requérir toute autre espèce d'information.

**-p. 442, Art. 18.**

The law has secured each of the parties against the voluntary procrastination of the other, by permitting the arbitrators on due notice given, to proceed without his attendance. (Suppressed on recommendation of redactors; see comment, Projet, p. 360)

**-p. 443, Art. 18.**

La loi a mis chaque partie à l'abri des retards volontaires que pourrait apporter l'autre partie, en autorisant les arbitres, sur avis à elle donné, de procéder au jugement à défaut de comparution de sa part. (Suppressed on recommendation of redactors; see comment, Projet, p. 360)

**CN 1804.** No corresponding article.

**ART. 3115.\*** Arbitrators have no authority to compel witnesses to appear before them or to administer an oath; but, at the request of arbitrators, it will be the duty of justices of the peace to compel witnesses to appear and to administer the oath to them.

RCC—3114. CP—451.

RCC 1870, Art. 3115.

Same as above.

CC 1825, Art. 3082.

(Projet, p. 359. Substitution adopted; no comment)

Same as above.

Les arbitres n'ont point d'autorité pour forcer les témoins à comparaître par devant eux, ni pour les assermenter; mais sur leur réquisition il est du devoir de tout juge de paix de les forcer à cette comparution, et de leur faire prêter serment.

CC 1808, p. 442, Art. 17.

As the arbitrators have no public authority, they cannot compel the attendance of witnesses before them but by applying to a court of justice to have the necessary process to compel such attendance.

They have also no authority to take the oath of any witness brought before them, but said witness shall be sworn before any judge or justice of the peace.

-p. 443, Art. 17.

Les arbitres, n'ayant aucune autorité publique, ne peuvent forcer les témoins à comparaître par-devant eux, qu'en s'adressant au premier juge, pour en obtenir les sommations nécessaires pour les obliger à comparaître.

De même, ils ne peuvent prendre le serment, d'aucun témoin produit devant eux, mais ces témoins doivent être assermentés par le premier juge, ou juge de paix.

CN 1804. No corresponding article.

\* In connection with this article see Acts 1928, No. 262, §§6, 7.

ART. 3116. If the arbitrators disagree another shall decide, and that other is called an umpire.

RCC—3117 et seq. CP—446.

RCC 1870, Art. 3116.

Same as above.

CC 1825, Art. 3083.

(No reference in Projet)

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

Si les arbitres ne s'accordent pas, ils doivent être départagés par un tiers, et ce tiers s'appelle sur-arbitre.

CC 1808, p. 442, Art. 19.

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

-p. 443, Art. 19.

Same as above.

CN 1804. No corresponding article.

ART. 3117. The nomination of the umpire is either made by the parties themselves at the time of the submission, or left to the discretion of the arbitrators.

RCC—3116, 3118. CP—446.

RCC 1870, Art. 3117.

Same as above.

CC 1825, Art. 3084.

(No reference in Projet)

Same as above.

La nomination de sur-arbitre peut se faire par les parties elles-mêmes, au moment du compromis, ou être laissée aux choix des arbitres.

**CC 1808, p. 442, Art. 20.**

The nomination of the umpire is either made by the parties themselves at the time of the compromise, or left to the discretion of the arbitrators.

**-p. 443, Art. 20.**

La nomination du sur-arbitre peut se faire, ou par les parties elles-mêmes, au moment du compromis, ou laissée au choix des arbitres.

**CN 1804.** No corresponding article.

**ART. 3118.** Whenever the umpire has not been appointed by the submission, the arbitrators have the power to appoint him, though such power is not mentioned in the submission. But if the arbitrators can not agree on this election, the umpire shall be appointed *ex officio* by the judge.

RCC—3104, 3117. CP—446. Acts 1928, No. 262, §4 (as am. by 1932, No. 218, §1).

**RCC 1870, Art. 3118.**

Same as above.

**CC 1825, Art. 3085.**

Same as above.

(No reference in Projet)

Toutes les fois que le sur-arbitre n'a pas été nommé par le compromis, les arbitres ont le pouvoir de le choisir, quoique ce pouvoir ne soit pas exprimé dans le compromis.

Mais si les arbitres ne s'accordent pas sur le choix, le sur-arbitre sera nommé d'office par le juge.

**CC 1808, p. 444, Art. 21.**

Whenever the umpire has not been appointed by the compromise, the arbitrators have the power to appoint him, though such power is not mentioned in the compromise. But if the arbitrators cannot agree on this election, the umpire shall be appointed *ex officio* by the judge.

