Title XXIII. Of Occupancy, Possession and Prescription (Art. 3412 - 3555)

Louisiana
5. By the creditor renouncing the mortgage.
6. By prescription.

RCC—2130, 2131, 2132, 2133 et seq., 2185 et seq., 2199 et seq., 2207 et seq., 2217, 2219 et seq., 3277, 3285, 3369, 3371 et seq., 3378, 3385, 3409, 3457, 3459, 3528, 3529, 3540, 3544, 3547.

RCC 1870, Art. 3411. (Same as Art. 3411 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3374. (Projet, p. 398. Substitution adopted; no comment)
Mortgages are extinguished:
1. By the extinction of the thing mortgaged;
2. By the creditor acquiring the property of the thing mortgaged;
3. By the extinction of the mortgagee’s right;
4. By the extinction of the debt, for which the mortgage was given;
5. By the creditor renouncing the mortgage;
6. By prescription.

RCC 1808, pp. 472, 473, Art. 81, par. 1 and subds. 1-3.
Quoted under RCC 1870, Art. 3277, above.

CN 1804, Art. 2180, par. 1; subds. 1, 2; par. 1 under subd. 4.
Quoted under RCC 1870, Art. 3277, above.

TITLE XXIII—OF OCCUPANCY, POSSESSION AND PRESCRIPTION

Chapter 1—Of Occupancy

Art. 3412. Occupancy is a mode of acquiring property by which a thing which belongs to nobody,* becomes the property of the person who took possession of it, with the intention of acquiring a right of ownership upon it.

RCC—448 et seq., 481 et seq., 488 et seq., 496, 870, 3413 et seq., 3426 et seq., 3430, 3436 et seq., 3457 et seq., 3472 et seq.

RCC 1870, Art. 3412.
Same as above.

CC 1825, Art. 3375. (No reference in Projet)
Same as above; but comma (,) after “thing.”

CC 1808, p. 472, Art. 1.
Same as above.

CN 1804. No corresponding article.
The civil law does not recognize the right of mere occupancy. Things which have never had an owner, and those which have been abandoned by their owners, belong to the nation. No one can acquire them save by a possession sufficient to operate prescription.

*English translation of French text incomplete; should include "comes under the control and."

**ART. 3413.** It follows from the above definition that occupancy can only be a lawful mode of acquiring property, when the thing in occupancy has no owner, and when it is of a nature which admits of its being taken possession of, and when it is retained by the acquirer with the intention of keeping it as his own property.


**RCC 1870, Art. 3413.** (Same as Art. 3413 of Proposed Revision of 1869)
Same as above.

**CC 1825, Art. 3376.** (No reference in Projet)
It follows from the above definition that occupancy can only be a lawful mode of acquiring property, when the thing in occupancy has no owner; when it is of a nature which admits of its being taken possession of, and retained by the acquirer with the intention of keeping it as his own property.

CC 1808, p. 472, Art. 2.
Same as above; but "definition" spelled "d-definition"; no punctuation after "acquiring property", or after "possession of."

**CN 1804.** No corresponding article.

**ART. 3414.** There are five ways of acquiring property by occupancy, to wit:
By hunting.
By fowling.
By fishing.
By finding (that is, by discovering precious stones on the sea shore, or things abandoned, or a treasure.)
By captures from the enemy.

RCC—481 et seq., 3412 et seq., 3420 et seq., 3425.

**RCC 1870, Art. 3414.** (Same as Art. 3414 of Proposed Revision of 1869)
Same as above.

**CC 1825, Art. 3377.** (No reference in Projet)
Pars. 1-4 same as pars. 1-4, above; but semicolon (:) after "hunting"; after "fowling", and after "fishing."

Il y a cinq manières d'acquérir ainsi par l'occupation, savoir:
La chasse aux bêtes farouches;
La chasse à l'oiseau;
La pêche;
By invention (finding) that is, by discovering precious stones on the sea shore, or things abandoned, or a treasure; By captures from the enemy.

CC 1808, p. 474, Art. 3.
Same as above; but no punctuation after "that is", after "seashore", or after "abandoned."

CN 1804. No corresponding article.

ART. 3415. Wild beasts, birds and all the animals which are bred in the sea, the air, or upon the earth, do, as soon as they are taken, become instantly by the law of nations, the property of the captor; for it is agreeable to natural reason that those things which have no owner, shall become the property of the first occupant.

And it is not material whether they are taken by a man upon his own ground or upon the ground of another. But the proprietor of a tract of land may forbid any person from entering it for the purpose of hunting thereon.

Wild beasts are those which enjoy their natural liberty, and go wherever they please.

RCC—500 et seq., 505, 519, 3413, 3414, 3418 et seq. Acts 1908, No. 104; 1910, No. 272, §5, 6; 1918, No. 83; 1926, No. 80; 1926, No. 112, §8; 1926, No. 273, Art. 1, §§2, 3; 1922, No. 50; 1932, No. 67; 1932, No. 68, §2; 1940, No. 314, §1; 1940, E.S., No. 10, §11.

RCC 1870, Art. 3415.
Same as above.

CC 1825, Art. 3378. (No reference in Projet)
Same as above; but comma (,) after "things"; no punctuation after "liberty."

Wild beasts, birds and all the animals which are bred in the sea, the air, or upon the earth, do, as soon as they are taken, become instantly by the law of nations, the property of the captor; for it is agreeable to natural reason that those things which have no owner, should become the property of the first occupant.

And it is not material whether they are taken by a man upon his own ground or upon the ground of another. But

CC 1808, p. 474, Art. 4.
Wild beasts, birds and all the animals which are bred in the sea, the air, or upon the earth, do, as soon as they are taken, become instantly by the law of nations, the property of the captor; for it is agreeable to natural reason, that those things which have no owner, should become the property of the first occupant.

And it is not material whether they are taken by a man upon his own ground or upon the ground of another. But

-p. 475, Art. 4.
Les bêtes farouches, les oiseaux, les poissons, et tous les autres animaux qui naissent dans l'air, sur la terre, ou dans la mer, appartiennent, par le droit des gens, à celui qui les prend; car la raison naturelle veut que ce qui n'appartient à personne, appartienne à celui qui s'en empare.

Il est indifférent que celui qui a pris des bêtes farouches ou des oiseaux, les ait pris sur ses terres ou sur celles d'autrui. Toutefois, le propriétaire d'un fonds peut en défendre l'entrée à qui-conque y vient pour chasser.

On appelle bêtes farouches, toutes celles qui, jouissant de leur liberté naturelle, vont où il leur plaît.

Pars. 2, 3 same as pars. 2, 3, above; but comma (,) after "indifférent"; no punctuation after "celles qui."
yet it is certain that whoever has entered into the ground of another for the sake of hunting or fowling, might have been prohibited from entering by the proprietor of the ground if he had foreseen the intent.

Wild beasts are those who enjoy their natural liberty and go wherever they please.

CN 1804. No corresponding article.

Art. 3416. Wild beasts and fowls when taken, are esteemed to be the property of the captor as long as they continue in his possession, but when they have once escaped and recovered their natural liberty, the right of the captor ceases, and they become the property of the first who seizes them; and they are understood to have recovered their natural liberty, if they have run or flown out of sight, and even if they are not out of sight, when it happens that they can not, without difficulty, be pursued and retaken.

RCC—496, 3412, 3415, 3417 et seq., 3426 et seq. Acts 1918, No. 83, §7; 1928, No. 80; 1936, No. 212.

RCC 1870, Art. 3416.

Same as above.

CC 1825, Art. 3379. (No reference in Projet)

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

CC 1808, p. 474, Art. 5.

Wild beasts and fowls when taken are esteemed to be the property of the captor as long as they continue in his custody but when they have once escaped and recovered their natural liberty, the right of the captor ceases and they become the property of the first who seizes them; and they are understood to have recovered their natural liberty, if they have run or flown out of sight, and even if they are not out of sight, when it happens that they cannot without difficulty, be pursued and retaken.

CN 1804. No corresponding article.

Art. 3417. Peacocks and pigeons are considered as wild fowls, though after every flight it is their custom to return; and with regard to these animals which go and return customarily, the rule to be observed is, that they are understood to be yours as long as they retain
the habit of returning; but if this habit ceases, they cease to be yours, and will again become the property of them who take them. And these animals are considered to have lost the habit of returning when they have ceased to return for a certain time.

RCC—519, 3412 et seq., 3416, 3418, 3426 et seq.

RCC 1870, Art. 3417. (Same as Art. 3417 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3380. (No reference in Projet)
Peacocks and pigeons are considered as wild beasts, though after every flight it is their custom to return; and with regard to these animals which go and return customarily, the rule to be observed is, that they are understood to be yours as long as they appear to retain the habit of returning; but if this habit ceases, they cease to be yours, and will again become the property of them who take them. And these animals seem to cease to have the habit of returning, when they disuse of returning* during a certain time.

CC 1808, p. 474, Art. 6.
Peacocks and pigeons are considered as wild beasts, though after every flight it is their custom to return; and with regard to these animals which go and return customarily, the rule to be observed is that they are understood to be yours as long as they appear to retain an inclination to return: but if this inclination ceases, they cease to be yours and will again become the property of them who take them.
And these animals seem then to cease to have an inclination to return when they disuse of returning* during a certain time.

CN 1804. No corresponding article.

*Note error in English translation of French text; “disuse of returning” should be “have ceased to return.”

ART. 3418. It is not lawful to kill peacocks and pigeons belonging to another, when they shall be feeding in the fields, unless they shall commit depredations; it shall likewise be unlawful to set traps for the purpose of catching them, under the penalty of damages, which shall be recoverable by the owner.

RCC—2315, 3417.

RCC 1870, Art. 3418. (Same as Art. 3418 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3381. (No reference in Projet)
It is not lawful to kill peacocks and pigeons belonging to any body, when they shall be feeding in the fields unless

Il est défendu de tuer les paons et les pigeons de quelqu’un, lorsqu’ils sont aux champs pour y chercher leur nour-

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they should commit depredations; it shall likewise be unlawful to set traps for the purpose of catching them, under the penalty of damages, which shall be recoverable by the owner.

