Art. 3182

Whoever has bound himself personally, is obliged to fulfill his engagements out of all his property, movable and immovable, present and future.


RCC 1870, Art. 3182.

Same as above.

CC 1825, Art. 3149. (Projet, p. 364. Addition adopted; no comment)

Whoever has bound himself personally, is obliged to fulfill his engagement out of all his property, movable and immovable, present and future.

CC 1808. No corresponding article.

CN 1804, Art. 2092.

Same as CC 1825, Art. 3149, above. Same as CC 1825, Art. 3149, above.

Art. 3183. The property of the debtor is the common pledge of his creditors, and the proceeds of its sale must be distributed among them ratably, unless there exist among the creditors some lawful causes of preference.


RCC 1870, Art. 3183.

Same as above.

CC 1825, Art. 3150. (Projet, p. 364. Amendment adopted; no comment)

Les biens du débiteur sont le gage commun de ses créanciers, et le prix s'en distribue entre eux par contribution, à moins qu'il n'y ait entre les créanciers des causes légitimes de préférence.
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Art. 3184. Lawful causes of preference are privilege and mortgages.

RCC—3181, 3183, 3185, 3186, 3282.

RCC 1870, Art. 3184. (Same as Art. 3184 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3151. (Projet, p. 365. Amendment † adopted; no comment)

Lawful causes of preference are privileges and mortgages.

Les causes légitimes de préférence sont les privilèges et les hypothèques.

CC 1808, p. 468, Art. 67, par. 2.

These lawful causes of preference are such as result from privileges and mortgages.

Ces causes légitimes de préférence sont celles qui résultent des privilèges et hypothèques.

CN 1804, Art. 2094.

Same as CC 1825, Art. 3151, above.

Les causes légitimes de préférence sont les privilèges et hypothèques.

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

Same as above.

Same as CC 1825, Art. 3151, above.

Art. 3185. Privilege can be claimed only for those debts to which it is expressly granted in this Code.

RCC—2705, 2772, 2823, 3093, 3157, 3183, 3184, 3186, 3191, 3217, 3218, 3220, 3222, 3224 et seq., 3227, 3232 et seq., 3237, 3249, 3252, 3312. CP—722, 724, 725.

RCC 1870, Art. 3185.

Same as above.

CC 1825, Art. 3152. (Projet, p. 365. Addition † adopted; no comment)

Same as above.

On ne pourra réclamer de privilège que pour les créances auxquelles ce droit est expressément accordé dans ce Code.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Chapter 2—Of the Several Kinds of Privileges

Art. 3186. Privilege is a right, which the nature of a debt gives to a creditor, and which entitles him to be preferred before other creditors, even those who have mortgages.

RCC—2197, 2377, 2755, 3096, 3157, 3184, 3186, 3187, 3188, 3269, 3278, 3347, 3348, 3368, 3397, 3404. CP—722. Acts 1898, No. 159 § 5 (as am. by 1910, No. 212; 1914, No. 199; and 1926, No. 7); 1912, No. 195; 1918, No. 198, § 4 (as am. by 1922, No. 81; 1924, No. 232; and 1936, No. 178).

RCC 1870, Art. 3186.

Same as above.

1745
Art. 3187

Among creditors who are privileged, the preference is settled by the different nature of their privileges.

RCC—3186, 3187, 3191, 3226, 3238, 3247, 3251, 3254, 3261.

RCC 1870, Art. 3187.

Same as above.

CC 1825, Art. 3154.

(No reference in Projet)

Same as above.

CC 1808, p. 468, Art. 69.

Same as above.

CN 1804, Art. 2096.

Same as above.

Art. 3188. The creditors who are in the same rank of privileges, are paid in concurrence, that is on an equal footing.*

RCC—3186, 3187, 3238, 3272, 3368.

RCC 1870, Art. 3188.

Same as above.

CC 1825, Art. 3155.

(No reference in Projet)

Same as above; but comma (,) after "creditors", and after "is."

CC 1808, p. 468, Art. 70.

Same as above; but no punctuation after "creditors", or after "is."

CN 1804, Art. 2097.

The creditors who are in the same rank of privileges are paid in concurrence.

*"That is on an equal footing" has no counterpart in French text.

Art. 3189. Privileges may exist, either on movables or immovables, or on both at once.

RCC—3190 et seq., 3249 et seq., 3252.
Chapter 3—Of Privileges on Movables

Art. 3190. Privileges are either general, or special on certain movables.
RCC—3189, 3191, 3216 et seq.

CC 1825, Art. 3157. (No reference in Projet) Les privileges sont ou generaux ou particuliers sur certains meubles.

CC 1808, p. 468, Art. 71. -p. 469, Art. 71. Same as above; but comma (,) after "sont," and after "generaux."

CN 1804, Art. 2100. Same as above; but no punctuation after "sont."

Section 1—Of General Privileges on Movables

Art. 3191. The debts which are privileged on all the movables in general, are those hereafter enumerated, and are paid in the following order:
1. Funeral charges.
2. Law charges.
3. Charges, of whatever nature, occasioned by the last sickness, concurrently among those to whom they are due.
4. The wages of servants for the year past, and so much as is due for the current year.
5. Supplies of provisions made to the debtor or his family, during the last six months, by retail dealers, such as bakers, butchers, grocers; and, during the last year, by keepers of boarding houses and taverns.
6. The salaries of clerks, secretaries, and other persons of that kind.

7. Dotal rights due to wives by their husband.

RCC—472 et seq., 1188, 2376, 2377, 2755, 3185, 3187, 3190, 3192, 3195, 3199, 3205, 3206, 3208, 3209, 3211 et seq., 3214, 3215, 3216, 3217, 3252, 3254, 3257, 3258, 3261, 3264, 3266, 3270. Acts 1888, No. 145 (as am. by 1910, No. 52, and 1912, No. 23); 1890, No. 10 (as am. by 1908, No. 208).

RCC 1870, Art. 3191.
(Same as Art. 3191 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3158.
(Same as above.)

Art. 3191

6. The salaries of clerks, secretaries, and other persons of that kind.

7. Dotal rights due to wives by their husband.

RCC—472 et seq., 1188, 2376, 2377, 2755, 3185, 3187, 3190, 3192, 3195, 3199, 3205, 3206, 3208, 3209, 3211 et seq., 3214, 3215, 3216, 3217, 3252, 3254, 3257, 3258, 3261, 3264, 3266, 3270. Acts 1888, No. 145 (as am. by 1910, No. 52, and 1912, No. 23); 1890, No. 10 (as am. by 1908, No. 208).

RCC 1870, Art. 3191.
(Same as Art. 3191 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3158.
(Same as above.)

Par. 1 and subds. 1-6 same as par. 1 and subds. 1-6, above; but comma (,) after "debts"; semicolon (;) after "Funeral charges", after "are due", after "current year", after "taverns"; and after "kind"; no punctuation after "grocers; and."

Les créances privilégiées sur la généralité des meubles, sont celles ci-après exprimées, et s'exercent dans l'ordre suivant:

1. Les frais funéraires;
2. Les frais de justice;
3. Les frais quelconques de la dernière maladie, concurremment entre ceux à qui ils sont dus;
4. Les salaires des gens de service, pour l'année échue, et ce qui est dû sur l'année courante;
5. Les fournitures de subsistance faites au débiteur ou à sa famille, pendant les six derniers mois, par les marchands en détail; tels que les boulangers, boucheurs, épiciers; et pendant la dernière année, par les maîtres de pension et les aubergistes;
6. Les appointemens des commis, secrétaires et autres employés de ce genre;
7. Les droits dotaux dus aux femmes par les maris.

Par. 1 and subds. 1, 2 same as par. 1 and subds. 1, 2, above; but comma (,) after "privilegiées."

3. Les frais de chirurgie, tels que ceux de médecin, chirurgien, apothicaire, &c. causés par la maladie dont est mort le défunt; ces frais se payent, par concurrence, entre ceux à qui ils sont dus;
4. Les salaires de gens de service, pour l'année échue, et ce qui est dû sur l'année courante;
5. Les fournitures de subsistance faites au débiteur et à sa famille, savoir pendant les six derniers mois, par les marchands en détail, tels que boulangers, boucheurs et autres; et pendant la dernière année, par les maîtres de pension ou aubergistes.

Par. 1 same as par. 1, above; but no punctuation after "privilégiées", or after "meubles."

1748
§1—Of Funeral Charges

ART. 3192. Funeral charges are those which are incurred for the interment of a person deceased.

RCC—872, 873, 3191(1), 3252.

RCC 1870, Art. 3192.
Same as above.

CC 1825, Art. 3159. (Projet, p. 366. Addition adopted; no comment)
On appelle frais funéraires ceux qui se font pour l’inhumation d’un défunt.

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

ART. 3193. If the property of the deceased is so incumbered as not to suffice for the payment of his creditors, the funeral charges may, upon the request of any of them, be reduced by the judge to a reasonable rate, regard being had to the station in life which the deceased held and which his family holds.


RCC 1870, Art. 3193.
Same as above.

CC 1825, Art. 3160. (Projet, p. 366. Addition adopted; no comment)
Si la succession du défunt est obérée de manière qu’il n’y ait pas de quoi payer les créanciers, les frais funéraires pourront, à la demande de l’un d’eux, être réduits par le juge à un taux raisonnable, eu égard à l’état qu’avait le défunt, et au rang qu’occupe sa famille.

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

ART. 3194. But, in case of the reduction, the judge can never allow at the expense of the estate, on any account whatever, more than two hundred dollars for all the expenses occasioned by the interment of the deceased.

RCC—3193.

RCC 1870, Art. 3194.
Same as above.
§2—Of Law Charges

ART. 3195. Law charges are such as are occasioned by the prosecution of a suit before the courts. But this name applies more particularly to the costs, which the party cast has to pay to the party gaining the cause. It is in favor of these only that the laws [law] grants the privilege.

RCC—3191 (2), 3196 et seq., 3252. CP—96, 549 et seq., 1095.

RCC 1870, Art. 3195.
Same as above.

CC 1825, Art. 3162. (Projet, p. 366. Addition adopted; no comment)
Same as above; but “laws” correctly spelled “law.”

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3196. The creditor enjoys this privilege, not with regard to all the expenses which he is obliged to incur in obtaining judgment against his debtor, but with regard only to such as are taxed according to law, and such as arise from the execution of the judgment.

RCC—3196, 3198. CP—551, 552.

RCC 1870, Art. 3196.
Same as above.

CC 1825, Art. 3163. (Projet, p. 366. Addition adopted; no comment)

CC 1808. No corresponding article.

CN 1804. No corresponding article.
ART. 3197. The cost of affixing seals and making inventories for the better* preservation of the debtor's property, those which occur in cases of failure or cession of property, for the general benefit of creditors, such as fees to lawyers appointed by the court to represent absent creditors, commissions to syndics; and finally, costs incurred for the administration of estates which are either vacant or belonging to absent heirs, enjoy the privileges established in favor of law charges.