**-p. 445, Art. 21.**

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

**CN 1804.** No corresponding article.

**ART. 3119.** The umpire shall take an oath similar to that taken by the arbitrators, before examining the matter or the point submitted to him.

RCC—3111. CP—448.

**RCC 1870, Art. 3119.**

Same as above.

**CC 1825, Art. 3086.**

Same as above.

(No reference in Projet)

Le sur-arbitre doit prêter un serment semblable à celui des arbitres, avant d'examiner la cause ou les points qui lui sont soumis.

**CC 1808, p. 444, Art. 22.**

The umpire ought to take an oath similar to that taken by the arbitrators, before examining the matter or the point submitted to him.

**-p. 445, Art. 22.**

Same as above.

**CN 1804.** No corresponding article.

**ART. 3120.** The arbitrators who have consented to act as such, ought to determine the suit or the difference which is submitted to them, as soon as possible and within the time fixed by the submission.

RCC—3105, 3123, 3125.

**RCC 1870, Art. 3120.** (Same as Art. 3120 of Proposed Revision of 1869)  
Same as above.

**CC 1825, Art. 3087.** (No reference in Projet)

The arbitrators, who have once consented to act as such, ought to determine the suit or the difference which is submitted to them, as soon as possible, and within the time fixed by the submission.

Les arbitres, qui ont une fois accepté cette charge, doivent prononcer sur le procès ou sur le différend qui leur est soumis, le plus promptement possible, et dans les délais fixés par le compromis.

**CC 1808, p. 444, Art. 23.**

The arbitrators who have once consented to act as such ought to determine the suit or the difference which is submitted to them as soon as possible and within the time fixed by the compromise.

**-p. 445, Art. 23.**

Les arbitres, qui ont une fois accepté cette charge, doivent prononcer sur le procès, ou sur le différend [différend] qui leur est soumis, le plus promptement possible, et dans les délais du compromis.

**CN 1804.** No corresponding article.

**ART. 3121.** Arbitrators can not exceed the power which is given to them; and if they exceed it, their award is null for so much.

RCC—3010, 3104, 3122.

**RCC 1870, Art. 3121.**  
Same as above.

**CC 1825, Art. 3088.** (Projet, p. 360. Amendment adopted; no comment)  
Same as above.

Les arbitres ne peuvent excéder les bornes du pouvoir qui leur est donné, à peine de nullité de tout ce qu'ils feraient au-delà.

**CC 1808, p. 444, Art. 24.**

The arbitrators cannot exceed the power which is given to them and if they exceed it their award is null: nevertheless if the parties have authorised them to determine the case as amicable compounders or according to good faith and natural equity without confining them to the strictness of the law, they shall be at liberty to retrench something of the good right of one of the parties to grant it to the other and to take a medium between equity and the extreme strictness of the law.

**-p. 445, Art. 24.**

Les arbitres ne peuvent excéder les bornes du pouvoir qui leur est donné, à peine de nullité de leur sentence; cependant, si les parties les ont autorisés à prononcer, comme amiables compositeurs, ou selon la bonne foi et suivant l'équité naturelle, sans les astreindre à la rigueur de la loi, alors ils ont la liberté de retrancher quelque chose du bon droit de l'une des parties, pour l'accorder à l'autre, et de prendre un milieu entre la bonne foi, et l'extrême rigueur de la loi.

**CN 1804.** No corresponding article.

**ART. 3122.** The authority of arbitrators extend [extends] only to the things contained in the submission, unless it has been stated that they shall have power to decide all disputes which may arise between the parties in the course of the arbitration.

RCC—3073, 3104, 3121.

**RCC 1870, Art. 3122.** (Same as Art. 3122 of Proposed Revision of 1869)  
Same as above.

**CC 1825, Art. 3089.** (Projet, p. 360. Substitution adopted; no comment)

Same as above; but "extend" correctly spelled "extends."

Le pouvoir des arbitres ne s'étend que sur les choses contenues dans le compromis, à moins qu'il n'ait été exprimé qu'ils auront le pouvoir de juger toutes les contestations qui pourront survenir entre les parties pendant le cours de l'arbitrage.

**CC 1808, p. 444, Art. 25.**

The power of the arbitrators cannot extend to things which are not included in the compromise; therefore whenever a new point of difference arises, a new power is necessary, and to avoid this inconvenience, there ought to be inserted in the compromise a general clause, empowering the arbitrators to give their award on all the differences which may arise between the parties during the course of the arbitration.