CC 1808, p. 474, Art. 7.
It is not lawful to kill peacocks and pigeons belonging to any body, when they shall be feeding in the fields, unless they should commit depredations in said fields; it shall likewise be unlawful to set traps for the purpose of catching them, under the penalty of damages which shall be recoverable by the owner.

CN 1804. No corresponding article.

Art. 3419. Chickens, turkeys, geese, ducks and other domestic animals, shall not be considered wild animals, though there are species of these animals which exist in a state of natural liberty.

Therefore, if the geese or fowls* of any body should take flight, they are nevertheless reckoned to belong to him, in whatever place they are found, although he shall have lost sight of them; and whoever detains such animals with the intention to make them his, is understood to commit a theft.


RCC 1870, Art. 3419. (Same as Art. 3419 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3382. (No reference in Projet)
Chickens, turkeys, geese, ducks and other domestic animals, shall not be considered as wild beasts, though there are species of these animals which exist in a state of natural liberty.

Therefore, if the geese or fowls* of any body should take flight, they are nevertheless reckoned to belong to him, in whatever place they are found, although he shall have lost sight of them; and whoever detains such animals with a lucrative view, is understood to commit a theft.

CC 1808, p. 474, Art. 8.
Par. 1 same as par. 1, above. Therefore if the geese or fowls* of any body, should take flight, they are nevertheless reckoned to belong to him, in whatever place they are found although he shall have lost sight of them; and whoever detains such animals, with a lucrative view, is understood to commit a theft.

CN 1804. No corresponding article.

*p. 475, Art. 7.
Same as above; but comma (,) after “égalem.”

*Note error in English translation of French text; “geese or fowls” should be “chickens or geese.”
Art. 3420

ART. 3420. Those who discover or who find precious stones, pearls and other things of that kind, on the sea shore or other places where it is lawful to search for and take them, become masters of them.

RCC—450 et seq., 488 et seq., 870, 3412 et seq., 3421 et seq.

RCC 1870, Art. 3420. (Same as Art. 3420 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3383. (No reference in Projet)

Those who discover or who will* find precious stones, pearls and other things of that kind, on the sea shore or other places where it is lawful to search for and take them, become masters of them.

CC 1808, p. 474, Art. 9.

Those who discover or who will* find precious stones, pearls and other things of that kind on the sea shore, or other places where it is lawful for them to search for them and to take them, become masters of them.

CN 1804. No corresponding article.

*"Will" has no counterpart in French text.

Art. 3421. He who finds a* thing which is abandoned; that is, which its owner has let [left] with the intention not to keep it any longer, becomes master of it in the same manner as if it had never belonged to any body.

RCC—3413 et seq., 3420, 3422, 3424, 3426 et seq., 3436.

RCC 1870, Art. 3421.

Same as above.

CC 1825, Art. 3384. (No reference in Projet)

Same as above; but "let" correctly spelled "left"; comma (,) after "abandoned", and after "of it."

CC 1808, p. 474, Art. 10.

He who finds a* thing that is abandoned, that is, of which he who was master of it quits and relinquishes the possession and the property, not being willing to keep it any longer, becomes master of it in the same manner as if it had never belonged to any body.

CN 1804. No corresponding article.

*English translation of French text incomplete; should include "movable."

Art. 3422. If he, who has found a movable thing that was lost, having caused it to be published in newspapers, and having done all that was possible to find out the true owner, can not learn who
he is, he remains master of it till he, who was the proper owner, appears and proves his right; but if it be not claimed within ten years, the thing becomes his property, and he may dispose of it at his will.

RCC—3421, 3476, 3506, 3507 et seq.

RCC 1870, Art. 3422.
Same as above.

CC 1825, Art. 3385, par. 1. (Projet, p. 398. Amendment adopted; no comment)
Same as above.

CC 1808, p. 476, Art. 11.
If he who has found a thing that was lost, having done all that was possible to find out the true owner, that he might restore it to him, cannot learn who he is, he remains master of it till he who was the proper owner of it appears and proves his right: but should it not be claimed by any one at the expiration of thirty years, the finder acquires a final right to the property.

CN 1804. No corresponding article.

ART. 3423. Although a treasure be not of the number of the things which are lost or abandoned, or which never belonged to any body, yet he who finds it on his own land, or on land belonging to nobody, acquires the entire ownership of it; and should such treasure be found on the land of another, one-half of it shall belong to the finder and the other half to the owner of the soil.

A treasure is a thing hidden or buried in the earth, on which no one can prove his property, and which is discovered by chance.

RCC—505, 553, 3413 et seq.

RCC 1870, Art. 3423. (Same as Art. 3423 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3386. (No reference in Projet)
Although a treasure be not of the number of the things which are lost or relinquished, or which never belonged to any body, yet he who finds it on his own land or on land belonging to nobody, acquires its property; and should such treasure be found on the land of another, one half of it shall belong to the finder, and the other half to the owner of the soil.

Quoique les trésors ne soient pas au nombre des choses, ou perdues ou abandonnées, ou qui n'ont jamais été à personne, ceux qui les trouvent sur leurs propres terres, ou sur des terres qui n'appartiennent à personne, en acquièrent la propriété entière; et si le trésor est trouvé dans le fonds d'autrui, il appartiendra, pour moitié, à celui qui l'aura découvert, et pour l'autre moitié au propriétaire du fonds.
Par. 2 same as par. 2, above.

Although a treasure be not of the number of the things which are lost or relinquished, or which never belonged to any body, yet he who finds it on his own or on an unappropriated land, acquires its property; and should said treasure be found on the land of another, one half of it shall belong to the finder, and the other half to the owner of the soil.

Par. 2 same as par. 2, above; but no punctuation after “earth”, or after “property.”

The ownership of a treasure belongs to the person who finds it on his own land: if the treasure is found on the land of another, one half of it belongs to the finder, and the other half to the owner of the land.

Par. 2 same as par. 2, above.

*A The words “Art. 12” are not contained in the official edition; but as appears from the French text, these two paragraphs constitute Art. 12.

ART. 3424. We must not reckon in the number of things abandoned which one has lost, nor those which are thrown into the sea in peril of shipwreck to save the vessel, nor those which are lost in a shipwreck. For although the owners of such things lose the possession of them, yet they retain the ownership and the right to recover them. Therefore, those who find things of this kind can not make themselves masters of them, but are obliged to restore them to their lawful owners, in the manner provided for by the special laws made on that subject.

RCC—3414, 3421, 3422, 3606 et seq.

RCC 1870, Art. 3424. (Same as Art. 3424 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3387. (No reference in Projet)

Il ne faut pas mettre au nombre des choses abandonnées, celles qu’on a perdues, ni ce qu’on jette à la mer, dans un péril de naufrage, pour sauver le vaisseau, ni celles qui se perdent dans un naufrage; car encore que les maîtres de ces effets en perdent la possession, ils en conservent la propriété, et le droit de les recouvrer. Ainsi, ceux qui trouvent ces sortes de choses, ne peuvent s’en rendre les maîtres, et ils doivent les restituer à ceux à qui elles appartiennent, suivant les règles prescrites par les lois particulières faites à cet égard.

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ART. 3425. The manner of acquiring property captured from an enemy in time of war, is regulated by the law of nations, and with respect to prizes made at sea, by laws which are general throughout the Union.

RCC—3414.

ART. 3426. Possession is the detention or enjoyment of a thing, which we hold or exercise by ourselves, or by another who keeps or exercises it in our name.

RCC—496, 1884, 1921 et seq., 2247, 2295 et seq., 2985, 3166, 3175, 3413, 3427 et seq., 3433 et seq., 3446, 3458, 3487 et seq., 3500 et seq., 3506, 3510, 3517, 3556(25).

RCC 1870, Art. 3426.

Same as above.

ART. 3426. Possession is the detention or enjoyment of a thing, which we hold or exercise by ourselves, or by another who keeps or exercises it in our name.

RCC—496, 1884, 1921 et seq., 2247, 2295 et seq., 2985, 3166, 3175, 3413, 3427 et seq., 3433 et seq., 3446, 3458, 3487 et seq., 3500 et seq., 3506, 3510, 3517, 3556(25).
Art. 3427

There are two species of possession, natural and civil.

RCC—3426, 3428 et seq. CP—6, 46 et seq.

RCC 1870, Art. 3427.
Same as above.

CC 1825, Art. 3390. (Projet, p. 399. Addition adopted; no comment)
Il y deux espèces de possession, la naturelle et la civile.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 3428. Natural possession is that by which a man detains a thing corporeally, as by occupying a house, cultivating ground, or retaining a movable in possession.

RCC—496, 1757 et seq., 3412 et seq., 3427, 3430, 3436 et seq., 3487 et seq., 3492 et seq., 3501.

RCC 1870, Art. 3428.
Same as above.

CC 1825, Art. 3391. (Projet, p. 399. Addition ‡ adopted; no comment)
La possession est naturelle, quand un homme détient une chose corporellement, comme en occupant une maison, cultivant une terre, ou détendant une chose mobilière en sa possession.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 3429. Possession is civil when a person ceases to reside in the house or on the land which he occupied, or ceases to detain the movable which he possessed, but without intending to abandon the possession.

RCC—1757 et seq., 3426, 3427, 3431, 3437, 3442 et seq., 3487 et seq., 3492 et seq., 3501 et seq.

RCC 1870, Art. 3429. (Same as Art. 3429 of Proposed Revision of 1869)
CC 1825, Art. 3392. (Projet, p. 399. Addition adopted; no comment)
Possession is civil, when a person ceases to reside in the house or on the land which he occupied, or to detain the moveable which he possessed, but without intending to abandon the possession.