RCC 1870, Art. 3197. (Same as Art. 3197 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3164. (Projet, p. 366. Addition adopted; no comment)
The costs for affixing seals and making inventories for the better* preservation of the debtor's property; those which occur in cases of failure or cession of property, for the general benefit of creditors, such as fees to lawyers appointed by the court to represent absent creditors, commissions to syndics; and finally, costs incurred for the administration of estates which are either vacant or belonging to absent heirs, enjoy the privileges established in favor of law charges.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*"Better" has no counterpart in French text.

ART. 3198. Not only has the creditor no privilege for the costs which are not taxed, or which are not included among those mentioned above, but he has no right to demand them even from the debtor.

RCC—3195, 3196. CP—551, 1095.

RCC 1870, Art. 3198.
Same as above.

CC 1825, Art. 3165. (Projet, p. 367. Addition adopted; no comment)
Non seulement le créancier n'a pas de privilège pour les frais qui n'entrent point en taxe, ou qui ne font pas partie de ceux dont il est fait mention ci-dessus, mais il n'a pas même le droit de les réclamer contre le débiteur.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

§3—Of Expenses during the Last Sickness

ART. 3199. The last sickness is considered to be that of which the debtor died; the expenses of this sickness enjoy the privilege.

RCC—3191(3), 3200 et seq., 3252.
Art. 3200

RCC 1870, Art. 3199.
(Same as Art. 3199 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3166.
The last sickness is considered to be that of which the debtor died. It is the expenses of this sickness that enjoy the privilege.

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

ART. 3200. But if the sickness with which the deceased was attacked and of which he died, was a chronic disease, the progress of which was slow and which only occasioned death after a long while, then the privilege shall only commence from the time when the malady became so serious as to prevent the deceased from attending to his business and confined him to his bed or chamber.

RCC—3199, 3200.

RCC 1870, Art. 3200.
Same as above.

CC 1825, Art. 3167.
(Sujet, p. 367. Addition adopted; no comment)
Mais si la maladie, dont le defunt etait attaque et dont il est mort, etait une maladie chronique, dont les progrès ont ete lents, et qui n'a conduit le malade à la mort qu'après un long temps, on ne comptera l'époque, que de l'instant où le mal est devenu tellement grave qu'il a empêché le defunt de vaquer à ses affaires, et l'a force de garder le lit ou la chambre.

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

ART. 3201. However long the sickness may have lasted after arriving at the point which prevented him from attending to his affairs, the privilege granted for the expense it has occasioned, can only extend to one year before the decease.

RCC—3199, 3200, 3538.

RCC 1870, Art. 3201.
Same as above.

CC 1825, Art. 3168.
(Sujet, p. 367. Addition adopted; no comment)
Quelque soit la durée du temps, depuis lequel la maladie du défunt est devenue tellement grave qu'il ne lui a plus été possible de vaquer à ses affaires, le privilège accordé aux frais qu'elle a occasionnés ne pourra s'étendre à plus d'une année avant son décès.

CC 1808. No corresponding article.
CN 1804. No corresponding article.
ART. 3202. The expenses of the last sickness comprehend the fees of physicians and surgeons, the wages of nurses, and the price due to the apothecary for medicines supplied by him to the deceased for his personal use during his last illness.


RCC 1870, Art. 3202.
Same as above.

CC 1825, Art. 3169. (Projet, p. 367. Addition adopted; no comment)
Same as above.

CC 1825, Art. 3170. (Projet, p. 367. Addition adopted; no comment)
The accounts relating to these expenses must be fixed by the judge, in case of dispute, after hearing testimony as to the value of the services rendered or care afforded, or as to the true value of the medicines supplied, unless there has been a contract between the parties, in which case it must be observed.

RCC—1489, 1901, 3193, 3202.

RCC 1870, Art. 3203. (Same as Art. 3203 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3171. (Projet, p. 367. Addition adopted; no comment)
Same as above; but no punctuation after "children."

ART. 3204. This privilege subsists, not only for the expenses of the last sickness of the debtor, it subsists also for those of the last sickness of children, under his authority, but it is exercised subject to the rules laid down above.

RCC—216, 220, 246, 3199 et seq., 3556(8).

RCC 1870, Art. 3204.
Same as above.

CC 1825, Art. 3171. (Projet, p. 367. Addition adopted; no comment)
Ce privilège n’a pas lieu seulement pour les frais de la dernière maladie du débiteur, il a également lieu pour ceux...
ART. 3205. Servants or domestics are those who receive wages, and stay in the house of the person paying and employing them for his* service or that of his family; such are valets, footmen, cooks, butlers, and others who reside in the house.


RCC 1870, Art. 3205.

Same as above.

ART. 3206. Domestics or servants must make a demand of their wages within a year from the time when they left service, but their privilege is only for the year past, and so much as is due for the present year.

RCC—2747, 3191(4), 3205, 3207, 3534.

RCC 1870, Art. 3206.

Same as above.

ART. 3207. As to the wages of preceding years which may be due, the wages may be recovered, if there is any balanced account,
note or obligation of the debtor, but they enjoy no privilege. They form an ordinary debt, for which domestics or servants come in by contribution with other ordinary creditors.

RCC—3183, 3206, 3209, 3535.

RCC 1870, Art. 3207. (Same as Art. 3207 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3174. (Projet, p. 368. Addition ‡ adopted; no comment)

As to preceding years which may be due, the wages may be recovered, if there is any balanced account, note or obligation of the debtor; but they enjoy no privilege. They form an ordinary debt for which domestics or servants come in by contribution with other ordinary creditors.

CC 1808. No corresponding article.

CC 1825, Art. 3175. (Projet, p. 368. Addition ‡ adopted; no comment)

§5—Of Supplies of Provisions

ART. 3208. Such supplies of provisions as confer a privilege, are those which are made by retail dealers; that is, persons keeping an open shop, and selling, by small portions, provisions and liquors.

RCC—3191(5), 3209, 3210. Acts 1890, No. 10 (as am. by 1908, No. 208); 1932, No. 216.

RCC 1870, Art. 3208.

Same as above.

CC 1825, Art. 3175. (Projet, p. 368. Addition ‡ adopted; no comment)

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

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3209. Retail dealers who have furnished such supplies, ought to demand their money within a year from the time of the first supply; but they have a privilege only for the last six months, and for the rest they are placed on the footing of ordinary creditors.

RCC—3191(5), 3207, 3208, 3534, 3538.

RCC 1870, Art. 3209.

Same as above.

CC 1825, Art. 3176. (Projet, p. 368. Addition ‡ adopted; no comment)

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

1755
Art. 3210. Dealers by wholesale in provisions and liquors do not enjoy any privilege on the property of their debtor, further than what they have acquired by mortgage, or by a judgment duly recorded.

RCC—3208.

RCC 1870, Art. 3210.
Same as above.

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

Art. 3211. It is not keepers of taverns and hotels alone, who are comprehended in the term masters of boarding houses, and who enjoy a privilege for their supplies, but all persons who make a business of receiving persons at board for a fixed price.

RCC—3191(5), 3212, 3213, 3232, 3233.

RCC 1870, Art. 3211. (Same as Art. 3211 of Proposed Revision of 1869)
Same as above.

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

Art. 3212. Teachers and preceptors, who receive into their houses young persons to be brought up, fed and instructed, enjoy the same privilege which is given to keepers of boarding houses.

RCC—3191(5), 3211.

RCC 1870, Art. 3212.
Same as above.
ART. 3213. The privilege of keepers of boarding houses, taverns, and other persons comprised in this class, extends to the last year due, and so much as has expired of the current year.

RCC—3191(5), 3211, 3233, 3534.

ART. 3214. Although clerks, secretaries and other agents of that sort can not be included under the denomination of servants, yet a privilege is granted them for their salaries for the last year elapsed, and so much as has elapsed of the current year. This privilege, however, can not be enforced until after that of the furnishers of provisions.

RCC—163, 3191, 3252, 3254, 3538.

ART. 3215. The privilege granted to wives on the movable effects of their husbands, exists for the dotal property only, and can only be enforced on such effects as were in the husband’s possession at the dissolution of the marriage or copartnership.

RCC—2376, 2377, 3191(7), 3252.
Art. 3216

The privileges enumerated in the preceding section, extend to all the movables of the debtor, without distinction.

There are some which act only on particular movables and no other; and it is of these last that we shall treat in this and the following sections.

Section 2—OF THE PRIVILEGES ON PARTICULAR MOVABLES*

*In connection with this section see Acts 1855, No. 335, §7 (RS §§2895, 3657); 1859, No. 74, §15, 10 (RS §§2709, 2710); 1859, No. 136 (RS §3666); 1865, No. 56, §12 (RS §2705); 1867, No. 158 (RS §§2892, 3669); 1874, No. 66 (as am. by 1882, No. 44, and 1922, No. 93); 1877, E.S., No. 62; 1880, No. 129; 1880, No. 134, §1 (as am. by 1928, No. 172); 1882, No. 33; 1882, No. 69; 1886, No. 89; 1888, No. 154; 1890, No. 59, 12; 1890, No. 63; 1894, No. 27; 1894, No. 111, §3; 1898, No. 26; 1906, No. 53; 1906, No. 124; 1908, No. 55; 1908, No. 208; 1908, No. 221; 1910, No. 180, 110; 1912, No. 23; 1912, No. 94, §26; 1912, No. 195; 1914, No. 28, 17; 1914, No. 185; 1916, No. 263, §1; 1918, No. 47, §3; 1918, No. 198, §§1, 4 (as am. by 1936, No. 178); 1918, No. 250, 110; 1924, No. 24, §1; 1926, No. 63; 1926, No. 190; 1926, No. 209; 1928, No. 198, §15; 1928, No. 213; 1928, No. 249, 116-7; 1928, No. 250, 122; 1930, No. 6, §11; 1932, No. 166; 1932, No. 216; 1934, No. 30; 1934, No. 170; 1934, No. 222, §12; 1938, No. 284; 1938, No. 381; 1940, No. 100.

Art. 3216. The privileges enumerated in the preceding section, extend to all the movables of the debtor, without distinction.

There are some which act only on particular movables and no other; and it is of these last that we shall treat in this and the following sections.

RCC—3190, 3191, 3217, 3228, 3222, 3224 et seq., 3227, 3223, 3234, 3239, 3254, 3255, 3258, 3264, 3266, 3270. Acts 1874, No. 66 (as am. by 1882, No. 84, and 1922, No. 93); 1880, No. 134 (as am. by 1928, No. 172); 1882, No. 33; 1886, No. 89; 1888, No. 154; 1912, No. 23; 1912, No. 195.

RCC 1870, Art. 3216.

Same as above.

Art. 3217. The debts which are privileged on certain movables, are the following:
1. * The appointments or salaries of the overseer for the current year, on the crops of the year and the proceeds thereof; debts due for necessary supplies furnished to any farm or plantation, and debts due for money actually advanced and used for the purchase of necessary supplies and the payment of necessary expenses for any farm or plantation, on the crops of the year and the proceeds thereof.

2. * The debt of a workman or artisan for the price of his labor, on the movable which he has repaired or made, if the thing continues in his possession.

3. The rents of immovables and the wages of laborers employed in working the same, on the crops of the year, and on the furniture, which is found in the house let, or on the farm, and on every thing which serves to the working of the farm.