**-p. 445, Art. 25.**

Le pouvoir des arbitres ne peut s'étendre que sur les choses contenues dans le compromis, ainsi lorsqu'il survient de nouveaux chefs de contestation, un nouveau pouvoir est nécessaire; pour éviter cet inconvénient, il faut insérer dans le compromis une clause générale, pour donner aux arbitres le pouvoir de juger toutes les contestations qui pourraient survenir entre les parties, pendant le cours de l'arbitrage.

**CN 1804.** No corresponding article.

**ART. 3123.** The arbitrators ought to give their award within the time limited by the submission, and it would be null if it were given after the time is expired.

RCC—3105, 3120, 3124. CP—452.

**RCC 1870, Art. 3123.**

Same as above.

**CC 1825, Art. 3090.** (No reference in Projet)

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

Les arbitres doivent rendre leur sentence dans le temps réglé par le compromis; elle serait nulle, si elle était rendue après le temps expiré.

**CC 1808, p. 444, Art. 26.**

The arbitrators ought to give their award within the time limited by the compromise, and it would be null if it were given after the said time is expired.

**-p. 445, Art. 26.**

Same as above.

**CN 1804.** No corresponding article.

**ART. 3124.** Nevertheless the parties may give power to the arbitrators to prolong the time, and in this case their power lasts during the time of the prorogation.

RCC—3105, 3123, 3125. CP—452.

**RCC 1870, Art. 3124.**

Same as above.

**CC 1825, Art. 3091.** (No reference in Projet)

Same as above.

Néanmoins les parties peuvent donner pouvoir aux arbitres de proroger le temps, et en ce cas leur pouvoir dure pendant le temps de la prorogation.

CC 1808, p. 444, Art. 27.

Same as above; but no punctuation after "prolong the time."

-p. 445, Art. 27.

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

CN 1804. No corresponding article.

ART. 3125. If the submission specifies a certain time for the examination of the cause which the arbitrators are to decide,\* they can not give their award till that time is expired. (As amended by Acts 1871, No. 87)

RCC—3105, 3120, 3124.

RCC 1870, Art. 3125. (Same as Art. 3125 of Proposed Revision of 1869)

If the admission specifies a certain time for the examination of the cause which the arbitrators are to decide,\* they can not give their award till that time is expired.

CC 1825, Art. 3092. (No reference in Projet)

Same as Art. 3125, as amended by Acts 1871, No. 87, above.

Si le compromis règle un certain temps pour l'instruction de ce que les arbitres auront à juger, ou pour la remise des pièces,\* ils ne pourront rendre leur sentence avant ce délai.

CC 1808, p. 444, Art. 28.

If the compromise specifies a certain time for drawing on the proceedings in the cause which the arbitrators are to decide,\* they cannot give their award till the said time is expired.

-p. 445, Art. 28.

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

CN 1804. No corresponding article.

\*English translation of French text incomplete; should include "or for the return of documents."

ART. 3126.\* If there are several arbitrators named by the submission, they can not give their award, unless they all see the proceedings and try the cause together; but it is not necessary that the award be signed by them all.

CP—453, 454.

RCC 1870, Art. 3126.

Same as above.

CC 1825, Art. 3093. (No reference in Projet)

Same as above.

S'il y a plusieurs arbitres nommés par le compromis, ils ne pourront rendre leur sentence, sans que tous voient le procès et le jugent ensemble; mais il n'est pas nécessaire que la sentence soit signée par tous les arbitres.

CC 1808, p. 444, Art. 29.

If there are several arbitrators named by the compromise, they cannot give their award unless they all see the proceedings and give judgment on it together; but it is not necessary that the award be signed by them all.

-p. 445, Art. 29.

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

CN 1804. No corresponding article.

\*In connection with this article see Acts 1928, No. 262, §§6, 8.

**ART. 3127.** The arbitrators shall fix by their award the amount of the sum which they sentence one or several of the parties to pay to the other or others, though the omission of this does not annul the award.

RCC—3128.

**RCC 1870, Art. 3127.**

Same as above.

**CC 1825, Art. 3094.**

(No reference in Projet)

Same as above.

Les arbitres doivent fixer par leur sentence le montant de la somme dont ils prononcent la condamnation contre l'une ou quelques-unes des parties, quoique cette omission ne rende pas leur sentence nulle.

**CC 1808, p. 444, Art. 30.**

The arbitrators shall fix by their award the amount of the sum which they sentence one or several of the parties to pay to the other or others, though this omission does not annul the award.

**-p. 445, Art. 30.**

Same as above; but comma (,) after "fixer", after "sentence", and after "l'une."