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

Art. 3430. Natural possession is also defined to be the corporeal detention of a thing which we possess as belonging to us, without any title to that possession, or with a title which is void.

RCC—496, 1757 et seq., 3412, 3426, 3428, 3430, 3431, 3436, 3478, 3479, 3483 et seq., 3487 et seq., 3492 et seq., 3501.

RCC 1870, Art. 3430.
Same as above.

CC 1825, Art. 3393. (Projet, p. 399. Addition adopted; no comment)
Same as above; but "corporeal" misspelled "corporal"; comma (,) after "thing."

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

Art. 3431. Civil possession, on the contrary, is defined in this sense, to be the detention of a thing by virtue of a just title, and under the conviction of possessing as owner.

RCC—1757 et seq., 3426, 3427, 3429, 3430, 3432 et seq., 3436 et seq., 3442 et seq., 3487, 3492, 3502.

RCC 1870, Art. 3431. (Same as Art. 3431 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3394. (Projet, p. 399. Addition adopted; no comment)
Civil possession, on the contrary, is defined in this sense, as being the detention of a thing, by virtue of a just title, and under the conviction of possessing as owner.

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

Art. 3432. Possession applies properly only to corporeal things, movable or immovable.
The possession of incorporeal rights, such as servitudes and other rights of that nature, is only a quasi possession, and is exercised by the species of possession of which these rights are susceptible.

RCC—460, 461, 470, 471, 474, 533, 626, 627, 646, 3413, 3497, 3504.

RCC 1870, Art. 3432. (Same as Art. 3432 of Proposed Revision of 1869)
Same as above.
Art. 3433

One may possess a thing, not only by one's self, but also by other persons.

Thus the proprietor of a house or other tenement possesses by his tenant, or by his farmer; the minor, by his tutor or curator; and in general, every proprietor, by the persons who hold the thing in his name.

RCC—1921 et seq., 2295 et seq., 3426, 3438, 3441, 3445, 3446, 3488 et seq., 3510, 3514, 3520, 3556 (25).

RCC 1870, Art. 3433. (Same as Art. 3433 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3396. (Projet, p. 399. Amendment † adopted; no comment)

One may possess a thing, not only by oneself, but also by other persons.

Thus the proprietor of a house or other tenement possesses by his tenant or by his farmer; the minor, by his tutor or curator; and in general, every proprietor, by the persons who hold the thing in his name.

CC 1808, p. 476, Art. 18.

Par. 1 same as RCC 1870, Art. 3433, par. 1, above.

Par. 2 same as par. 2, above; but comma (,) after "tenement"; and after "curator"; no punctuation after "minor"; after "general", or after "every proprietor."

CN 1804. No corresponding article.
ART. 3434. Since the use of ownership is to have a thing in order to enjoy it and to dispose of it, and that it is only by possession that one can exercise this right, possession is therefore naturally linked to the ownership.

Thus, possession implies a right and a fact; the right to enjoy annexed to the right of ownership, and the fact of the real detention of the thing that is in the hands of the master or of another for him.

RCC—491, 496, 3427 et seq., 3435, 3450, 3454, 3487.

RCC 1870, Art. 3434. Same as above.

CC 1825, Art. 3397. Seeing the use of property is to have a thing in order to enjoy it and to dispose of it, and that it is only by possession that one can exercise this right, possession is therefore naturally linked to the property.

Thus possession implies a right and a fact; the right to enjoy annexed to the right of property, and the fact of the real detention of the thing, that is in the hands of the master or of another for him.

CC 1808, p. 476, Art. 19. Par. 1 same as par. 1, above; but comma (,) after "by possession."

Thus possession implies a right and a fact; the right to enjoy annexed to the right of property and the fact of the real detention of the thing, that it be in the hands of the master or of another for him.

CN 1804. No corresponding article.

ART. 3435. Although the possession be naturally linked with the ownership, yet they may subsist separately from each other; for it may happen that the actual possessor is not the true owner.

RCC—488 et seq., 496, 3426, 3434, 3450, 3520.

RCC 1870, Art. 3435. (Same as Art. 3435 of Proposed Revision of 1869) Same as above.

CC 1825, Art. 3398. Although the possession be naturally linked with the property, yet they may subsist separately from each other; for it may happen that the actual possessor is not the true owner.

CC 1808, p. 478, Art. 20. Although the possession be naturally linked with the property, yet they may subsist separately from each other, for it often happens that the property of a

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thing being controverted between two persons, there is one of the two who is owned to be possessor, and it may be that it is the person who is not the right owner, and that thus the possession may be separated from the property.

CN 1804. No corresponding article.

ART. 3436. To be able to acquire possession of property, two distinct things are requisite:
1. The intention of possessing as owner.
2. The corporeal possession of the thing.

RCC—503, 3412, 3426, 3428 et seq., 3434, 3437 et seq., 3441, 3445, 3448, 3449, 3452, 3487 et seq., 3500, 3506, 3510, 3520.

RCC 1870, Art. 3436. (Same as Art. 3436 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3399. (Projet, p. 400. Addition adopted; no comment)
To be able to acquire possession of a property, two distinct things are requisite:
Subds. 1, 2 same as subds. 1, 2, above; but semicolon (;) after "owner."

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

ART. 3437. It is not necessary, however, that a person wishing to take possession of an estate should pass over every part of it; it is sufficient if he enters on and occupies a part of the land, provided it be with the intention of possessing all that is included within the boundaries.

RCC—3429, 3436, 3442 et seq., 3487, 3498, 3503.

RCC 1870, Art. 3437.
Same as above.

CC 1825, Art. 3400. (Projet, p. 400. Addition adopted; no comment)
Same as above; but comma (,) after "estate", and after "sufficient."

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

ART. 3438. One may acquire possession of a thing, not only by himself, but also through others who receive it for him and in his name. But in this case it is necessary that the person receiving the possession should have had intention of receiving for the other.

RCC—1921 et seq., 2295 et seq., 3166, 3175, 3433, 3436, 3439 et seq., 3445, 3446, 3488 et seq., 3510, 3514, 3556(25).

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ART. 3438. Same as above.

CC 1825, Art. 3401. (Projet, p. 400. Addition + adopted; no comment) Quelqu'un peut acquérir la possession d'une chose, non seulement par lui-même, mais encore par ceux qui la reçoivent pour lui et en son nom. Néanmoins, il faut que ceux qui acquièrent ainsi la possession d'une chose pour un autre, aient eu l'intention de l'acquérir pour lui.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3439. Children and insane persons, being incapable of exercising a will, can not* acquire by themselves the possession of a thing; but they may acquire, through the medium of their tutor or curator, because the will exercised by the tutors and curators in making the acquisition for such persons supplies the defect of will under which they labor.

RCC—337, 354, 415, 1782, 3436, 3438, 3440, 3445 et seq.

ART. 3440. For the same reason corporations may, acquire the possession of a thing, through the agency of those who administer their affairs.


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*English translation of French text incomplete; should include “strictly speaking.”
ART. 3441. Those who possess, not for themselves, but in the name of another, as farmers, depositaries and others who acknowledge an owner, can not acquire the legal possession, because, at the commencement of their possession, they had not the intention of possession for themselves but for another.

RCC—1310, 1921 et seq., 2295 et seq., 2926, 3166, 3175, 3433, 3436, 3438, 3440, 3445, 3446, 3489, 3490, 3510, 3512, 3514, 3520, 3556 (25).

RCC 1870, Art. 3441.
Same as above.

CC 1825, Art. 3404. (Projet, p. 400. Addition 1 adopted; no comment)
Those who possess, not for themselves, but in the name of another, as farmers, depositaries and others who acknowledge an owner, cannot acquire the legal possession, because, at the commencement of their possession, they had not the intention of possessing for themselves, but for another.

CC 1808. No corresponding article.

CC 1804. No corresponding article.

ART. 3442. When a person has once acquired possession of a thing by the corporal detention of it, the intention which he has of possessing, suffices to preserve the possession in him, although he may have ceased to have the thing in actual custody, either himself or by others. (As amended by Acts 1871, No. 87)

RCC—3243, 3426, 3429, 3431, 3436, 3437, 3443 et seq., 3450, 3487 et seq., 3492, 3493, 3501, 3502.

RCC 1870, Art. 3442.
When a person has once acquired possession of a thing by the corporal detention of it, the intention which he has of possessing suffices to preserve the possession in him, although he may have ceased to have the thing in actual custody, either himself or others.

CC 1825, Art. 3405. (Projet, p. 401. Addition in adopted; no comment)
Lorsque quelqu'un a une fois acquis la possession d'une chose par l'apprehension corporelle qu'il en a faite, la seule volonté qu'il a de la posséder, suffit pour lui en conserver la possession, quoiqu'il cesse de détenir cette chose corporellement, soit par lui-même, soit par d'autres.

CC 1808. No corresponding article.

CC 1804. No corresponding article.

ART. 3443. This intention of retaining possession is always supposed, where a contrary intention does not appear decidedly; so that, although a person may have abandoned the cultivation of his estate, he shall not therefore be presumed to have abandoned the possession, but shall be presumed on the contrary to have the intention of retaining it, and shall retain it in fact.

ART. 3444. To retain the possession of a thing when a man once has it, it is not even necessary that he should have such positive intention; a negative intention suffices, that is, it suffices that the positive intention, which he had in acquiring the possession, shall not have been revoked by a contrary intention; for, so long as this revocation does not take place, the possessor is supposed always to retain his first intention,* unless a third person has usurped or taken from him the possession, or he has failed to exercise an actual possession for ten years.


ART. 3445. To enable one person to obtain possession for another, it is necessary that he should have such intention in making the acquisition; but in preserving the possession for another, it is not necessary that this intention should continue to exist.

*English translation of French text incomplete; should include "and he continues the possession."
Thus, if a farmer who retains an estate in the name of another, should lose the use of reason; although on this account he would be incapable of exercising a will, and consequently could not retain the possession for and in the name of the person who has leased it to him, yet shall the latter retain the possession.