4. The debt, on the pledge which is in the creditor's possession.

5. That of a depositor, on the price of the sale of the thing by him deposited.

6. The debt due for money laid out in preserving the thing.

7. The price due on movable effects, if they are yet in the possession of the purchaser.

8. The things which have been furnished by an innkeeper, on the property of the traveler which has been carried to his inn.

9. * The carrier's charges and the accessory expenses, on the thing carried, including necessary charges and expenses paid by carriers; such as taxes, storage and privileged claims required to be paid before moving the thing; and in case the thing carried be lost or destroyed without the fault of the carrier, this privilege for money paid by the carrier shall attach to insurance effected on the thing for the benefit of the owner, provided written notice of the amount so paid by the carrier and for whose account, with a description of the property lost or destroyed, be given to the insurer or his agent within thirty days after the loss, or if it be impracticable to give the notice in that time, it shall be sufficient to give the notice at any time before the money is paid over.

The privilege hereinbefore granted to the overseer, the laborers, the furnishers of supplies and the party advancing money necessary to carry on any farm or plantation, shall be concurrent and shall not be divested by any prior mortgage, whether conventional, legal or judicial, or by any seizure and sale of the land while the crop is on it.

The privileges granted by this article, on the growing crop, in favor of the classes of persons mentioned shall be concurrent, except the privilege in favor of the laborer, which shall be ranked as the first privilege on the crop.

RCC-2314, 2705 et seq., 2715, 2755, 2903, 2908, 2960, 3157, 3167, 3185, 3191, 3216, 3218, 3219, 3220, 3221, 3222, 3223, 3224 et seq., 3227, 3228, 3232, 3234, 3236, 3237, 3259, 3261, 3264, 3265. Acts 1874, No. 66 (as am. by 1882, No. 44, and 1922, No. 93); 1880, No. 129; 1880, No. 134, §1 (as am. by 1928, No. 172); 1882, No. 33; 1886, No. 89; 1888, No. 154; 1898, No. 26; 1906, No. 63; 1908, No. 208; 1912, No. 23; 1912, No. 94, 126; 1912, No. 156; 1914, No. 186; 1926, No. 209; 1928, No. 248, §§5-7; 1932, No. 216; 1934, No. 30; 1934, No. 170; 1936, No. 284; 1940, No. 190. RS—128.
Art. 3217

RCC 1870, Art. 3217.

Same as above.

CC 1825, Art. 3184.

(Same as Art. 3217 of Proposed Revision of 1869; similar to CC 1825, Art. 3184, as amended by Acts 1843, No. 70; same as CC 1825, Art. 3184, as amended by Acts 1867, No. 195 (RS H440-442, 2873-2873))

1. The appointments of [or] salaries of the overseer, for the year last past and so much as is due of the current year, on the product of the last crop, and the crop at present in the ground;

Subd. 2 same as subd. 2, above; but semicolon (;) after “possession.”

3. The rents of immovable and the hire of slaves employed in working the same, on the produce of the crop of the year, and on the proceeds of the furniture which is found in the house let, or on the farm, and of every thing which serves to the working of the farm;

Subds. 4-8 same as subds. 4-8, above; but semicolon (;) after “deposited”, after “preserving the thing”, after “purchaser”, and after “inn.”

9. The carrier’s charges and the accessory expenses, on the thing carried.

CC 1808, p. 466, Art. 74, par. 1; subd. 1; par. 1 under subd. 2; subds. 3, 4; pars. 1 and 4 under subd. 5; subds. 6, 7.

Par. 1 same as par. 1, above; but no punctuation after “movables.”

1st, The appointments or salaries of the overseers for the year last past or the current year, on the produce of the crop of said year;

2d, The rents of immovable and the hire of slaves employed in working the same, on the produce of the crop of the year, and on the proceeds of the furniture which is found in the house let, or on the farm, and of every thing which serves to the working of said farm.

Subd. 3 same as subd. 4, above; but no punctuation after “debt.”

Subd. 4 same as subd. 6, above.

5th, The price due on moveable effects, if they are yet in the debtor’s possession, whether he bought them on a limited or general credit.

Les créances privilégiées sur certains meubles, sont:

1. Les appointemens ou salaires des gérans et économes pour l’année échue et ce qui est dû sur l’année courante (courante), sur le produit de la dernière récolte, et sur les fruits pendans;

2. La créance de l’ouvrier ou de l’artisan pour le prix de la main d’œuvre, sur la chose mobilière qu’il a réparée ou fabriquée, si cette chose est encore en sa possession;

3. Les loyers et fermages des immovables et des esclaves attachés à leur culture, sur les fruits de la récolte de l’année, et sur le prix de tous les meubles meublans qui garnissent la maison louée ou la ferme, et de tout ce qui sert à l’exploitation de la ferme;

4. La créance, sur le gage dont le créancier est saisi;

5. Celle du déposant, sur le prix de la vente de la chose par lui déposée;

6. Les frais faits pour la conservation de la chose;

7. Le prix des effets mobiliers vendus, s’ils sont encore en la possession de l’acquéreur;

8. Les fournitures de l’aubergiste, sur les effets du voyageur qui ont été transportés dans son auberge;

9. Les frais de voiture et les dépenses accessoires sur la chose virtuée (voiturée).
Nothing herein shall alter or affect the established laws and usages of commerce as to the claim of the thing sold. (Par. 4 under subd. 5 suppressed on recommendation of redactors; Projet, p. 370)

6th, The things which have been furnished by an inn keeper, on the effect (effects) of the traveller which have been left at his inn;

7th, The carrier's charges and the accessory expenses on the thing carried;

CN 1804. Art. 2102, par. 1; pars. 1-4 under subd. 1; subds. 2, 3; pars. 1 and 4 under subd. 4; subds. 5, 6.

Par. 1 same as par. 1, above.

1. The rents of immovable, on the produce of the crop of the year, and on the proceeds of the furnishings of the house let, or of the farm, and of everything which serves to the working of the farm; namely, for everything that is due, or to become due, if the leases are by authentic act, or if, being by acts under private signature, they have a definite date; and, in both of these cases, the other creditors have the right to lease again the house or farm for the remainder of the lease, and to profit therefrom, provided however that they pay the owner all that may still be due to him.

And, in default of leases by authentic act or by act under private signature without a definite date, then for one year from the expiration of the current year.

The same privilege exists for lessees' repairs and for everything that relates to the execution of the lease.

Nevertheless the sums due for seeds or for the costs of the year's crop, are paid out of the proceeds of the crop, and those due for implements out of the proceeds of such implements, in both cases by preference to the owner.

Subds. 2, 3 same as subds. 3, 4, above.

4. The unpaid price due on movable effects if they are yet in the debtor's possession, whether he bought them on credit or not;

Par. 4 under subd. 4 same as par. 4 under subd. 5, above.

Subds. 5, 6 same as subds. 6, 7, above.

*Other Acts affecting crop privileges: Acts 1880, No. 129; 1886, No. 89; 1898, No. 26; 1906, No. 54; 1926, No. 249, §§ 5-7.

Other Acts affecting privileges of workmen, furnishers of supplies and carriers:
Acts 1880, No. 134, §1 (as am. by 1926, No. 172); 1882, No. 33; 1888, No. 154; 1898, No. 26; 1906, No. 53; 1908, No. 208; 1912, No. 23; 1912, No. 94; 1912, No. 195; 1914, No. 185; 1926, No. 209; 1932, No. 216; 1934, No. 170; 1938, No. 284; 1940, No. 100.

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§1—Of the Privilege of the Lessor

ART. 3218. The right which the lessor has over the products of the estate, and on the movables which are found on the place leased, for his rent, is of a higher nature than mere privilege. The latter is only enforced on the price arising from the sale of movables to which it applies. It does not enable the creditor to take or keep the effects themselves specially. The lessor, on the contrary, may take the effects themselves and retain them until he is paid.


RCC 1870, Art. 3218.
Same as above.

CC 1825, Art. 3185. (Projet, p. 370. Addition ‡ adopted; no comment)
Le droit du locateur sur les fruits de l'heritage et sur les meubles qui garnissent les lieux loues, pour ses fermages ou loyers, a quelque chose de plus fort que le simple privilege. Celui-ci ne s'exerce que sur le prix provenant de la vente des biens-meubles sur lesquels il a lieu; il n'autorise pas le créancier à prendre ou à retenir les meubles eux-mêmes corporellement. Au contraire le locateur peut prendre les meubles individuellement (individuellement) et en espèce, et il peut les retenir jusqu'à ce qu'il soit payé.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3219. The privilege of the lessor is enforced on the property subject to it, in the manner described in the title: Of Lease.


RCC 1870, Art. 3219.
(Same as Art. 3219 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3186. (Projet, p. 370. Addition ‡ adopted; no comment)
The privilege of the lessor is enforced on the property subject to it, in the manner described in the title of "lease or hiring."

CC 1808. No corresponding article.

CN 1804. No corresponding article.
§2—Of the Privilege of the Creditor on the Thing Pledged

**ART. 3220.** The creditor acquires the right of possessing and retaining the movable which he has received in pledge, as a security for his debt, and may cause it to be sold for the payment of the same. Hence proceeds the privilege which he enjoys on the thing.

RCC—3157, 3165, 3166, 3185, 3216, 3217(4), 3221.

RCC 1870, Art. 3220.
Same as above.

CC 1825, Art. 3187. **(Projet, p. 370. Addition ‡ adopted; no comment)**
Same as above; but comma (,) after "movable."

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

**ART. 3221.** For the exercise of this privilege it is necessary that all the requisites stated in the title: **Of Pledge, should be fulfilled**

RCC—3133 et seq., 3157, 3217(4), 3220.

RCC 1870, Art. 3221.
Same as above.

CC 1825, Art. 3188. **(Projet, p. 370. Addition ‡ adopted; no comment)**
Same as above; but no punctuation after "title."

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

§3—Of the Privilege of a Depositor

**ART. 3222.** He who deposits a thing in the hands of another still remains the owner of it.

Consequently his claim to it is preferred to that of the other creditors of the depositary, and he may demand the restitution of it,* if he can prove the deposit, in the same manner as is required in agreements for sums of money, and if the thing reclaimed be identically the same which he deposited.

RCC—520 et seq., 2277, 2296, 2334, 2944, 2961 et seq., 3166, 3185, 3216, 3217, 3223, 3229, 3260, 3261.

RCC 1870, Art. 3222.
Same as above.
Art. 3223

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CC 1825, Art. 3189. (Projet, p. 370. Addition adopted; no comment)

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

Celui qui dépose une chose entre les mains d’un autre, en retient la propriété.

En conséquence, il est préféré sur cette chose à tous les créanciers de son dépositaire, et il peut revendiquer la chose en nature,* s’il prouve le dépôt qu’il en a fait, de la même manière que pour les conventions de sommes d’argent, et que la chose qu’il réclame est identiquement la même qu’il a déposée.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*English translation of French text incomplete; should include “in kind.”

ART. 3223. If the depositary abuses his trust, by alienating the thing confided to his care, or if his heirs sell it, not knowing that it had been given in deposit, the depositor retains his privilege on the price which shall be due.