**CN 1804.** No corresponding article.

**ART. 3128.** The arbitrators may likewise pronounce by their award on the interest and costs; but their silence on that subject is not a cause of nullity.

RCC—1935 *et seq.*, 3127. CP—462, 551.

**RCC 1870, Art. 3128.**

Same as above.

**CC 1825, Art. 3095.**

(No reference in Projet)

Same as above.

Les arbitres peuvent également prononcer par leur sentence sur les intérêts et dépens, mais leur silence à cet égard ne serait pas une nullité.

**CC 1808, p. 444, Art. 31.**

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

**-p. 445, Art. 31.**

Les arbitres peuvent, également, prononcer par leur sen-sentence [sentence], sur les intérêts et les dépens, mais leur silence, à cet égard, ne serait pas une nullité.

**CN 1804.** No corresponding article.

**ART. 3129.\*** The award in order to be put in execution, ought to be approved by the judge; but this formality is only intended to invest the award with a sufficient authority to ensure its execution and not to submit to the judge the examination of its merits, except in case an appeal is brought before him.

RCC—3130, 3325. CP—453, 456 *et seq.* Acts 1928, No. 262, §9.

**RCC 1870, Art. 3129.**

Same as above.

**CC 1825, Art. 3096.**

(No reference in Projet)

Same as above; but comma (,) after "The award", and after "its execution."

La sentence arbitrale, pour être mise à exécution, a besoin d'être homologuée par justice; mais cette formalité n'est que pour donner à cette sentence le sceau de l'exécution, et non pour soumettre au juge l'examen de son mérite, à moins qu'il n'y ait appel par devant lui.

**CC 1808, p. 444, Art. 32.**

The award in order to be put in execution, ought to be approved by the judge, but this formality is only intended to invest the award with a sufficient authority to insure its execution and not to submit to the judge the examination of its merits, except in case an appeal has been brought before him.

**-p. 445, Art. 32.**

Same as above; but comma (,) after "donner", and after "cette sentence."

**CN 1804.** No corresponding article.

\*In connection with this article see Acts 1928, No. 262, §§9, 12.

**ART. 3130.** He who is not satisfied with the award, may appeal from it, though the parties had renounced such appeal by the submission; but the appellant before being heard on his appeal, ought to pay the penalty stipulated in the submission, if any has been stipulated; and this penalty shall ever be due, though the appellant afterwards renounces his appeal; but if he succeeds to have the award reversed, either in whole or in part, the court who shall pronounce on the appeal, shall order the re-payment of the penalty; but if the award is confirmed, the penalty which has been paid, shall operate no diminution on the amount of the award.

RCC—1930, 2117 *et seq.*, 3106, 3129, 3131. Acts 1928, No. 262, §§10-12, 15.

**RCC 1870, Art. 3130.**

Same as above.

**CC 1825, Art. 3097.**

(No reference in Projet)

Same as above; but comma (,) after "appellant", and after "confirmed, the penalty"; "succeeds" spelled "sueceeds."

Celui qui n'est pas satisfait de la sentence arbitrale, peut en interjeter appel, quand même les parties y auraient renoncé par le compromis; mais l'appelant, avant de pouvoir être écouté sur son appel, doit payer la peine ou dédit porté au compromis, si aucun y a été stipulé; et ce dédit sera toujours dû, quand même l'appelant renoncerait par la suite à son appel; mais s'il réussit à faire infirmer la sentence, en tout ou en partie, la cour, qui prononcera sur l'appel, ordonnera la restitution du dédit; et de même si la sentence est confirmée, le dédit payé n'opérera aucune diminution sur les condamnations prononcées.

**CC 1808, p. 444, Art. 33.**

He who is not satisfied with the award, may appeal from it to the superior court, though the parties had renounced such

**-p. 445, Art. 33.**

Celui qui n'est pas satisfait de la sentence arbitrale, peut en interjeter appel à la cour supérieure, quand même les



appeal by the compromise, but the appellant before being heard on his appeal, ought to pay the penalty or forfeit stipulated in the compromise, if any has been stipulated, and this penalty shall ever be due though the appellant afterwards renounces his appeal, but if he succeeds to have the award reversed either in whole or in part, the court who shall pronounce on the appeal, shall order the repayment of the penalty; nay, if the award is confirmed the penalty which has been paid shall operate no diminution on the amount of said award.

parties y auraient renoncé par le compromis; mais l'appelant, avant de pouvoir être écouté sur son appel, doit payer la peine ou dédit porté au compromis, si aucun y a été stipulé, et ce dédit sera toujours dû, quand même l'appelant renoncerait par la suite à son appel; mais s'il réussit à faire infirmer la sentence, en tout ou en partie, la cour, qui prononcera sur l'appel, ordonnera la restitution du dédit; et de même, si la sentence est confirmée, le dédit payé n'opérera aucune diminution sur les condamnations prononcées.