RCC—1921 et seq., 2295 et seq., 3166, 3175, 3433, 3436, 3438 et seq., 3446, 3449, 3489, 3490, 3510, 3514, 3556 (25).

ART. 3445. Even if a person who commenced his possession of an estate for another, should entertain the intention of no longer holding for that other, but for himself, yet shall he still be presumed to hold possession for the person for whom he originally took it.*

RCC—3425, 3433, 3438, 3441, 3442, 3445, 3489, 3490, 3503, 3510, 3514.

ART. 3446. Possession of a thing may be lost either with or without the consent of the possessor.

RCC—3428 et seq., 3436, 3442 et seq., 3448, 3449, 3455, 3456. CP—6, 46 et seq.
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ART. 3447. Possession is lost with the consent of the possessor:
1. When he transfers this possession to another with the intention to divest himself of it.
2. When he does some act, which manifests his intention of abandoning possession, as when a man throws into the street furniture, or clothes, of which he no longer chooses to make use.

ART. 3448. A possessor of an estate loses the possession against his consent:
1. When another expels him from it, whether by force in driving him away, or by usurping possession during his absence, and preventing him from re-entering.
2. When the possessor of an estate allows it to be usurped and held for a year, without, during that time, having done any act of possession, or interfered with the usurper's possession.

ART. 3449. Quelqu'un qui est en possession d'un héritage, perd cette possession malgré lui:
1. Lorsqu'un autre l'en chasse, soit qu'il a été contraint par la force à
ART. 3450. Although possession results frequently from a fact, and not from right, it nevertheless confers on the possessor certain rights with regard to the thing possessed, some of which are peculiar to the possessor in good faith, and the others are common to all possessors.

RCC—496, 3434, 3435, 3442, 3451 et seq., 3474 et seq., 3550. CP—6, 46 et seq.

RCC 1870, Art. 3450.
Same as above.

CC 1825, Art. 3413.
Same as above.

(CC 1808. No corresponding article.

CN 1804. No corresponding article.

"English translation of French text incomplete; should include "by someone who puts himself in possession of it."

ART. 3451. The possessor in good faith is he who has just reason to believe himself the master of the thing which he possesses, although he may not be in fact; as happens to him who buys a thing which he supposes to belong to the person selling it to him, but which, in fact, belongs to another.

RCC—503, 1821, 3450, 3452 et seq., 3474, 3478 et seq., 3483, 3484, 3506.

RCC 1870, Art. 3451.
Same as above.

CC 1825, Art. 3414.
Same as above; but comma (,) after "be in fact"; no punctuation after "but which."

(CC 1808, p. 478, Art. 21, paras. 1, 2.
There are two sorts of possessors, those who possess honestly and fairly, and those who possess knavishly.

-p. 479, Art. 21, paras. 1, 2.
Il y a deux sortes de possesseurs, ceux qui possèdent de bonne foi, et ceux qui possèdent de mauvaise foi.
Art. 3453. The rights, which are peculiar to the possessor in good faith, are:

1. The right which such a possessor has to gather for his benefit the fruits of the thing, until it is claimed by the owner, without being bound to account for them, except from the time of the claim for restitution.

2. The right which such a possessor has, in case of eviction from the thing reclaimed, to retain it until he is reimbursed the expenses he may have incurred on it.

RCC—499, 502, 503, 508, 545, 594, 969, 1258 et seq., 1515, 1563, 2313, 2388, 2506, 3450 et seq., 3454, 3480. CP—6, 46 et seq.

RCC 1870, Art. 3453.
Same as above.

CC 1825, Art. 3416. (Projet, p. 402. Addition adopted; no comment)
Same as above; but comma (,) after “right” in subd. 1, after “right” in subd. 2, and after “retain it”; semicolon (;) after “restitution.”

Le possesseur de bonne foi est celui qui est en effet le maître de ce qu'il possède, ou qui a une juste cause de croire qu'il l'est, quoiqu'il puisse se trouver qu'en effet il ne le soit pas, comme il arrive à celui qui achète une chose qu'il croit appartenir à son vendeur, et qui est à un autre.

CN 1804. No corresponding article.

Art. 3452. The possessor in bad faith is he who possesses as master, but who assumes this quality, when he well knows that he has no title to the thing, or that his title is vicious and defective.

RCC—503, 3436, 3450, 3451, 3454, 3478 et seq., 3509.

RCC 1870, Art. 3452.
Same as above.

CC 1825, Art. 3415. (Projet, p. 402. Amendment adopted; comment by redactors)
Same as above.

Le possesseur de mauvaise foi est celui qui possède comme maître, mais qui prend cette qualité, en sachant bien qu'il n'a aucun titre, ou connaissant les vices du titre qu'il peut avoir.

CC 1808, p. 478, Art. 21, par. 3.
The knavish possessor is he who possesses as master, but who assumes this quality when he knows very well either that he has no title to the thing or that his title thereto is vicious and defective.

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

CN 1804. No corresponding article.
Art. 3454

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CC 1808, p. 480, Art. 30.
The possession of him who possess
with a good conscience, has also this
effect that while he is ignorant of a
better right to the thing than his own,
he enjoys, and makes his own the fruits
which he gathers, and not only those
which he reaps from the ground by his
own industry, but likewise those which
the ground produce without culture, and
if it happens that the thing is evicted
from him he shall restore no part of
what he enjoyed before the demand, but
he will be obliged to restore the fruits
which he reaped after the demand.

CN 1804. No corresponding article.

Art. 3454. Rights, which are common to all possessors in good
or bad faith, are:

1. That they are considered provisionally as owners of the thing
which they possess, so long as it is not reclaimed by the true owner
or person entitled to reclaim it, and, even after such reclamtion, until
the right of the person making it is established.

2. That every person who has possessed an estate for a year, or
enjoys peaceably and without interruption a real right, and is disturbed
in it, has an action against the disturber, either to be maintained in
his possession,* or to be restored to it, in case of eviction, whether
by force or otherwise.

3. That such a possessor may, by prescription, acquire the prop-
erty of the thing which he thus possesses, after a certain time, which
is established by law according as he has possessed in good or bad
faith.

RCC—496, 502, 508, 2145, 3434, 3447 et seq., 3452, 3453, 3455, 3456,
3457, 3475, 3476, 3478 et seq., 3499 et seq., 3506 et seq., 3536, 3537. CP—6,
46 et seq. Acts 1888, No. 96, §1; 1894, No. 23, §1; 1900, No. 52, §1; 1908, No.
38; 1908, No. 313; 1926, No. 55, §1; 1936, No. 200, §1; 1938, No. 205; 1938, No.
298. RS—2155.

RCC 1870, Art. 3454.
Same as above.

CC 1825, Art. 3417. (Projet, p. 402. Amendment adopted; no com-
ment)
Same as above; but comma (,) after
"provisionally", after "owner", after
"every person", and after "law"; no
punctuation after "it, and"; semicolon
(;) after "it is established", and after
"otherwise."

Les droits, qui sont communs à tous
les possesseurs de bonne ou de mauvaise
foi, sont:

1. Qu'ils sont réputés par provision
propriétaires de la chose qu'ils pos-
sèdent, tant qu'elle n'est pas revendi-
quée par celui qui en est véritablement
le propriétaire, ou qui a droit de la
revendiquer, et même après qu'elle a
été réclamée, jusqu'à ce que celui qui
la revendique ait justifié de son droit;

1896
The natural connection which is between the possession and the property, makes the law to presume that they are joined in the person of the possessor and until it be proved that the possessor is not the right owner, the law will have him, by the bare effect of his possession, to be considered as such.

And it suffices of a year's possession, even in the person of an usurper, if it has been peaceable and uninterrupted, to make him to be considered as a just possessor and even as a master, until the true owner makes out his right.

The possession of him who possesses with a good conscience, has this effect that, if in the time that he acquired the possession, the property was not joined therewith, he may afterwards acquire such property by a possession continued during the time regulated for prescribing, as it is expressed in the following chapter.

The possession of him who possesses knavishly has this effect, that it hinders him from prescribing (except by thirty years) and obliges him to restore not only the fruits which he has enjoyed, but likewise those which a careful father of a family might have reaped from the land or tenement which he was in possession of.

The action which a possessor for one year has against a person disturbing his possession, to be maintained in it or restored to it, as is said in the preceding article, shall be decided before pronouncing on the question of ownership, and the real owner shall not be allowed to repel it by endeavoring to prove his right.

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*English translation of French text incomplete; should include “if he is only disturbed.”*
Art. 3456

**Compiled Edition**

(RCC 1870, Art. 3455. Same as above.)

**CC 1825, Art. 3418.**

The action, which a possessor for one year, has against a person disturbing his possession, to be maintained in it or restored to it, as is said in the preceding article, shall be decided before pronouncing on the question of property, and the real owner shall not be allowed to repel it by endeavoring to prove his right.

**CC 1808, p. 478, Art. 26.**

The controversies whereof the matter in dispute is to regulate between two persons who pretend to be possessors of one and the same thing, which of the two shall be maintained in the possession, ought to be instructed and decided without examining into the right of property. For the discussion of the titles necessary for deciding the right of property, demands often delays which the dispute about the possession cannot admit of, and seeing it is of importance not to leave two possessors exposed to the danger of the consequences of such a dispute, the matter touching the possession shall be regulated in the first place, and it shall be only after that the same shall be fully ended, that enquiry shall be made into the right of property.

Thus he who shall declared to be possessor has the advantage of retaining the possession, whilst the property remains undetermined.

**CN 1804.** No corresponding article.

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**Art. 3456.** But this, which is called the possessory action, must be commenced by the possessor within a year, reckoning from the time when he was disturbed; for if he leaves the person evicting him in possession for one year, without complaint, he shall lose his possession, whatever apparent right he may have had to it, and shall be driven to his action for the ownership of the property.