RCC—2452, 2940, 2946, 2947, 2961, 2962, 3217(5), 3222, 3227.

RCC 1870, Art. 3223.

Same as above.

CC 1825, Art. 3190. (Projet, p. 371. Addition adopted; no comment)

If the depositary abuses his trust, by alienating the thing confided to his care; or if his heir sell it, not knowing that it had been given in deposit, the depositor retains his privilege on the price which shall be due.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

§4—Of Expenses Incurred for the Preservation of the Thing*

*In connection with this subsection see Acts 1908, No. 221, §§27-36; 1914, No. 28, §7; 1926, No. 209; 1926, No. 251; 1928, No. 212; 1930, No. 6, §11; 1934, No. 30; 1934, No. 170.

ART. 3224. He who, having in his possession the property of another, whether in deposit or on loan or otherwise, has been obliged to incur any expense for its preservation, acquires on this property two species of rights.


RCC 1870, Art. 3224.

Same as above.

CC 1825, Art. 3191. (Projet, p. 371. Addition adopted; no comment)

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

Celui qui, ayant en sa possession la chose d’autrui, soit à titre de dépôt, soit à titre de prêt ou autrement, a été
ART. 3225. Against the owner of the thing, his right is in the nature of that of pledge, by virtue of which he may retain the thing until the expenses, which he has incurred, are repaid.

He possesses this qualified right of pledge, even against the creditors of the owner, if they seek to have the thing sold. He may refuse to restore it, unless they either refund his advance, or give him security that the thing shall fetch a sufficient price for that purpose.

RCC—2314, 2599, 2956, 3224, 3226.

RCC 1870, Art. 3225.
Same as above.

CC 1825, Art. 3192.
Same as above.

(Projet, p. 371. Addition † adopted; no comment)

ART. 3226. Finally, he who has incurred these expenses has a privilege against these same creditors, by virtue of which he has preference over them out of the price of the thing sold, for the amount of such necessary charges as he shall have incurred for its preservation. This is the privilege in question in the present paragraph.

RCC—2314, 3187, 3217(6), 3224, 3225.

RCC 1870, Art. 3226.
Same as above.

CC 1825, Art. 3193.
(Projet, p. 371. Addition † adopted; no comment)

Finally, he who has incurred these expenses, has a privilege against these same creditors, by virtue of which he has a preference over them out of the price of the thing sold, for the amount of such necessary charges as he shall have incurred for its preservation. This is the privilege in question in the present paragraph.

CC 1808. No corresponding article.

CN 1804. No corresponding article.
§5—Of the Privilege of the Vendor of Movable Effects*

*In connection with this subsection see Acts 1887, E.S., No. 62; 1890, No. 63; 1894, No. 27; 1894, No. 111; $8; 1910, No. 180, §10; 1916, No. 263, §1; 1924, No. 24, §1.

ART. 3227. He who has sold to another any movable property, which is not paid for, has a preference on the price of his property, over the other creditors of the purchaser, whether the sale was made on a credit or without, if the property still remains in the possession of the purchaser.

So that although the vendor may have taken a note, bond or other acknowledgement from the buyer, he still enjoys the privilege.

Any person who may sell the agricultural products of the United States in the city of New Orleans [Orleans], shall be entitled to a special lien and privilege thereon to secure the payment of the purchase money, for and during the space of five days only, after the day of delivery; within which time the vendor shall be entitled to seize the same in whatsoever hands or place they may be found, and his claim for the purchase money shall have preference over all others.

If the vendor gives a written order for the delivery of any such products and shall say therein that they are to be delivered without vendor’s privilege, then no lien shall attach thereto.

RCC—472 et seq., 1909, 3185, 3216, 3217 (7), 3228 et seq., 3231, 3249, 3263. Acts 1890, No. 63; 1894, No. 27; 1894, No. 111, §3; 1910, No. 180, §10; 1916, No. 263, §1; 1924, No. 24, §1.

RCC 1870, Art. 3227. (Same as Art. 3227 of Proposed Revision of 1869; par. 3 same as Acts 1855, No. 298, §1 (RS 12872))

CC 1825, Art. 3194. (Projet, p. 371. Addition adopted; no comment)

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*In connection with this article see Acts 1890, No. 63; 1894, No. 27; 1894, No. 111, $8; 1910, No. 180, §10; 1916, No. 263, §1; 1924, No. 24, §1.

ART. 3228. But if he allows the things to be sold, confusedly with a mass of other things belonging to the purchaser, without making his claim, he shall lose the privilege, because it will not be possible in such a case to ascertain what price they brought.

ART. 3229. If the sale was not made on credit, the seller may even claim back the things in kind, which were thus sold, as long as they are in possession of the purchaser, and prevent the resale of them; provided the claim for restitution be made within eight days of the delivery at farthest, and that the identity of the objects be established.

RCC—520 et seq., 2561, 2564, 3222, 3227, 3228, 3248.

RCC 1870, Art. 3229.
Same as above.

CC 1808, p. 468, Art. 74, par. 2 under subd. 5.
If the sale has been made, without any limited time of credit, the debtor* may even claim his effects as long as they are in the buyer's possession, and prevent their sale, provided such claim be made within eight days from their delivery, and the effects be found in the same condition as they were in when delivered. (Suppressed on recommendation of redactors; Projet, p. 370)

CN 1804, Art. 2102, par. 2 under subd. 4.
If the sale has been made without any limited time of credit, the vendor may even claim his effects as long as they are in the buyer's possession, and prevent their sale, provided such claim be made within eight days from their delivery, and the effects be found in the same condition as they were in when delivered.

*Note error in English translation of French text; "debtor" should be "vendor."
Art. 3230

When the things reclaimed consist in merchandise, which is sold in bales, packages or cases, the claim shall not be admitted if they have been untied, unpacked or taken out of the cases and mixed with other things of the same nature belonging to the purchaser, so that their identity can no longer be established.

RCC—520 et seq., 3231.

RCC 1870, Art. 3230.
Same as above.

CC 1825, Art. 3197.
Same as above; but comma (,) after "admitted", and after "the cases."

RCC 1870, Art. 3231.
Same as above.

CC 1825, Art. 3198.
Same as above.

ART. 3231. But if the things sold are of such a nature as to be easily recognized, as household furniture, even although the papers or cloths, which covered them at the time of delivery, be removed, the claim for restitution shall be allowed.

RCC—477, 3227, 3230, 3556(29).

RCC 1870, Art. 3232.
Same as above.

CC 1825, Art. 3199.
Same as above.

§6—Of the Privilege of the Innkeeper on the Effects of the Traveler

Art. 3232. Those are called innkeepers, who keep a tavern or hotel, and make a business of lodging travelers.

RCC—2669, 2678, 3185, 3211, 3264, 3534.

RCC 1870, Art. 3232.
Same as above.

CC 1825, Art. 3199.
Same as above.

On appelle aubergistes ceux qui tiennent une auberge ou une hôtellerie, et qui font profession de loger les voyageurs.

CC 1808. No corresponding article.

CN 1804. No corresponding article.
Art. 3233.* Inn-keepers and all others who let lodgings or receive or take boarders have a privilege, or more properly, a right of pledge on the property of all persons who take their board or lodging with them, by virtue of which they may retain property, and have it sold, to obtain payment of what such persons may owe them on either accounts above mentioned and this privilege shall extend to extras not to exceed Ten ($10) Dollars supplied by the proprietors of hotels, inns and boarding house keepers. (As amended by Acts 1898, No. 110)

RCC—2705, 3211, 3213, 3216, 3217(8), 3234, 3236, 3534. RS—3666.

Art. 3233.

Inn-keepers and all others who let lodgings, or receive or take boarders have a privilege, or more properly a right of pledge, on the property of all persons who take their board or lodging with them, by virtue of which they may retain the property, and have it sold, to obtain payment of what such persons may owe them on either of the accounts above mentioned. (As amended by Acts 1896, No. 29)

RCC 1870, Art. 3233.

Innkeepers have a privilege, or more properly a right of pledge, on the property of travelers who take their board or lodging with them, by virtue of which they may retain the property and have it sold, to obtain payment of what such travelers may owe them, on either of the accounts above mentioned.

CC 1825, Art. 3200. (Projet, p. 372. Addition adopted; no comment)

Les aubergistes ont sur les effets des voyageurs qui prennent leur nourriture ou leur logement chez eux, un privilège ou plutôt un droit de gage, en vertu duquel ils peuvent retenir ces effets et les faire vendre, pour obtenir le payement de ce que ces voyageurs leur doivent pour l'une des causes sus-mentionnées.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*In connection with this article see Acts 1859, No. 136 (RS §3666).

Art. 3234. Inn-keepers, hotel, boarding house and lodging house keepers enjoy this privilege on all the property which the sojourner has brought to their place, whether it belongs to him or not, because the property so brought into their place has become pledged to them by the mere fact of its introduction into their place. (As amended by Acts 1896, No. 35)

RCC—2707, 2708, 2965 et seq., 3216, 3217(8), 3233, 3236.

RCC 1870, Art. 3234.

Innkeepers enjoy this privilege on all the property which the traveler has brought to the inn, whether it belongs to him or not, because this property has become their pledge by the fact of its introduction into the inn. This privilege extends even to coined money which may be found in the apartment of the traveler who has died in their house.

CC 1825, Art. 3201. (Projet, p. 372. Addition adopted; no comment)

Les aubergistes ont ce privilege sur tous les effets que le voyageur a apportés dans l'auberge, qu'ils lui appartiennent ou non, parce que ces effets
Art. 3235. The term travelers applies to strangers and such as being transitorily in a place where they have no domicile, take their board and lodging at an inn.

RCC—38 et seq., 2708, 2965, 2966.

RCC 1870, Art. 3235.
Same as above.

CC 1825, Art. 3202.
On considère comme voyageurs, les étrangers, et ceux qui, étant passagèrement dans un lieu où ils n'ont point de domicile, prennent leur nourriture et leur logement à l'auberge.

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

Art. 3236. Whenever any trunk, carpet-bag, valise, box, bundle or other baggage which shall hereafter come into the possession of the keeper of any hotel, inn, boarding or lodging house, as such, and shall remain unclaimed or unredeemed for the period of six months, such keeper may proceed to sell the same at public auction, and without judicial proceedings, and out of the proceeds of such sale may retain the amount due him for board, lodging and extras, and the charges for storage, if any, and the expense of advertising and sale thereof, but no such sale shall be made until the expiration of four weeks from the first publication of notice of such sale in a newspaper published in or nearest the city, town, village or place in which said hotel, inn, boarding or lodging house is situated. Said notice shall be published once a week for four successive weeks, in some newspaper, daily or weekly, of general circulation, and shall contain a description of each trunk, carpet-bag, valise, box, bundle or other baggage as near as may be; the name of the owner, if known; the name of said keeper, and the time and place of sale; and the expense incurred for advertising shall be a lien upon such trunk, carpet-bag, valise, box, bundle or other baggage in a ratable proportion according to the value of such property, or thing or article sold; and in case any balance arising upon such sale shall not be claimed by the rightful owner within one week from the day of said sale the same shall be paid to the Charity Hospital of New Orleans. (As amended by Acts 1896, No. 28)

RCC—3165, 3217(8), 3233, 3234. Acts 1914, No. 24; 1916, No. 33.