**CN 1804.** No corresponding article.

\*In connection with this article see Acts 1928, No. 262, §§10, 11, 15.

**ART. 3131.** The arbitrators having once given their award, can not retract it nor change any thing in it.

RCC—3130, 3132.

**RCC 1870, Art. 3131.**

Same as above.

**CC 1825, Art. 3098.**

(No reference in Projet)

Same as above.

Les arbitres ayant une fois rendu leur sentence, ne peuvent plus la rétracter ni y rien changer.

**CC 1808, p. 446, Art. 34.**

Same as above.

-p. 447, Art. 34.

Same as above; but comma (,) after "arbitres", and after "rétracter."

**CN 1804.** No corresponding article.

**ART. 3132.** The submission and power given to the arbitrators are put at an end by one of the following causes:

1. By the expiration of the time limited, either by the submission or by law, though the award should not be yet rendered.
2. By the death of one of the parties or arbitrators.
3. By the final award rendered by the arbitrators.
4. When the parties happen to compromise touching the thing in dispute, or when this thing ceases to exist.

RCC—1810, 2219, 3071, 3105, 3131. CP—21, 450.

**RCC 1870, Art. 3132.**

(Same as Art. 3132 of Proposed Revision of 1869)

Same as above.

**CC 1825, Art. 3099.**

(No reference in Projet)

The submission and power given to the arbitrators are put at an end by any one of the following causes:

Subds. 1-4 same as subds. 1-4, above; but semicolon (;) after "yet rendered", after "or arbitrators", and after "by the arbitrators."

Le compromis et le pouvoir donnés aux arbitres finissent d'une des manières suivantes:

1. Par l'expiration du temps fixé par le compromis ou par la loi, quoique la sentence arbitrale ne soit pas encore rendue;
2. Par la mort de l'une des parties ou de l'un des arbitres;
3. Par la sentence définitive rendue par les arbitres;

4. Lorsque les parties font une transaction touchant la chose contestée, ou lorsque cette chose cesse d'exister.

**CC 1808, p. 446, Art. 35.**

The compromise and power given to the arbitrators, is [are] put at an end by any one of the following causes.

1st, By the expiration of the time limited either by the compromise or by law though the award should not be yet rendered;

Subds. 2, 3 same as subds. 2, 3, above.

4th, When the parties happen to transact touching the thing in difference, or when this thing ceases to exist.

**-p. 447, Art. 35.**

Par. 1 and subds. 1-3 same as par. 1 and subds. 1-3, above; but comma (,) after "pouvoir", after "aux arbitres", after "par le compromis", and after "parties."

Et 4. Lorsque les parties font une transaction, touchant la chose contestée, ou lorsque cette chose cesse d'exister.

**CN 1804.** No corresponding article.

TITLE XX—OF PLEDGE

**ART. 3133.** The *pledge* is a contract by which one debtor gives something to his creditor as a security for his debt.

RCC—1765, 1771, 1778, 1884, 1968, 2204, 2705 *et seq.*, 2926, 3065, 3135, 3140 *et seq.*, 3221, 3279 *et seq.*, 3510.

**RCC 1870, Art. 3133.**

Same as above.

**CC 1825, Art. 3100.**

Same as above.

(No reference in Projet)

Le nantissement est un contrat par lequel un débiteur remet à son créancier une chose pour sûreté de sa dette.

**CC 1808, p. 446, Art. 1.**

Same as above.

**-p. 447, Art. 1.**

Same as above; but comma (,) after "nantissement", and after "créancier."

**CN 1804, Art. 2071.**

Same as above.

Le nantissement est un contrat par lequel un débiteur remet une chose à son créancier pour sûreté de la dette.

**ART. 3134.** There are two kinds of pledge:

The pawn.

The antichresis.

RCC—3135.

**RCC 1870, Art. 3134.**

Same as above.

**CC 1825, Art. 3101.**

(No reference in Projet)

Same as above; but semicolon (;) after "pawn."

Le nantissement est de deux espèces:  
Le gage;  
L'antichrèse.

**CC 1808, p. 446, Art. 2.**

Pars. 1, 2 same as pars. 1, 2, above; but semicolon (;) after "pledge."

And the *antichresis*.

**-p. 447, Art. 2.**

Pars. 1, 2 same as pars. 1, 2, above.

Et l'antichrèse.