(RCC—496, 3484, 3444, 3447 et seq., 3454, 3455, 3518, 3534, 3536, 3637. CP—46 et seq., 59.)

**RCC 1870, Art. 3456.**

(Same as Art. 3456 of Proposed Revision of 1869)

**CC 1825, Art. 3419.**

But this, which is called the possessory action, must be commenced by the possessor within a year, reckoning from the time when he was disturbed; for if he leaves the person evicting him in possession for one year, without complaint, he shall lose his possession, whatever apparent right he may have had to it, and shall be driven to his action for the property.

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1898
ART. 3457. Prescription is a manner of acquiring the ownership of property, or discharging debts, by the effect of time, and under the conditions regulated by law.

Each of these prescriptions has its special and particular definition.


RCC 1870, Art. 3457. (Same as Art. 3457 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3420. (Projet, p. 403. Amendment adopted; no comment)

Prescription is a manner of acquiring property, or discharging debts, by the effect of time, and under the conditions regulated by law.

Par. 2 same as par. 2, above.

CC 1808, p. 482, Art. 32.

Par. 1 same as par. 1, above; but no punctuation after "property", after "debts", or after "time."

Thus the possessor acquires the property of an estate by peaceable possession during the time regulated by law, and the ancient proprietor is stripped thereof for having ceased to possess it, or to demand it, during the said time.

Thus a creditor looses (loses) his debt for having omitted to demand it, within the time limited (limited) for prescription and the debtor is discharged from it by the long silence of his creditor.

Thus other rights are acquired by a long enjoyment and are lost for want of exercising them. (Pars. 2-4 suppressed on recommendation of redactors; Projet, p. 403)

CC 1808, p. 480, Art. 27.

He who pretends to have been interrupted in his possession, ought to make his demand or complaint thereof, within a year to be reckoned from the day of his being turned out of possession; for if he leaves his adversary in possession for the space of a year, he has lost his own possession, whatever apparent right he may have had to it; but he retains his action for the property.

CN 1804. No corresponding article.

Chapter 3—Of Prescription

Section 1—General Provisions

ART. 3457. Prescription is a manner of acquiring the ownership of property, or discharging debts, by the effect of time, and under the conditions regulated by law.

Each of these prescriptions has its special and particular definition.


RCC 1870, Art. 3457. (Same as Art. 3457 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3420. (Projet, p. 403. Amendment adopted; no comment)

Prescription is a manner of acquiring property, or discharging debts, by the effect of time, and under the conditions regulated by law.

Par. 2 same as par. 2, above.

CC 1808, p. 482, Art. 32.

Par. 1 same as par. 1, above; but no punctuation after "property", after "debts", or after "time."

Thus the possessor acquires the property of an estate by peaceable possession during the time regulated by law, and the ancient proprietor is stripped thereof for having ceased to possess it, or to demand it, during the said time.

Thus a creditor loses (loses) his debt for having omitted to demand it, within the time limited (limited) for prescription and the debtor is discharged from it by the long silence of his creditor.

Thus other rights are acquired by a long enjoyment and are lost for want of exercising them. (Pars. 2-4 suppressed on recommendation of redactors; Projet, p. 403)
Art. 3458

The prescription by which the ownership of property is acquired, is a right by which a mere possessor acquires the ownership of a thing which he possesses by the continuance of his possession during the time fixed by law.

RCC—488 et seq., 496, 3166, 3175, 3426, 3434 et seq., 3457, 3460 et seq., 3471, 3472 et seq., 3478 et seq., 3499 et seq., 3506 et seq., 3510, 3516, 3549, 3554. Acts 1926, No. 169, §1; 1938, No. 76.

RCC 1870, Art. 3458.

(Same as Art. 3458 of Proposed Revision of 1869)

Art. 3459.

The prescription by which debts are released, is a peremptory and perpetual bar to every species of action, real or personal, when the creditor has been silent for a certain time without urging his claim.

RCC—1758, 1797 et seq., 1846, 3411, 3457, 3460 et seq., 3471, 3528 et seq., 3549 et seq. Acts 1938, No. 76.

RCC 1870, Art. 3459.

Same as above.

CC 1825, Art. 3422.

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

La prescription, à l'effet de libérer, est une exception péremptoire et perpétuelle, par laquelle on repousse toute espèce d'actions, soit réelles, soit personnelles, lorsque le créancier a gardé le silence pendant un certain temps sans réclamer.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Art. 3460.

One can not renounce a prescription not yet acquired, but it is lawful to renounce prescription when once acquired.

RCC—11, 1758, 1764, 1846 et seq., 1887, 1895, 2278, 3458, 3459, 3461, et seq., 3466, 3471.

RCC 1870, Art. 3460.

Same as above.

CC 1825, Art. 3423.

(No reference in Projet)

On ne peut d'avance renoncer à la prescription; on peut renoncer à la prescription acquise.
ART. 3461. Such renunciation of prescription is either express or tacit.

A tacit renunciation results from a fact which gives a presumption of the relinquishment of the right acquired by prescription.

RCC—988, 1015, 1780, 1811, 1817, 2278, 2288, 3457, 3460, 3462, 3556(30).

ART. 3462. To be capable of renouncing the right of prescription, one must be capable of alienating his property.*


ART. 3463. Courts can not supply the plea of prescription.

RCC—3457, 3464 et seq. CP—345, 346, 902.

**“His property” has no counterpart in French text.**
ART. 3464

Prescription may be pleaded in every stage of a cause, even on the appeal, but it ought to be pleaded expressly and specially before the final judgment.

RCC 1870, Art. 3464.
Same as above.

CC 1825, Art. 3427.
Same as above; but comma (,) after "specially."

CC 1808, p. 482, Art. 36.
Prescription may be pleaded in every stage of the cause, even on the appeal.

CN 1804, Art. 2224.
Prescription may be pleaded in every stage of a cause, even before the appellate court, unless the party who has not pleaded the prescription ought, according to the circumstances, to be presumed to have renounced it.

ART. 3465. But prescription can not be pleaded in the Supreme Court, unless the proof of it appear from documents exhibited or testimony taken in the inferior court.

RCC 1870, Art. 3465.
Same as above.

CC 1825, Art. 3428.
Same as above; but comma (,) after "exhibited."

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

ART. 3466. Creditors and all other persons, who may have an interest in the acquiring of an estate, or the extinguishment of an
obligation by prescription, shall have a right to plead it, even in case the person claiming such estate, or bound by such obligation, should renounce such right of prescription.


RCC 1870, Art. 3466. (Same as Art. 3466 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3429. (No reference in Projet)
Creditors and every other person who may have an interest in the acquiring of an estate by* prescription, have a right to plead it, even in case the person claiming such an estate** should renounce such right of prescription.

CC 1808, p. 482, Art. 37.
Creditors and every other person who may have an interest in the acquiring of an estate by* prescription, have a right to plead it, even in case the person claiming such an estate,** should renounce the said right of prescription.

CN 1804, Art. 2225.
Creditors or any other persons who may have an interest in the accrual of prescription, have a right to plead it, even in case the debtor or the owner should renounce such right of prescription.

"Note error in English translation of French text; “acquiring of an estate by” should be “accredual of.”

**Note error in English translation of French text; “person claiming such an estate” should be “debtor or the owner.”

ART. 3467. The time required for prescription is reckoned by days, and not by hours; it is only acquired after the last day allowed by law has elapsed.

RCC—2067, 2058, 3358, 3468, 3469. CP—16.

RCC 1870, Art. 3467.
Same as above.

CC 1825, Art. 3430. (Projet, p. 404. Amendment adopted; no comment)
Same as above; but no punctuation after “days.”

CC 1808, p. 486, Art. 64.
Prescription is not computed by hours but by days. Prescription is only acquired after the last day completing the time required by law, has elapsed.

CN 1804, Art. 2260.
Prescription is reckoned by days, and not by hours. It is acquired after the last day allowed by law has elapsed.
Art. 3468

COMPILED EDITION

Projet du Gouvernement (1800), Book III, Title XX, Art. 41, par. 1.

Same as CC 1808, p. 486, Art. 64, sentence 1, above.

ART. 3468. In those prescriptions which are acquired by months, the months are reckoned in the order in which they occur in the calendar, from the day when the possession commenced, whatever may be the number of days which each month may contain.

RCC—2060, 3467, 3469. CP—16.

RCC 1870, Art. 3468.

Same as above.

CC 1825, Art. 3431. (Projet, p. 404. Addition adopted; no comment)

Same as above; but "he" correctly spelled "the"; comma (,) after "prescriptions."

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3469. In such prescriptions as are acquired in one or more years, the time is reckoned according to the years of the calendar which have elapsed during the time of possession required by law.

RCC—2061, 3467, 3468. CP—16.

RCC 1870, Art. 3469.

Same as above.

CC 1825, Art. 3432. (Projet, p. 404. Addition adopted; no comment)

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

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3470. There are no other prescriptions than those established by this Code and the statutes of this State now in force.

RCC—3532, 3533. Acts 1877, No. 24; 1880, No. 103; 1886, No. 21, §4; 1886, No. 26; 1894, No. 24; 1898, No. 170, §§25, 63; 1900, No. 111, §1; 1902, No. 170; 1904, No. 185; 1906, No. 148, §1; 1908, No. 26, §§1, 2; 1908, No. 171, §§2, 3; 1910, No. 173; 1912, No. 62, §1; 1912, No. 159, §10 (as am. by 1914, No. 23, §9; 1916, No. 69, §1; 1921, E.S., No. 105, §1; 1926, No. 346, §1; 1930, No. 65, §1); 1912, No. 175, §3; 1912, No. 191; 1912, No. 213; 1912, No. 256, §17; 1914, No. 198, §1; 1916, No. 23; 1916, No. 88, §2; 1918, No. 46, §1; 1918, No. 149, §9; 1918, No. 160, §63; 1918, No. 221; 1918, E.S., No. 19; 1920, No. 44, §31 (as am. by 1926, No. 85, §1, and 1934, No. 29, §1); 1920, No. 76, §§13, 14; 1920, No. 115; 1920, No. 147; 1921, E.S., No. 46; 1921, E.S., No. 62, §17; 1921, E.S., No. 80, §6 (as am. by 1925, E.S., No. 12, §2); 1921, E.S., No. 85, §14; 1922, No. 39, §2; 1922, No. 40, §26; 1924, No. 35, §1 (as am. by 1928, No. 149, §1); 1924, No. 63; 1924, No. 97, §2; 1924, No. 131; 1924, No. 238, §§2, 31, §4; 1926, No. 26, §1; 1926, No. 28, §9; 1926, No. 83, §17; 1926, No. 136; 1926, No. 172; 1926, No. 298, §14; 1926, No. 339, §§4, 6; 1928, No. 6; 1928, No. 38, §6; 1928, 1904
ART. 3471. The rules above laid down are common to prescriptions by which property is acquired and those by which debts are released.