RCC 1870, Art. 3236.
The innkeeper, who retains the property of a traveler for tavern expenses due to him, can not sell it of his own authority; he must apply to a tribunal to have his debt ascertained, and the property seized and sold for the payment of it.
ART. 3237. The following debts are privileged on the price of ships and other vessels, in the order in which they are placed:

1. Legal and other charges incurred to obtain the sale of a ship or other vessel, and the distribution of the price.
2. Debts for pilotage, towage, wharfage and anchorage.
3. The expenses of keeping the vessel from the time of her entrance into port until sale, including the wages of persons employed to watch her.
4. The rent of stores, in which the rigging and apparel are deposited.
5. The maintenance of the ship and her tackle and apparatus, since her return into port from her last voyage.
6. The wages of the captain and crew employed on the last voyage.
7. Sums lent to the captain for the necessities of the ship during the last voyage, and reimbursement of the price of merchandise sold by him for the same purpose.
8. Sums due to sellers, to those who have furnished materials and to workmen employed in the construction, if the vessel has never made a voyage; and those due to creditors for supplies, labor, repairing, victuals, armament and equipment, previous to the departure of the ship, if she has already made a voyage.
9. Money lent on bottomry for refitting, victualing, arming and equipping the vessel before her departure.
10. The premiums due for insurance made on the vessel, tackle and apparel, and on the armament and equipment of the ship.
11. The amount of damage due to freighters for the failure in delivering goods which they have shipped, or for the reimbursement of damage sustained by the goods through the fault of the captain or crew.
12. Where any loss or damage has been caused to the person or property of any individual by any carelessness, neglect or want.
Art. 3237

of skill in the direction or management of any steamboat, barge, flatboat, water craft or raft, the party injured shall have a privilege to rank after the privileges above specified.

The term of prescription of privileges against ships, steamboats and other vessels shall be six months.


RCC 1870, Art. 3237.

Same as above.

(Same as Art. 3237 of Proposed Revision of 1869; subd. 2 in conformity with Acts 1858, No. 98 [RS §§2890, 3668]; par. 1 under subd. 12 in conformity with Acts 1853, No. 192, and Acts 1855, No. 335, 19 [RS §§2896, 3659]; par. 2 under subd. 12 same as Acts 1858, No. 160 [RS §§2891, 3671])

CC 1825, Art. 3204.

The following debts are privileged on the price of ships or other vessels, in the order in which they are placed:

1. Legal and other charges, incurred to obtain the sale of a ship or other vessel, and the distribution of the price;
2. Debts for pilotage, wharfage and anchorage;
Subds. 3-7 same as subds. 3-7, above; but comma (,) after "entrance into port"; semicolon (;) after "watch her", after "deposited", after "her last voyage", after "the last voyage", and after "purpose."

8. Sums due to sellers, those who have furnished materials, and workmen employed in the construction, if the vessel has never made a voyage; and those due to creditors for supplies, labour, repairing, victuals, armament and equipment, previous to the departure of the ship, if she has already made a voyage;
Subds. 9-11 same as subds. 9-11, above; but semicolon (;) after "departure", and after "ship."

(Sujet p. 373. Addition adopted; no comment)
Sont privilégiées sur le prix des navires et autres embarcations, et dans l’ordre où elles sont rangées, les créances ci-après:

1. Les frais de justice, et autres faits pour parvenir à la vente du navire ou autre embarcation et à la distribution du prix;
2. Les droits de pilotage, quaiage et amarrage;
3. Les gages des gardiens et frais de garde du bâtiment depuis son entrée dans le port jusqu’à la vente;
4. Le loyer des magasins où se trouvent déposés les agrés et apparaux;
5. Les frais d’entretien du bâtiment et de ses agrés et apparaux depuis son dernier voyage et son retour dans le port;
6. Les gages et loyers du capitaine et autres gens de l’équipage employés au dernier voyage;
7. Les sommes prêtées au capitaine pour les besoins du bâtiment pendant le dernier voyage, et le remboursement du prix des marchandises par lui vendues pour le même objet;
8. Les sommes dues aux vendeurs, aux fournisseurs et ouvriers employés dans la construction, si le navire n’a pas encore fait de voyage; et les sommes dues aux créanciers pour fournitures, travaux, main-d’œuvre, radoub, victuaille, armement et équipement avant le départ du navire, s’il a déjà navigué;
9. Les sommes prêtées à la grosse sur le corps, quille et apparaux pour radoub, victuaille, armement et équipement, avant le départ du navire;
10. Le montant des primes d’assurance faites sur le corps, quille, agrés et apparaux, et sur armement et équipement du navire;
11. Les dommage-intérets (dommages-intérets) dus aux affréteurs pour le défaut de délivrance des marchandises qu’ils ont chargées, ou pour rem-
ART. 3238. The creditors, named in each number of the preceding article, except number twelve, come in together, and must all suffer a ratable diminution, if the fund be insufficient.

RCC-3187, 3188, 3237, 3240, 3534 et seq.

ART. 3239. Creditors having privileges on ships or other vessels, may pursue the vessel in the possession of any person who has obtained it by virtue of a sale; in this case, however, a distinction must be made between a forced and a voluntary sale.


ART. 3240. When the sale was a forced one, the right of the purchaser to the property becomes irrevocable; he owes only the price of adjudication, and over it the creditors exercise their privilege, in the order above prescribed.

RCC-2618 et seq., 3183, 3237 et seq.
Art. 3241. When the sale is voluntary on the part of the owner, a distinction is to be made, whether the vessel was in port or on a voyage.

RCC—3239, 3242 et seq.

RCC 1870, Art. 3241.
Same as above.

RCC 1825, Art. 3208.
(Projet, p. 374. Addition adopted; no comment)

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*English translation of French text incomplete; should include “ship or other.”

Art. 3242. When a sale has been made, the vessel being in port, the creditors of the vendor, who enjoy the privilege for some cause anterior to the act of sale, may demand payment and enforce their rights over the ship, until a voyage has been made in the name and at the risk of the purchaser, without any claim interposed by them.

RCC—3241, 3243, 3244.

RCC 1870, Art. 3242.
Same as above.

RCC 1825, Art. 3209.
(Projet, p. 374. Addition adopted; no comment)

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 3243. But when the ship has made a voyage in the name and at the risk of the purchaser, without any claim on the part of the privileged creditors of the vendor, these privileges are lost and extinct against the ship, if she was in port at the time of sale.

RCC—3242, 3244, 3245, 3277, 3442.

RCC 1870, Art. 3243.
Same as above.

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ART. 3245. A ship is considered to have made a voyage, when her departure from one port and arrival at another shall have taken place, or when, without having arrived at another, more than sixty days have elapsed between the departure and return to the same port; or when the ship, having departed on a long voyage, has been out more than sixty days, without any claim on the part of persons pretending a privilege.

RCC—3244, 3245, 3535.

ART. 3244. On the other hand, if the ship was on a voyage at the time of sale, the privilege of the creditor against the purchaser shall only become extinct after the ship shall have returned to the port of departure, and the creditors of the vendor shall have allowed her to depart on another voyage for the account and risk of the purchaser, and shall have made no claim.

RCC—3242, 3243, 3245, 3277.
ART. 3246

The captain has a privilege for the freight during fifteen days after the delivery of the merchandise, if they have not passed into third hands. He may even keep the goods, unless the shipper or consignee shall give him security for the payment of the freight.

RCC—2709, 3265, 3534.

RCC 1870, Art. 3246.

Same as above.

CC 1825, Art. 3213. (Projet, p. 374. Addition adopted; no comment)

Same as above; but comma (,) after "for the freight."

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3247. Every consignee or commission agent who has made advances on goods consigned to him, or placed in his hands to be sold for account of the consignor, has a privilege for the amount of these advances, with interest and charges on the value of the goods, if they are at his disposal in his stores, or in a public warehouse, or if, before their arrival, he can show, by a bill of lading or letter of advice, that they have been dispatched to him.

This privilege extends to the unpaid price of the goods which the consignee or agent shall have thus received and sold.

Every consignee, commission agent or factor shall have a privilege, preferred to any attaching creditor, on the goods consigned to him for any balance due him, whether specially advanced on such goods or not; provided they have been received by him, or an invoice or bill of lading has been received by him previous to the attachment; provided, that the privilege established by this article shall not have a preference over a privilege pre-existing on the goods aforesaid in behalf of a resident creditor of this State.

RCC—3022, 3023, 3187, 3248. Acts 1874, No. 66, §§ 2, 3 (as am. by 1882, No. 44, and 1922, No. 93); 1912, No. 94, §26.

RCC 1870, Art. 3247.

Same as above.

CC 1825, Art. 3214. (Projet, p. 374. Addition + adopted; no comment)

Same as pars. 1, 2, above; but comma (,) after "commission agent."

Tout consignataire ou commissaire, qui a fait des avances sur les marchandises à lui expédiées ou remises pour être vendues pour le compte du commettant, a un privilège, pour le remboursement de ses avances, intérêts et frais, sur la valeur de ces marchandises, si elles sont à sa disposition dans ses
ART. 3248. In the event of the failure of the consignee or commission agent, the consignor has not only a right to reclaim the goods sent by him, and which remain unsold in the hands of the consignee or agent, if he can prove their identity, but he has also a privilege on the price of such as have been sold, if the price has not been paid by the purchaser, or passed into account current between him and the bankrupt.

RCC-3005, 3222, 3228 et seq., 3247, 3427.

RCC 1870, Art. 3248.
Same as above.

CC 1825, Art. 3215.
(Projet, p. 375. Addition adopted; no comment)
Same as above; but semicolon (;) after "identity."

En cas de faillite du consignataire ou commissionnaire, le commettant a non seulement le droit de revendiquer les marchandises qu'il lui a envoyées, et qui se trouvent en nature et invendues entre les mains de ce consignataire ou commissionnaire, s'il peut en constater l'identité, mais il a en outre un privilège sur le prix de celles de ces marchandises qui ont été vendues, si ce prix n'a pas été payé par l'acheteur ou passé en compte courant entre le failli et lui.

CC 1808. No corresponding article.
CN 1804. No corresponding article.
Art. 3249

ART. 3249.* Creditors who have a privilege on immovables, are:

1. The vendor on the estate by him sold, for the payment of the price or so much of it as is unpaid, whether it was sold on or without a credit.

2. Architects, undertakers, bricklayers, painters, master builders, contractors, subcontractors, journeymen, laborers, cartmen and other workmen employed in constructing, rebuilding or repairing houses, buildings, or making other works.

3. Those who have supplied the owner or other person employed by the owner, his agent or subcontractor, with materials of any kind for the construction or repair of an edifice or other work, when such materials have been used in the erection or repair of such houses or other works.

The above named parties shall have a lien and privilege upon the building, improvement or other work erected, and upon the lot of ground not exceeding one acre, upon which the building, improvement or other work shall be erected; provided, that such lot of ground belongs to the person having such building, improvement or other work erected; and if such building, improvement or other work is caused to be erected by a lessee of the lot of ground, in that case the privilege shall exist only against the lease and shall not affect the owner.

4. Those who have worked by the job in the manner directed by the law, or by the regulations of the police, in making or repairing the levees, bridges, ditches and roads of a proprietor, on the land over which levees, bridges and roads have been made or repaired.

RCC—506 et seq., 596, 705, 1968, 2770, 2772, 2773, 2775, 3185, 3227, 3250, 3268, 3269, 3271 et seq., 3347, 3404. Acts 1880, No. 134 (as am. by 1928, No. 172); 1916, No. 98; 1916, No. 263, §1; 1918, No. 224 (as am. by 1926, No. 271); 1924, No. 293; 1926, No. 298, §11-13 (as am. by 1938, No. 323); 1932, No. 140, §50-52 (as am. by 1934, 2E.S., No. 44; 1938, No. 357; and 1940, No. 315); 1940, No. 100.

RCC 1870, Art. 3249. (Same as above.)

CC 1825, Art. 3216. (Projet, p. 375. Amendment adopted; comment by redactors)

Creditors who have a privilege on immovables and slaves, are:

1. The vendor, on the estate or slave by him sold, for the payment of the price, or so much of it as is due, whether it was sold on or without a credit;

2. Architects and undertakers, bricklayers and other workmen employed in constructing, rebuilding or repairing houses, buildings, or making other works on such houses, buildings, or works by them constructed, rebuilt or repaired;

3. Those who have supplied the owner with materials for the construction or repair of an edifice or other work, which he has erected or repaired.
ART. 3250. The privilege granted to the vendor on the immoveable sold by him, extends to the beasts and agricultural implements attached to the estate, and which made part of the sale.

RCC—463, 468, 2461, 2490, 3249.

RCC 1870, Art. 3250.

(As same as Art. 3250 of Proposed Revision of 1869)
Art. 3251

**COMPILED EDITION**

CC 1825, Art. 3217. (Projet, p. 376. Amendment adopted; comment by redactors)

The privilege granted to the vendor on the immovable sold by him, extends to the slaves, beasts and agricultural implements attached to the estate, and which made part of the sale.

CC 1808, p. 470, Art. 75, par. 2 under subd. 1.

This privilege extends to slaves and cattle sold with the estate.

CN 1804. No corresponding article.

ART. 3251. If there are several successive sales, on which the price is due wholly or in part, the first vendor is preferred to the second, the second to the third, and so throughout.

RCC—2015, 3187, 3397.

RCC 1870, Art. 3251.

Same as above.

CC 1825, Art. 3218. (Projet, p. 376. Amendment adopted; comment by redactors)

Same as above.

CC 1808, p. 470, Art. 75, par. 3 under subd. 1.

If there are several successive sales, the price of which is due in whole or in part, the first vendor is preferred to the second, the second to the third, and so on.

CN 1804, Art. 2103, par. 2 under subd. 1.

Same as above.

Chapter 5—Of Privileges which Embrace both Movable and Immovable*

*In connection with this chapter see Acts 1894, No. 65, §4; 1916, No. 263, §1; 1918, No. 47, §3; 1920, No. 192, §8; 1920, No. 250, §4; 1926, No. 7; 1926, No. 63; 1932, No. 74, §1; 1934, No. 21, §101 (e) (as am. by 1934, 2E.S., No. 7, §42; 1936, No. 143; and 1938, No. 231); 1934, 3E.S., No. 15, §52 (as am. by 1938, No. 429, and 1940, No. 368); 1935, 1E.S., No. 10, §8 (1, §1); 1935, 2E.S., No. 24, §1 (as am. by 1940, No. 145); 1935, 2E.S., No. 25, §6; 1936, No. 92, §12.

ART. 3252. The privileges which extend alike to movables and immovables are the following:—

1. Funeral charges,
2. Judicial charges,
3. Expenses of last illness, 
4. The wages of servants, 
5. The salaries of secretaries, clerks and other agents of that kind.

With regard to the wife's dower,* she has no privilege of the immovable property of her husband, but a mere right of mortgage, as is said under the title: "Of the marriage contract, and of the respective rights of the parties in relation to their property."

Whenever the widow or minor children of a deceased person shall be left in necessitous circumstances, and not possess in their own rights property to the amount of One Thousand Dollars, the widow or the legal representatives of the children, shall be entitled to demand and receive from the succession of the deceased husband or father, a sum which added to the amount of property owned by them, or either of them, in their own right, will make up the sum of one thousand dollars, and which amount shall be paid in preference to all other debts, except those secured by the vendor's privilege on both movables and immovables, conventional mortgages, and expenses incurred in selling the property. The surviving widow shall have and enjoy the usufruct of the amount so received from her deceased husband's succession, during her widowhood, which amount shall afterwards vest in and belong to the children or other descendants of the deceased husband. (As amended by Acts 1917, Ex. Sess., No. 17) 

RCC 1870, Art. 3252. (Same as Art. 3252 of Proposed Revision of 1869; last par. same as Acts 1852, No. 255 [RS §§444, 1693, 2369, 2885, 3686])

Par. 1 and subds. 1, 2 same as par. 1 and subds. 1, 2, above.
3. Expenses of the last illness.
Subds. 4, 5 same as RCC 1870, Art. 3252, as amended by Acts 1918, No. 242, subds. 4, 5, above; but period (.) after "servants."

1781
With regard to the wife's dower,* she has no privilege on the immovable property of her husband, but a mere right of mortgage, as is said under the title: Of the Marriage Contract, and of the Respective Rights of the Parties in Relation to their property.

Whenever the widow or minor children of a deceased person shall be left in necessitous circumstances, and not possess in their own right property to the amount of one thousand dollars, the widow or the legal representatives of the children shall be entitled to demand and receive from the succession of the deceased husband or father, a sum, which added to the amount of property owned by them, or either of them, in their own right, will make up the sum of one thousand dollars, and which amount shall be paid in preference to all other debts, except those for the vendor's privilege and expenses incurred in selling the property. The surviving widow shall have and enjoy the usufruct of the amount so received from her deceased husband's succession, during her widowhood, which amount shall afterwards vest in and belong to the children or other descendants of the deceased husband.

CC 1825, Art. 3219.

Par. 1 and subds. 1-5 same as par. 1 and subds. 1-5, above; but comma (,) after “immovables”; semicolon (;) after “Funeral charges”, after “Judicial charges”, after “illness”, and after “servants.”

With regard to the wife's dower,* she has no privilege on the immovable property of her husband, but a mere right of mortgage, as is said under the title of contract of marriage.

CC 1808, p. 470, Art. 76.

The privileges which extend both to the moveables and to the immovables are those enumerated in the foregoing 73rd article. (Suppressed on recommendation of redactors; Projet, p. 376)

CN 1804, Art. 2104.

The privileges which extend both to the moveables and the immovables are those enumerated in article 2101.

*Note error in English translation of French text; “dower” should be “dowry.”

ART. 3253. When, for want of moveables, the creditors, who have a privilege according to the preceding article, demand to be paid out of the proceeds of the immovables of the debtor, the payment must be made in the order laid down in the following chapter.

RCC-3252, 3254 et seq., 3266.

RCC 1870, Art. 3253. (Same as Art. 3253 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3220. (Projet, p. 376. Amendment adopted; comment by redactors)

When, for want of moveables, the creditors, who have a privilege according to the preceding article, demand to be paid out of the proceeds of the immovables and slaves of the debtor, the payments must be made in the order laid down in the following chapter.

Lorsqu’à défaut de mobilier, les privilèges (privilégés) énoncés en l’article précédent, se présentent pour être payés sur le prix des immeubles et des esclaves du débiteur, les payemens se font dans l’ordre qui est prescrit dans le chapitre suivant.
When, for want of moveables, the creditors who have a privilege, according to the preceding article, demand to be paid out of the proceeds of the immovable in concurrence with the creditors who have a privilege on said immovables, the payments must be made in the following order, to wit:

1st, Law charges and those enumerated in the 73d article;
2d, Those* mentioned in the 75th article.

Par. 1 same as CC 1808, p. 470, Art. 77, par. 1, above.

1. Law charges and others enumerated in article 2101;
2. The claims mentioned in article 2103.

*Note error in English translation of French text; "Those" should be "The claims."

Chapter 6—Of the Order in which Privileged Creditors are to be Paid

ART. 3254. If the movable property, not subject to any special privilege, is sufficient to pay the debts which have a general privilege on the movables, those debts are paid in the following order:

Funeral charges are the first paid.
Law charges, the second.
Expenses of the last illness, the third.
The wages of servants, the fourth.
Supplies of provisions, the fifth.
The salaries of clerks, secretaries, and others of that nature, the sixth.

And, finally, the wife’s dower,* the seventh.
The thousand dollars secured by law to the widow or minor children, as set forth in article 3252, shall be paid in preference to all other debts, except those for the vendor’s privileges and expenses incurred in selling the property.

RCC—1359, 2376, 2382, 3187, 3191 et seq., 3214, 3216 et seq., 3252, 3253, 3255, 3257, 3258, 3261, 3264, 3276, 3349. Acts 1886, No. 89.

RCC 1870, Art. 3254. (Same as Art. 3254 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3221. (Projet, p. 377. Addition + adopted; no comment)

If the moveable property, not subjected to any special privilege, is sufficient to pay the debts which have a general privilege on the moveables, those debts are paid in the following order:

Si les meubles, non affectés à des privilèges spéciaux, sont suffisants pour payer les dettes qui ont un privilège général sur les meubles, on paye ces dettes dans l’ordre suivant:

1783
Art. 3255

But when part of the movables are subject to special privileges, and the remainder of the movables are not sufficient to discharge the debts having a privilege on the whole mass of movables, or if there be equality* between the special privileges, the following rules shall direct the determination.

RCC-3254, 3255 et seq.

Art. 3256. Whatever may be the privilege of the lessor, charges for selling the movables subjected to it are paid before that which is due for the rent, because it is these charges which procure the payment of the rent.

RCC-3255, 3257 et seq., 3267.
ART. 3257. The case is the same with respect to the funeral expenses of the debtor and his family; when there is no other source from which they can be paid, they have a preference over the debt for rent or hire, on the price of the movables contained in the house or on the farm.

RCC—3191, 3218, 3252, 3254, 3256, 3259, 3260.

RCC 1870, Art. 3257.
Same as above.

CC 1825, Art. 3224.
Same as above.

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

ART. 3258. But the lessor has a preference on the price of these movables, over all the other privileged debts of the deceased, such as expenses of the last illness, and others which have a general privilege on the movables.

RCC—3191, 3216 et seq., 3252, 3254, 3260, 3263.

RCC 1870, Art. 3258.
Same as above.

CC 1825, Art. 3225.
Same as above.

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

ART. 3259. With regard to the crops which are subject to the lessor’s privilege, the expenses for seed and labor, the wages of overseers and managers are to be paid out of the product of the year, in preference to the lessor’s debt.

So, also, he who supplied the farming utensils, and who has not been paid, is paid in preference to the lessor out of the price of their sale.

RCC—3217, 3218, 3256, 3257, 3260. Acts 1886, No. 89; 1906, No. 53.