RCC—3458 et seq., 3505, 3516, 3521, 3551.

ART. 3472. The time necessary to prescribe for the ownership of property is different, accordingly as the property is immovable or movable.

RCC—461, 462 et seq., 472 et seq., 3458, 3473 et seq., 3477 et seq., 3499 et seq., 3506 et seq.
ART. 3473. The ownership of immovables is acquired by a longer or shorter time, accordingly as the possessor has been in good or bad faith, as laid down in the following paragraph.

RCC—3426, 3436, 3451, 3452, 3472, 3474, 3475, 3478 et seq., 3499 et seq.

RCC 1870, Art. 3473. (Same as Art. 3473 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3436. (Projet, p. 405. Addition adopted; no comment) La propriété des immeubles et des esclaves est acquise par un temps plus ou moins long, suivant que le possesseur a été de bonne ou de mauvaise foi, ainsi qu'il est établi dans le para graphe suivant.

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

ART. 3474. Immovables are prescribed for by ten years, when the possessor has been in good faith and held by a just title during that time.

RCC—461, 462 et seq., 503, 853, 3450, 3451, 3454, 3473, 3474, 3478 et seq., 3483 et seq.

RCC 1870, Art. 3474. (Same as Art. 3474 of Proposed Revision of 1869; in conformity with Acts 1848, No. 87 (RS §1482, 28101))

CC 1825, Art. 3437. (Projet, p. 405. Amendment adopted; no comment) Les immeubles se prescrivent par dix ans entre présens, et vingt ans entre absents, lorsque le possesseur a été de bonne foi, et a possédé en vertu d'un juste titre pendant ce temps.

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

ART. 3475. Immovables are prescribed for by thirty years without any title on the part of the possessor, or whether he be in good faith or not.

RCC—461, 462 et seq., 3450 et seq., 3454, 3473, 3474, 3499 et seq., 3548. Acts 1904, No. 185.

RCC 1870, Art. 3475. (Same as Art. 3475 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3438. (Projet, p. 405. Addition † adopted; no comment) Les mêmes biens se prescrivent par trente ans, sans qu'il soit besoin de titre ni de bonne foi de la part du possesseur.

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

ART. 3476. The ownership of movables is prescribed for after the lapse of three years.

RCC—461, 488 et seq., 3166, 3175, 3422, 3450 et seq., 3506 et seq., 3508.
CIVIL CODES OF LOUISIANA  Art. 3478

RCC 1870, Art. 3476. (Same as Art. 3476 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3440. (Projet, p. 405. Substitution adopted; no comment)

The property of moveables is prescribed for after the lapse of three years.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3477. The rules concerning each of these species of prescription form the subject of the three following paragraphs.

RCC—3472 et seq., 3478 et seq., 3499 et seq., 3506 et seq.

RCC 1870, Art. 3477.

Same as above.

CC 1825, Art. 3441. (Projet, p. 405. Addition adopted; no comment)

Les règles, qui sont relatives à chacune de ces espèces de prescriptions, sont le sujet des trois paragraphes suivants.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

§1—Of the Prescription of Ten Years

ART. 3478. He who acquires an immovable in good faith and by just title prescribes for it in ten years. This prescription shall run against interdicts, married women, absentees and all others now excepted by law; and as to minors this prescription shall accrue and apply in twenty-two years from the date of the birth of said minor; provided that this prescription once it has begun to run against a party shall not be interrupted in favor of any minor heirs of said party. (As amended by Acts 1924, No. 64)

RCC—31 et seq., 37, 47, 122 et seq., 461, 462 et seq., 503, 879 et seq., 1782, 2452, 3451, 3454, 3469, 3474, 3477, 3479 et seq., 3487, 3499, 3506, 3513, 3515, 3520, 3521 et seq., 3543, 3548, 3554, 3555, 3556 (3). Acts 1924, No. 107; 1926, No. 169, 11; 1930, No. 40; 1938, No. 76. Const. 1921, XIX, 16.

Art. 3478.

He who acquires an immovable in good faith and by a just title, prescribes for it in ten years. This prescription shall run against interdicts, married women, absentees and all others now excepted by law; and as to minors this prescription shall accrue and apply in twenty-two years from the date of the birth of the said minor; provided that this prescription shall run against the heirs of said minor and shall not be interrupted in favor of any minor heirs of said minor. Provided that this act shall take effect on January 1st, 1922. (As amended by Acts 1920, No. 161)

RCC 1870, Art. 3478. (Same as Art. 3478 of Proposed Revision of 1869; in conformity with Acts 1848, No. 87 (RS §§452, 2810))

He who acquires an immovable in good faith and by a just title, prescribes for it in ten years.
Art. 3479

To acquire the ownership of immovables by the species of prescription which forms the subject of the present paragraph, four conditions must concur:

1. Good faith on the part of the possessor.

2. A title which shall be legal, and sufficient to transfer the property.

3. Possession during the time required by law, which possession must be accompanied by the incidents hereafter required.

4. And finally an object which may be acquired by prescription.

RCC—448 et seq., 453 et seq., 458, 459, 503, 2364, 2440, 2448, 3175, 3413, 3426, 3432, 3436, 3437, 3451, 3474, 3478, 3480 et seq., 3484, 3487 et seq., 3497, 3498, 3505, 3509, 3521 et seq. Acts 1908, No. 169.

RCC 1870, Art. 3479. (Same as Art. 3479 of Proposed Revision of 1869)

Same as above.

Art. 3429

To acquire the property of immovables and slaves by the species of prescription which forms the subject of the present paragraph, four conditions must concur:

Subds. 1-4 same as subs. 1-4, above; but semicolon (;) after “possessor”, after “property”, and after “required”; comma (,) after “object.”

CC 1825, Art. 3445. (Projet, p. 405. Amendment 1 adopted; comment by redactors)

Pour pouvoir acquérir la propriété des immeubles et des esclaves par l’espèce de prescription qui est le sujet du présent paragraphe, il faut le concours de quatre conditions:

1. La bonne foi du possesseur;

2. Un titre légal et capable de transférer la propriété;

3. Une possession, pendant le temps déterminé par la loi, qui ait les qualités ci-après requises;

4. Enfin, une chose qui puisse être acquise par la prescription.

CC 1808. No corresponding article.

CN 1804. No corresponding article.
ART. 3480. The good faith, spoken of in the preceding article, is defined in the chapter which treats of possession.

RCC—503, 508, 2884, 2947, 3451, 3453, 3473, 3474, 3478, 3479, 3481, 3550.

RCC 1870, Art. 3480.
Same as above.

CC 1825, Art. 3446. (Projet, p. 406. Addition adopted; no comment)
La bonne foi, qui est requise pour prescrire, aux termes de l'article précédent, a été définie dans le chapitre de ce titre qui traite de la possession.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3481. Good faith is always presumed in matters of prescription; and he who alleges bad faith in the possessor, must prove it.

RCC—503, 847, 1848, 2284, 2285 et seq., 3426, 3451, 3480, 3481, 3484, 3550.

RCC 1870, Art. 3481.
Same as above.

CC 1825, Art. 3447. (Projet, p. 406. Amendment adopted; no comment)
La bonne foi est toujours présumée en matière de prescription; c'est à celui qui allègue la mauvaise foi du possesseur à la prouver.

CC 1808, p. 488, Art. 71.
A man is always presumed to have possessed fairly and honestly; the person alleging the contrary, is obliged to bring proofs to support the charge.

-p. 489, Art. 71.
La bonne foi est toujours présumée, et c'est à celui qui allègue la mauvaise foi, à la prouver.

CN 1804, Art. 2268.
Same as above.

Same as above; but no punctuation after “mauvaise foi.”

ART. 3482. It is sufficient if the possession has commenced in good faith; and if the possession should afterwards be held in bad faith, that shall not prevent the prescription.

RCC—503, 3426 et seq., 3450, 3451, 3452, 3478, 3480 et seq., 3493 et seq.

RCC 1870, Art. 3482.
Same as above.

CC 1825, Art. 3448. (Projet, p. 406. Amendment adopted; comment by redactors)
Il suffit pour pouvoir prescrire que la bonne foi ait existé au commencement de la possession, en sorte que la mauvaise foi survenue depuis n'empêche pas la prescription.

CC 1808, p. 488, Art. 72.
It is sufficient to have commenced the possession fairly and honestly.

-p. 489, Art. 72.
Il suffit, que la bonne foi ait existé au moment de la possession.
ART. 3483. To be able to acquire by the species of prescription mentioned in this paragraph, a legal and transferable title of ownership in the possessor is necessary; this is what is called in law a just title.

RCC—2015, 2440, 2442, 2452, 2479, 3474, 3478, 3479, 3484 et seq., 3499, 3504, 3513, 3530.