RCC 1870, Art. 3259. (Same as Art. 3259 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3226.
Par. 1 same as par. 1, above.

A l'égard des fruits qui sont affectés au locateur, les frais faits pour semences et labours, les sommes dues pour les appointements des gérans et
Art. 3260

If, among the movables with which the house or farm, or any other thing subject to the lessor’s privilege, is provided, there should be some which were deposited by a third person in the hands of the lessor* or farmer, the lessor shall have a preference over the depositary** on the things deposited for the payment of his rent, if there are no other movables subject to his privilege, or if they are not sufficient; unless it be proved that the lessor knew that the things deposited did not belong to his tenant or farmer. (As amended by Acts 1871, No. 87)

RCC—2705, 2707, 2708, 2926, 3222, 3257 et seq., 3261.

RCC 1870, Art. 3260.

(Same as Art. 3260 of Proposed Revision of 1869)

If among the movables with which the house or farm, or any other thing subject to the lessor’s privilege, is provided, there should be some which were deposited by a third person in the hands of the lessor* or farmer, the lessor shall have a preference over the depositary** on the things deposited, for the payment of his rent, there are no other movables subject to his privilege, or if they are not sufficient, unless it be proved that the lessor knew that the things deposited did not belong to his tenant or farmer.

CC 1825, Art. 3227.

(Projet, p. 377. Addition adopted; no comment) Si parmi les meubles, qui garnissent la maison ou la ferme ou autres objets affectés au privilège du locataire, il s’en trouve qui aient été déposés par un tiers entre les mains du locataire* ou fermier, le locateur sera préféré au déposant** sur les choses déposées, pour le payement de son loyer ou de sa ferme, s’il n’existe pas d’autres meubles affectés à son privilège, ou s’ils ne sont pas suffisans, à moins qu’il ne soit prouvé que le locateur avait connaissance que les choses déposées n’appartenaient pas à son fermier ou locataire.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*Note error in English translation of French text; “lessee” should be “lessor.”

**Note error in English translation of French text; “depositary” should be “depositor.”

Art. 3261. With the exception stated in the foregoing article, the privilege of the depositor on the thing deposited is not preceded by any other privileged debt, even funeral expenses, unless it be that the depositor must contribute to the expense of sealing and making inventory, because this expense is necessary to the preservation of the deposit.

RCC—1075, 1101, 2960, 2962, 3187, 3191, 3217(5), 3222, 3252, 3254, 3260, 3265.
ART. 3262. The privilege of him who has taken care of the property of another, has a preference over that property, for the necessary expenses which he incurred, above all the other claims for expenses, even funeral charges; his privilege yields only to that for the charges on the sale of the thing preserved.

RCC—2299, 2314, 2960, 3217(6), 3224 et seq., 3264, 3265.

ART. 3263. The privilege of the vendor on movables sold by him, which are still in the possession of the vendee, yields to that of the owner of the house or farm which they serve to furnish or supply, for his rents. It yields also to the charges for affixing seals and making inventories, but not to the funeral or other expenses of the debtor.

RCC—1075, 1101, 3218, 3227, 3228, 3258, 3267.
Art. 3264

The privilege of the vender is however exercised only after that of the owner of the house or farm, unless it be proved that the owner was informed that the furniture and other effects put in the house or farm, did not belong to the tenant. (Suppressed on recommendation of redactors; Projet, p. 370)

ART. 3264. The privilege of innkeepers on the effects of travelers deceased in their house, is postponed to funeral and law charges, but is preferred* to all the other privileged debts of the deceased.

RCC—3191, 3216, 3217(8), 3232 et seq., 3252, 3254, 3262, 3555.

RCC 1870, Art. 3264.
Same as above.

CC 1825, Art. 3231.
Same as above.

(Projet, p. 378. Addition adopted; no comment)
Le privilège des aubergistes ou hôteliers sur les effets des voyageurs décédés dans leur auberge, ne passe qu'après les frais funéraires et de justice, mais est préféré sur le prix de ces effets* à toutes les autres dettes privilégiées du défunt.

CC 1808. No corresponding article.

*English translation of French text incomplete; should include "on the price of these effects."

ART. 3265. The privilege of carriers, for the cost of transportation and incidental expenses, yields only to the charges which would arise on the sale of the goods.

The case is the same respecting the freight of goods carried on board a ship or other vessels [vessel].


RCC 1870, Art. 3265.
Same as above.

CC 1825, Art. 3232.
Same as above; but "vessels" correctly spelled "vessel."

(Projet, p. 378. Addition adopted; no comment)
Le privilège du voiturier pour les frais de voiture et dépenses accessoires, ne cède qu'aux frais qui pourraient être occasionnés par leur vente.
ART. 3266. If the movables of the debtor, by reason of the special privileges affecting them or for any other cause, are not sufficient to discharge the debts having a privilege on the whole movable property, the balance must be raised on the immovables of the debtor, as hereafter provided.

RCC—3191, 3216 et seq., 3252, 3253, 3267 et seq.

RCC 1870, Art. 3266. (Same as Art. 3266 of Proposed Revision of 1869)

Same as above.

ART. 3267. If the movables of the debtor are subject to the vendor’s privilege, or if there be a house or other work subjected to the privilege of the workmen who have constructed or repaired it, or of the individuals who furnished the materials, the vendor, workmen and furnishers of materials, shall be paid from the price of the object affected in their favor, in preference to other privileged debts* of the debtor, even funeral charges, except the charges for affixing seals, making inventories, and others which may have been necessary to procure the sale of the thing.

RCC—1075, 1101, 2772, 2777, 3252, 3256, 3263, 3266, 3268 et seq. Acts 1880, No. 134 (as am. by 1928, No. 172); 1926, No. 298 (as am. by 1938, No. 323).

RCC 1870, Art. 3267.

Same as above.

ART. 3234. If the moveables or slaves of the debtor are subject to the vendor’s privilege, or if there be a house or other work subjected to the privilege of the workmen who have constructed or repaired it, or of the individual (individuals) who furnished the materials, the vendor, workmen and furnishers of materials, shall be paid from the price of the object affected in their favor, in preference to other privileged debts* of the debtor, even funeral charges, except the charges for affixing seals, making inventories, and others which may have been necessary to procure the sale of the thing.

Si les meubles ou les esclaves du débiteur sont affectés au privilège du vendeur, ou s’il s’agit d’une maison ou autre ouvrage, qui est affecté au privilège des ouvriers qui l’ont construit ou réparé, ou à celui des individus qui en ont fourni les matériaux, ce vendeur, ces ouvriers et ces fournisseurs seront payés sur le prix de l’objet qui leur est affecté, de préférence aux autres créanciers* privilégiés du débiteur, même à ses frais funéraires, sauf les frais de...
ART. 3268. When the vendor of lands finds himself opposed by workmen seeking payment for a house or other work erected on the land, a separate appraisement is made of the ground and of the house, the vendor is paid to the amount of the appraisement on the land, and the other to the amount of the appraisement of the building.

RCC-3249, 3267, 3269.

RCC 1870, Art. 3268.
Same as above.

CC 1825, Art. 3235. (Projet, p. 378. Addition adopted; no comment)
Lorsque le vendeur du fonds se trouve en concurrence avec des ouvriers pour le payement de l'édifice, ou autre ouvrage qui se trouve construit sur ce fonds, on estime séparément le fonds et le bâtiment; le vendeur est payé sur le fonds jusqu'à concurrence de ce qu'il est estimé, et ceux du bâtiment sur ce qu'est estimé le bâtiment.

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

ART. 3269. With the exception of special privileges, which exist on immovables in favor of the vendor, of workmen and furnishers of materials, as declared above, the debts privileged on the moveables and immovables generally, ought to be paid, if the moveables are insufficient, out of the product of the immovables belonging to the debtor, in preference to all other privileged and mortgage creditors.

The loss which may then result from their payment must be borne by the creditor whose mortgage is the least ancient, and so in succession, ascending according to the order of the mortgages, or by pro rata contributions where two or more mortgages have the same date.

RCC-3186, 3249, 3252, 3267, 3268, 3270, 3274, 3329, 3397, 3409. Const. 1921, XIX, 19 (as am. by Acts 1938, No. 35).

RCC 1870, Art. 3269.
Same as above.

CC 1825, Art. 3236. (Projet, p. 379. Addition adopted; no comment)
A l'exception des privilèges spéciaux qui existent sur les immeubles en faveur du vendeur, des ouvriers et du fournisseur de matériaux, ainsi qu'il est dit ci-dessus, les créances privilégiées sur la généralité des meubles et des immeubles doivent être payées, en cas d'insuffisance des meubles, sur le produit des immeubles et des esclaves du
debtor, in preference to all other privileged and mortgage creditors.

The loss which may then result from their payment must be borne by the creditor whose mortgage is least ancient, and so in succession, ascending according to the order of the mortgages, or by pro rata contributions where two or more of the mortgages have the same date.

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

Art. 3270. When the debts privileged on the movables and immovables can not be paid entirely, either because the movable effects are of small value, or subject to special privileges which claim a preference, or because the movables and immovables together do not suffice, the deficiency must not be borne proportionally among the debtors,* but the debts must be paid according to the order established above, and the loss must fall on those which are of inferior dignity.**

RCC—3191, 3216 et seq., 3269.
RCC 1870, Art. 3270.
Same as above.
CC 1825, Art. 3237.
Same as above.

*Note error in English translation of French text; "debtors" should be "debts."
**English translation of French text incomplete; should include "and which cannot be discharged."

Chapter 7—How Privileges are Preserved and Recorded

Art. 3271. The vendor of an immovable only preserves his privilege on the object, when he has caused to be duly recorded at the office for recording mortgages, his act of sale, in the manner directed hereafter, whatever may be the amount due to him on the sale.

RCC—3249, 3272 et seq., 3347, 3348, 3368, 3386, 3397, 3399. Const. 1921, XIX, 19 (as am. by Acts 1938, No. 35).
Art. 3272

Architects, undertakers, bricklayers, painters, master builders, contractors, subcontractors, journeymen, laborers, cartmen, masons and other workmen employed in constructing, rebuilding and repairing houses, buildings, or making other works; those who have supplied the owner or other person employed by the owner or his agent or subcontractor with materials of any kind for the construction or repair of his buildings or other works; those who have contracted, in the manner provided by the police regulations, to make or put in repair the levees, bridges, canals and roads of a proprietor, preserve their privileges, only in so far as they have recorded, with the recorder of mortgages in the parish where the property is situated, the act containing the bargains they have made, or a detailed statement of the amount due, attested under the oath of the party doing or having the work done, or acknowledgment of what is due to them by the debtor.

The privileges mentioned in this article are concurrent.

RCC—2763, 2770, 2772, 2773, 2775 et seq., 3188, 3249, 3271, 3274, 3348. Acts 1918, No. 224 (as am. by 1926, No. 271); 1926, No. 298, §§ 11-13 (as am. by 1938, No. 323). Const. 1921, XIX, 19 (as am. by Acts 1938, No. 38).
ART. 3273. Privileges are valid against third persons, from the date of the recording of the act or evidence of indebtedness as provided by law.