RCC 1870, Art. 3483. (Same as Art. 3483 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3449. (Projet, p. 406. Addition adopted; no comment)

To be able to acquire by the species of prescription mentioned in this paragraph, a legal and transferable title of ownership is necessary in the possessor: this is what is called in law a just title.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3484. By the term just title, in cases of prescription, we do not understand that which the possessor may have derived from the true owner, for then no true prescription would be necessary, but a title which the possessor may have received from any person whom he honestly believed to be the real owner, provided the title were such as to transfer the ownership of the property.

RCC—488 et seq., 496, 2015, 2440, 2442, 2452, 2479, 3451, 3474, 3478, 3479, 3481, 3483, 3485 et seq., 3506.

RCC 1870, Art. 3484. (Same as Art. 3484 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3450. (Projet, p. 406. Addition adopted; no comment)

By the term just title, in cases of prescription, we do not understand that which the possessor may have derived from the real owner, for then no prescription would be necessary, but a title which the possessor may have received from any person whom he honestly believed to be the real owner, provided the title were such as to transfer the property.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3485. And in this case, by the phrase transfer the ownership of the property, we understand not such a title, as shall have really transferred the ownership of the property, but a title which by its nature, would have been sufficient to transfer the ownership of the property, provided it had been derived from the real owners, such as a sale, exchange, legacy or donation.
Thus, prescription could not be acquired under a title resulting from a lease or loan, because these contracts do not transfer the ownership of the property.

RCC—488 et seq., 496, 942, 1468, 1605, 1606, 1612, 1625, 2015, 2438 et seq., 2440, 2442, 2452, 2479, 2660, 2669, 2891, 3166, 3175, 3434, 3483, 3484, 3486, 3512, 3513.

RCC 1870, Art. 3485. (Same as Art. 3485 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3451. (Projet, p. 406. Substitution adopted; no comment)

And in this case by the phrase transfer the property, we understand not such a title, as shall have really transferred the property, but a title which by its nature, would have been sufficient to transfer the property, provided it had been derived from the real owner, such as a sale, exchange, legacy or donation.

Thus prescription could not be acquired under a title resulting from a lease or loan, because these contracts do not transfer the property.

CC 1808, p. 488, Art. 68.

A just title is one by virtue of which property may be transferred, such as a sale, a donation and the like, though such title may not in reality give a right to the estate possessed.

CN 1804. No corresponding article.

ART. 3486. It is necessary besides:

1. That the title be valid in point of form; for if the possession commenced by a title void in that respect, it can not serve as a foundation for prescription.

2. That the title be certain; thus, every possessor, who can not fix exactly the origin of his possession, can not prescribe.

3. That the title be proved; for as it consists in a fact, it is not presumed, and every man who founds his title on a written instrument must produce it, or prove the contents, if it be lost.

RCC—503, 1536, 1554 et seq., 1570, 1574 et seq., 1921, 1922, 2015, 2234, 2242, 2275 et seq., 2279, 2280, 2284, 2285 et seq., 2288, 2440, 2442, 2452, 2479, 3474, 3478, 3483 et seq. CP—49 et seq.

RCC 1870, Art. 3486. (Same as Art. 3486 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3452. (Projet, p. 406. Substitution adopted; no comment)

It is necessary besides:

1. That the title be valid in point of form; for if the possession commenced by a contract void in that respect, it cannot serve as a foundation for prescription;

2. That the title be certain; thus, every possessor, who cannot fix exactly the commencement of his possession, cannot prescribe;

Il faut en outre:

1. Que le titre soit valable; car si la possession avait commencé par un titre nul dans sa forme, il ne pourrait servir de base à la prescription;

2. Que le titre soit certain; ainsi tout possesseur qui ne peut pas déterminer le principe de sa possession, ne peut pas prescrire;
ART. 3487

To enable one to plead the prescription treated of in this paragraph, it is necessary that the possession be distinguished by the following incidents:

1. That the possessor shall have held the thing in fact and in right,* as owner; when, however, it is only necessary to complete a possession already begun, the civil possession shall suffice, provided it has been preceded by the corporal possession.

2. That the possession shall have been continuous and uninterrupted, peaceable, public and unequivocal; a clandestine possession would give no right to prescribe; but he who possesses by virtue of a title can not be considered as a clandestine possessor, for his title leads to the supposition that the possession commenced in good faith, and that is sufficient to enable him to plead prescription.

RCC—508, 2286, 2287, 2573, 3426, 3428 et seq., 3432, 3436, 3437, 3442 et seq., 3458, 3474, 3478, 3479, 3485 et seq., 3492, 3500 et seq., 3510, 3520.

RCC 1870, Art. 3487.

Same as above.

CC 1825, Art. 3453.

(Projet, p. 407. Substitution adopted; no comment)

Il faut enfin, pour pouvoir prescrire par l’espèce de prescription dont il est traité dans ce paragraphe, que la possession du possesseur ait les qualités qui suivent:

1. Que le possesseur ait possédé la chose naturellement et civillement, c’est-à-dire, qu’il l’ait détenue de fait et d’[a] droit, et qu’il en jouisse actuallement et corporellement,* et à titre de propriétaire; néanmoins quand il ne s’agit que de continuer et d’achever une possession déjà commencée, il n’est besoin que de la possession civile, pourvu qu’elle ait été précédée d’une appréhension corporelle de la chose;

2. Que la possession ait été continue et non interrompue, paisible, publique et non équivoque; une possession clandestine ne donnerait point droit à la prescription; mais celui qui a joui en vertu d’un titre, ne peut être regardé

*Note error in English translation of French text; “is created by deed” should be “consists in a fact.”
CC 1808, p. 482, Art. 38.
Prescription requires a continued, uninterrupted, peaceable, public, and unequivocal possession; it is also required that the person claiming the prescription should have possessed animo Domini, that is, as master or proprietor.

CN 1804, Art. 2229.
Prescription requires a continued, uninterrupted, peaceable, public, and unequivocal possession, as owner.

*Note error in English translation of French text; “in fact and in right” should be “naturally and civilly, that is, he shall have held it in fact and in law, and enjoyed it actually and corporeally.”

ART. 3488. As to the fact itself of possession, a person is presumed to have possessed as master and owner, unless it appears that the possession began in the name of and for another.

RCC—2284, 2285, 2287, 2288, 3432, 3433, 3438, 3442, 3446, 3487, 3489, 3490, 3492, 3500, 3510, 3514, 3556(25).

RCC 1870, Art. 3488. (Same as Art. 3488 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3454. (Projet, p. 407. Amendment adopted; comment by redactors)
As to the fact itself of possession, a person is presumed to have possessed as master and proprietor, unless it appears that the possession began in the name of and for another.

CC 1808, p. 482, Art. 39.
A person is presumed to have possessed as master or proprietor, unless it appears that such possession began in the name and for another, in which case the law supposes that the possession must have been continued for and in the name of said person, unless the contrary be shewn.**

CN 1804, Art. 2230.
A person is always presumed to have possessed as master and proprietor, unless it appears that the possession began in the name of and for another.

Projet du Gouvernement (1800), Book III, Title XX, Art. 12.
A person is always presumed to have possessed as master and proprietor, unless it appears that the possession began in the name of and for another; in which case the law supposes that the possession must have been continued for and in the name of said person.

English translation of French text incomplete; should include “always.”
**"Unless the contrary be shewn" has no counterpart in French text.
ART. 3489. When a person's possession commenced for another, it is supposed to continue always under the same title, unless there be proof to the contrary.


RCC 1870, Art. 3489.
Same as above.

CC 1825, Art. 3455. (Projet, p. 407. Substitution adopted; no comment)
Same as above.

Quand on a commencé à posséder pour autrui, on est toujours supposé posséder au même titre, s'il n'y a preuve du contraire.

CC 1808, pp. 482, 483, Art. 39.
Quoted under RCC 1870, Art. 3488, above.

CN 1804, Art. 2231.
Same as CC 1825, Art. 3455, above. Same as CC 1825, Art. 3455, above.

Projet du Gouvernement (1800), Book III, Title XX, Art. 12.
Quoted under RCC 1870, Art. 3488, above.

ART. 3490. The circumstance of having been in possession by the permission or through the indulgence of another person, gives neither legal possession nor the right of prescribing.

Thus, those who possess precariously, that is, by having prayed the master to let them have the possession, do not deprive him thereof, but, possessing by his consent, they possess for him.


RCC 1870, Art. 3490.
Same as above.

CC 1825, Art. 3456. (Projet, p. 407. No comment)
Same as above; but comma (,) after "legal possession."

Les actes de pure faculté, et ceux de simple tolérance, ne peuvent fonder ni possession ni prescription.
Ainsi ceux qui ne possèdent que précairement, c'est-à-dire, comme ayant prié le maître de leur laisser la possession, ne l'en dépouillant pas, mais possédant de son consentement, possèdent pour lui.

CC 1808, p. 482, Art. 40.*
Same as above; but no punctuation after "legal possession", after "Thus", after "is", or after "but."

-p. 483, Art. 40.
Same as above; but "dépouillant" spelled "dépouillent"; comma (,) after "fonder", after "possession", and after "Ainsi."

CN 1804, Art. 2232.
Same as par. 1, above.

*Official edition reads "Art. 49."
Art. 3491. A possession by violence, not being legal, does not confer the right of prescribing. That right only commences when the violence has ceased.

RCC—1853, 1855, 3449, 3457, 3486(2), 3521. CP—46 et seq.

RCC 1870, Art. 3491.
Same as above.

CC 1825, Art. 3457.
(Projet, p. 407. Amendment adopted; no comment)
Same as above; but comma (,) after "commences."

CC 1808, p. 482, Art. 41.
A possession by violence not being legal, does not confer the right of prescribing as long as said violence continues.

CN 1804, Art. 2233.
A possession by violence, does not confer the right of prescribing. That right only commences when the violence has ceased.

Projet du Gouvernement (1800), Book III, Title XX, Art. 14.
Possession by violence does not bring about the right of prescribing as long as said violence continues.

*"Not being legal" has no counterpart in French text.