RCC 1870, Art. 3273. (Same as Art. 3273 of Proposed Revision of 1869; par. 1 same as CC 1825, Art. 3239, as amended by Acts 1868, No. 126 (RS 1445, 2877; par. 2 in conformity with Acts 1868, No. 126 (RS 1445, 2878))

Same as above.

CC 1825, Art. 3239. (Projet, p. 379. Addition adopted; no comment)

Les architectes, entrepreneurs, maçons et autres ouvriers, ceux qui ont fourni des matériaux au propriétaire pour la construction ou la réparation de ses édifices, ou autres ouvrages; ceux qui ont contracté aux termes des règlements de police, pour faire ou réparer les levées, ponts, canaux et chemins d'un propriétaire, ne conservent le privilège qui leur est accordé par la loi, qu'autant qu'ils ont fait inscrire, au bureau des hypothèques, l'acte qui contient les marchés qu'ils ont passés à cet égard, ou le compte** ou la reconnaissance de ce qui leur est dû pour cet objet, dans tous les cas où le prix de ce marché ou le montant de ce compte ou de la reconnaissance de la dette, excède une somme de cinq cents piastres.

CC 1808. No corresponding article.

CN 1804, Art. 2110. (Projet, p. 380. Addition adopted; no comment)

Les architectes, entrepreneurs, maçons et autres ouvriers employés pour édifier, reconstruire ou réparer des bâtiments, canaux, ou autres ouvrages, et ceux qui ont, pour les payer et rembourser, prêté les deniers dont l'emploi a été constaté, conservent, par la double inscription faite, 1. du procès-verbal qui constate l'état des lieux, 2. du procès-verbal de réception, leur privilège à la date de l'inscription du premier procès-verbal.

*In connection with this article see Acts 1918, No. 324 (as am. by 1926, No. 271); 1926, No. 298, 311, 11-13 (as am. by 1938, No. 323).

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

ART. 3273. Privileges are valid against third persons, from the date of the recording of the act or evidence of indebtedness as provided by law.

RCC 1874, No. 66 (as am. by 1922, No. 93); 1890, No. 51. Const. 1921, XIX, 19 (as am. by Acts 1938, No. 35).

RCC 1870, Art. 3273. (Same as Art. 3273 of Proposed Revision of 1869; in conformity with CC 1825, Art. 3240, as amended by Acts 1868, No. 126 (RS 1447, 2878))

Same as above.

CC 1825, Art. 3240. (Projet, p. 380. Addition adopted; no comment)

The privileges, enumerated in the two preceding articles, are valid against third persons from the date of the act, if it has been duly recorded, that is to say, from the date of the recording of the act or evidence of indebtedness as provided by law.

Les privilèges, dont il est fait mention dans les deux articles précédents, conservent leur effet contre les tiers, du jour de la date de l'acte d'où ils dérivent,
Art. 3274

No privilege shall have effect against third persons, unless recorded in the manner required by law in the parish where the property to be affected is situated. It shall confer no preference on the creditor who holds it, over creditors who have acquired a mortgage, unless the act or other evidence of the debt is recorded within seven days from the date of the act or obligation of indebtedness. When the registry is required to be made in the parish where the act was passed or the indebtedness originated and within fifteen days, if the registry is required to be made in any other parish of this State. It shall, however, have effect against all parties from date of registry. (As amended by Acts 1877, No. 45)


RCC 1870, Art. 3274. (Same as Art. 3274 of Proposed Revision of 1869; in conformity with La. Constitution of 1868, Art. 123)

No privilege shall have effect against third persons, unless recorded in the manner required by law in the parish where the property to be affected is situated. It shall confer no preference on the creditor who holds it, over creditors who have acquired a mortgage, unless the act or other evidence of the debt is recorded on the day that the contract was entered into.

CC 1825, Art. 3241. (Projet, p. 380. Addition adopted; no comment) Lorsque l'acte, d'où dérive le privilège, n'aura pas été inscrit dans le délai prescrit dans l'article précédent, il n'aura plus d'effet comme privilège, c'est-à-dire, celui de donner la préférence au créancier qui est porteur de ce titre, sur les créanciers qui auraient acquis une hypothèque dans cet intervalle, et l'auraient fait inscrire avant lui, mais il vaudra comme hypothèque, et aura son effet contre les tiers à dater du jour où il aura été inscrit. (In conformity with Acts 1810, Chap. XXV, §7)

CC 1808. No corresponding article.

CN 1804, Art. 2113.

All privileged debts subject to the formality of recordation, and as to which the conditions, above prescribed to preserve the privilege, have not been performed, do not, however, cease to be hypothecary debts; but the mortgage has effect against third persons.

Toutes créances privilégiées soumises à la formalité de l'inscription, à l'égard desquelles les conditions ci-dessus prescrites pour conserver le privilège n'ont pas été accomplies, ne cessent pas néanmoins d'être hypothécaires; mais l'hypothèque ne date, à l'égard des tiers, que
only from the time of the recordation which must be made as hereafter explained.

*In connection with this article see Const. 1921, XIX, 19 (as am. by Acts 1938, No. 35).

ART. 3275. Creditors and legatees who demand a partition of the patrimony of the deceased, in conformity with the provisions contained in the third section of the eighth chapter of the title: Of Successions, preserve their privilege, as against the heirs or representatives of the deceased, on the immovables of the succession, only by recording* the evidences of their claims against the succession within three months after it is opened.

Before the expiration of this time no mortgage can be enforced** against the property, nor any alienation be made by the heirs or representatives of the deceased, to the injury of the creditors of the succession.

RCC—1189, 1421, 1444 et seq., 1449, 1970 et seq., 3273 et seq.

RCC 1870, Art. 3275. (Same as Art. 3275 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3242. (Projet, p. 380. Addition adopted; no comment)

Creditors and legatees, who demand a separation of the patrimony of the deceased, in conformity with Art. 878 of the title Of Successions, preserve their privilege as against the creditors of the heirs or the representatives of the deceased, on the immovables and slaves of the succession, only by recording* the evidences of their claims against the succession, within three months after it is opened.

Par. 2 same as par. 2, above; but comma (,) after “time.”

CC 1808. No corresponding article.

CC 1804, Art. 2111.

Creditors and legatees who demand a separation of the patrimony of the deceased, in conformity with Art. 878 of the title Of Successions, preserve their privilege as against the creditors of the heirs or the representatives of the deceased, on the immovables of the succession, by the recordations made respecting each of them, within six months from the opening of the succession.

Before the expiration of this time no valid mortgage can be established on

Les créanciers et légataires, qui demandent la séparation du patrimoine du défunt, conformément à l'article 878 du titre des Successions, conservent, à l'égard des créanciers des héritiers ou représentants du défunt, leur privilège sur les biens de cette succession, par les inscriptions faites sur chacun de ces biens, dans les six mois à compter de l'ouverture de la succession.

Avant l'expiration de ce délai, aucune hypothèque ne peut être établie** sur ces biens, ni une aliénation en être faite par les héritiers ou représentants du défunt, au préjudice des créanciers de la succession.
ART. 3276. * The charges against a succession, such as funeral charges, law charges, lawyers' fees for settling the succession, the thousand dollars secured in certain cases to the widow or minor heirs of the deceased, and all claims against the succession originating after the death of the person whose succession is under administration, are to be paid before the debts contracted by the deceased person, except as otherwise provided for herein, and they are not required to be recorded.

RCC—1189, 1444 et seq., 2776, 3252, 3254, 3275. Const. 1921, XIX, 19 (as am. by Acts 1938, No. 35).

RCC 1870, Art. 3276. (Same as Art. 3276 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3243. (Projet, p. 380. Addition adopted; no comment)

The debts which are described in the preceding chapter, and which include both moveables and immoveables, are not required to be recorded.

CC 1807. No corresponding article.

CN 1804, Art. 2107.

The debts mentioned in Art. 2101 are excepted from the formality of recordation.

*In connection with this article see Const. 1021, XIX, 19 (as am. by Acts 1938, No. 35).

Chapter 8—OF THE MANNER IN WHICH PRIVILEGES ARE EXTINGUISHED

ART. 3277. Privileges become extinct:
1. By the extinction of the thing subject to the privilege.
2. By the creditor acquiring the thing subject to it.
3. By the extinction of debt which gave birth to it.
4. By prescription.

RCC—2130, 2217, 2219, 3186, 3228, 3243, 3244, 3411, 3528, 3529. Acts 1916, No. 263.

RCC 1870, Art. 3277. (Same as Art. 3277 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3244. (Projet, p. 380. Amendment adopted; no comment)

Par. 1 and subds. 1, 2 same as par. 1 and subds. 1, 2, above; but semicolon (;) after "privilege", and after "it." Les privilèges s'éteignent:
1. Par l'extinction de la chose subjecte au privilege;
3. By the extinction of the debt which gave birth to it;
   Subd. 4 same as subst. 4, above.

CC 1808, p. 472, Art. 81.
Privileges and mortgages are extinguished:
1st, By the extinction of the principal obligation
2d, By the creditor's renunciation of the mortgage;
3d, By prescription.
Prescription is acquired to the debtor as to the property which is in his possession, through the lapse of the time fixed for the prescriptions [prescription] of the action which gives the mortgage or the privilege.
And as to the property which is held by a third possessor, prescription is acquired to him through the lapse of the time fixed for the prescription of the ownership in his favor.

CN 1804, Art. 2180, par. 1, subds. 1, 2, 4; pars. 2, 3.
Par. 1 and subds. 1, 2, 4 same as par. 1 and subds. 1-3, above.
Par. 2 same as par. 2, above.
As to the property which is held by a third possessor, prescription is acquired to him through the lapse of the time fixed for the prescription of the ownership in his favor; in the cases where prescription implies a title, it begins to run only from the day when the title is inscribed on the books of the recorder.

2. Par l'acquisition que le créancier fait de la chose affectée au privilège;
3. Par l'extinction de la dette qui a donné naissance au privilège;
4. Par la prescription de ce droit.

p. 473, Art. 81.
Les privilèges et hypothèques s'éteignent:
1. Par l'extinction de l'obligation principale;
2. Par la renonciation du créancier à l'hypothèque;
3. Par la prescription;
La prescription est acquise au débiteur, quant aux biens qui sont dans ses mains, par le temps fixé pour la prescription des actions qui donnent l'hypothèque ou le privilège.
Quant aux biens qui sont dans les mains d'un tiers détenteur, elle lui est acquise par le temps réglé pour la prescription de la propriété à son profit.

TITLE XXII—OF MORTGAGES*

*In connection with this title see Acts 1908, No. 76; 1908, No. 254; 1910, No. 215; 1910, No. 232; 1914, No. 169; 1916, No. 133; 1918, No. 198 (as am. by 1922, No. 81; 1924, No. 232; 1932, No. 189; and 1936, No. 178); 1924, No. 119; 1928, No. 157; 1932, No. 166; 1934, No. 67; 1934, No. 199; 1938, No. 96. See also general comment by redactors, Projet, p. 381.

Chapter 1—General Provisions

Art. 3278. Mortgage is a right granted to the creditor over the property of the debtor for the security of his debt, and gives him the power of having the property seized and sold in default of payment.