Art. 3492. The actual possessor, when he proves that he has formerly been in possession, shall be presumed also to have been in possession in the intermediate time.

RCC—2284, 2285, 2287, 3429, 3431, 3436, 3442 et seq., 3487 et seq., 3494, 3495, 3503.

RCC 1870, Art. 3492.
Same as above.

CC 1825, Art. 3458.
(Projet, p. 407. Amendment amended in English text and adopted; no comment)
Le possesseur actuel qui prouve avoir possédé anciennement, est présumé avoir possédé dans le temps intermédiaire.

CC 1808, p. 484, Art. 42.
The actual possessor when he proves that he has formerly been in possession, shall be presumed to have been in possession also during the intermediate space of time, until the contrary be proved.

CN 1804, Art. 2234.
Same as above.
ART. 3493. The possessor is allowed to make the sum of possession necessary to prescribe, by adding to his own possession that of his author, in whatever manner he may have succeeded him, whether by an universal or particular, a lucrative or an onerous title. 

RCC—852, 942, 1523 et seq., 1605, 1606 et seq., 1612 et seq., 1625 et seq., 1772, 1773, 3494 et seq., 3500, 3503, 3505, 3556 (22).

RCC 1870, Art. 3493.
Same as above.

CC 1825, Art. 3459. (Projet, p. 408. Amendment adopted; no comment)
Same as above.

CC 1808, p. 484, Art. 43.
If a possessor chances to die before he has acquired the prescription and his heir continues in possession, we join together the time of the possession of the one and the other and the prescription is acquired to the heir after the possession of his ancestor and his own joined together, have lasted the time regulated for prescribing.

And the same thing holds in the possession of the buyer joined to that of the seller to whom he succeeds, and in the possession of the donee and donor, of the legatee and testator, and in the same manner of all those who possess successively, having right the one from the other.

CN 1804, Art. 2235.
Same as CC 1825, Art. 3459, above. 

ART. 3494. By the word author in the preceding article, is understood the person from whom another derives his right, whether by a universal title, as by succession, or by particular title, as by sale,* by donation, or any other title, onerous or gratuitous.

Thus, in every species of prescription, the possession of the heir may be joined to that of the ancestor, and the possession of the buyer to that of the seller.

RCC—852, 942, 1468, 1523 et seq., 1605, 1606 et seq., 1612 et seq., 1625 et seq., 1772, 1773, 2439, 3492, 3493, 3495, 3496, 3503, 3505, 3506, 3556 (22).

RCC 1870, Art. 3494. (Same as Art. 3494 of Proposed Revision of 1869)
CC 1825, Art. 3460.  
By the word "author" in the preceding article, is understood the person from whom another derives his right, whether by an universal title as by succession, or by particular title, as by sale,* by donation, or any other title, onerous or gratuitous.

Par. 2 same as par. 2, above.

CC 1808.  No corresponding article.

CC 1804.  No corresponding article.

*English translation of French text incomplete; should include "by legacy."

ART. 3495. But to enjoy this advantage, the different possessions must have succeeded each other without interval or interruption.*

RCC—852, 942, 3492 et seq., 3496, 3503, 3505, 3516.

RCC 1870, Art. 3495.  
Same as above.

CC 1825, Art. 3461.  
Same as above; but comma (,) after "But."

CC 1808, p. 484, Art. 44.  
The possessions of divers possessors who succeed the one to the other, are joined only in the cases where they follow one another without interruption.

CN 1804.  No corresponding article.

*Note error in English translation of French text; "or interruption" should be "for otherwise there would be an interruption."

ART. 3496. We do not consider as an interval between two possessions, that which takes place between the decease of the testator and the acceptance of the succession by the heir; the possession of the deceased being considered in law as continued in the person of his heir.

RCC—852, 916, 940 et seq., 1608, 1613, 1626 et seq., 3493 et seq.

RCC 1870, Art. 3496.  
Same as above.

CC 1825, Art. 3462.  
Same as above.

CC 1808.  No corresponding article.

CN 1804.  No corresponding article.
ART. 3497. The last condition required for prescription is, that the thing, which is the object of it, be susceptible by its nature of alienation, and the alienation of which is not prohibited by law.*


RCC 1870, Art. 3497. (Same as Art. 3497 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3463. (Projet, p. 408. Addition adopted; no comment)
Enfin la dernière condition exigée pour la prescription, est que la chose qui en est l'objet, soit du nombre de celles qui sont susceptibles par leur nature d'être aliénées, ou dont l'aliénation n'est pas prohibée par la loi, en raison du privilège de ceux qui en sont les propriétaires.*

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

*English translation of French text incomplete; should include "by virtue of the privilege of him who is the owner of it."

ART. 3498. When a person has a title and possession conformably to it, he is presumed to possess according to the title and to the full extent of its limits.

RCC—850 et seq., 2284, 2285 et seq., 3426 et seq., 3437, 3503, 3505.

RCC 1870, Art. 3498.
Same as above.

CC 1825, Art. 3464. (Projet, p. 408. Addition adopted; no comment)
Lorsqu'on a un titre, avec une possession qui y est relative, l'on est présumé avoir possédé d'après ce titre, et dans toute l'étendue des limites qui y sont décrites.

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

§2—Of the Prescription of Thirty Years

ART. 3499. The ownership of immovables is prescribed for by thirty years without any need of title or possession in good faith.

RCC—461, 462 et seq., 852, 1030, 1305, 1846, 3450 et seq., 3454, 3475, 3477, 3478, 3483 et seq., 3493, 3500 et seq., 3505, 3515, 3548.

RCC 1870, Art. 3499. (Same as Art. 3499 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3465. (Projet, p. 408. Amendment adopted; no comment)
La propriété des immeubles se prescrit aussi par trente ans, et celle des esclaves par quinze ans, sans qu'il soit besoin de titre ou de bonne foi de la part du possesseur.

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ART. 3500. The possession on which this prescription is founded must be continuous and uninterrupted during all the time; it must be public and unequivocal, and under the title of owner.

RCC—852, 2284, 2285 et seq., 2288, 3426 et seq., 3432, 3436, 3442 et seq., 3487 et seq., 3493, 3499, 3501 et seq.

RCC 1870, Art. 3500. (Same as Art. 3500 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3466. (Projet, p. 408. Addition ‡ adopted; no comment)
Cette prescription court, tant contre les présens que contre les absens. Mais la possession, qui y donne lieu, doit réunir les autres qualités qui sont nécessaires pour la prescription de dix et vingt ans, c’est-à-dire, qu’elle doit être continue et non interrompue pendant tout ce temps, être publique et non équivoque, et à titre de propriétaire.

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

ART. 3501. The possession necessary for this species of prescription, when it has commenced by the corporal possession of the thing, may, if it has not been interrupted, be preserved by external and public signs, announcing the possessor’s intention to preserve the possession of the thing, as the keeping up of roads and levees, the payment of taxes, and other similar acts.

RCC—852, 2284, 2285 et seq., 2288, 3426 et seq., 3436, 3442 et seq., 3458, 3487 et seq., 3493, 3500, 3502, 3503, 3505.

RCC 1870, Art. 3501.
Same as above.

CC 1825, Art. 3467. (Projet, p. 409. Addition ‡ adopted; no comment)
La possession, qui est nécessaire pour cette espèce de prescription, lorsqu’elle a commencé par l’appréhension corporelle de la chose, peut, si elle n’a pas été interrompue, se conserver civilement par des signes extérieurs et publics qui annoncent l’intention du possesseur de conserver la possession de la chose, comme l’entretien des chemins et levées, le paiement des taxes et autres actes semblables.

CC 1808. No corresponding article.
CN 1804. No corresponding article.
Art. 3502. A man may even retain the civil possession of an estate, sufficient to prescribe, so long as there remain on it any vestiges of works erected by him, as, for example, the ruins of a house.

RCC—3426, 3429 et seq., 3442 et seq., 3458, 3487 et seq., 3500, 3501, 3505.

RCC 1870, Art. 3502.
Same as above.

CC 1825, Art. 3468.
Same as above.

(Proit, p. 409. Addition adopted; no comment)

Le possesseur peut même retenir la possession civile qu'il a d'un héritage, à l'effet de le prescrire, tant qu'il subsiste sur cet héritage des traces et des vestiges des établissements qu'il y aurait faits, comme le seraient, par exemple, les ruines d'un bâtiment.

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

Art. 3503. How favorable soever prescription may be, it shall be restricted within just limits. Thus, in the prescription of thirty years, which is acquired without title, it extends only to that which has been actually possessed by the person pleading it.

RCC—850 et seq., 3426, 3428 et seq., 3432, 3437, 3446, 3492 et seq., 3498, 3500 et seq., 3505.

RCC 1870, Art. 3503.
Same as above.

CC 1825, Art. 3469.
Same as above.

(Proit, p. 409. Addition adopted; no comment)

La prescription, quelque favorable qu'elle soit d'ailleurs, doit être resserrée dans de justes bornes. Ainsi, dans la prescription de trente ans qui s'acquiert sans titre, elle ne s'étend qu'à ce qui a été réellement possédé par celui qui l' invoque.

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

Art. 3504. A continuous apparent servitude is acquired by possession and the enjoyment of the right for thirty years uninterruptedly, even without a title or good faith.

RCC—590, 727, 728, 765, 766, 783 (2), 797, 800, 3426, 3432, 3475, 3480 et seq., 3499. Const. 1921, XIV, 19.

RCC 1870, Art. 3504.
(Same as Art. 3504 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3470.
Continuous and apparent servitudes are acquired by possession and the enjoyment of the right for thirty years uninterruptedly, even without a title, or good faith.

CC 1808. No corresponding article.
CN 1804. No corresponding article.
ART. 3505. All the rules established in the preceding paragraph with regard to the prescription of ten years, are applicable to the prescription of thirty years, except in the provisions contained in the present paragraph, which are contrary to or incompatible with them.

RCC—3471, 3479 et seq., 3493 et seq., 3499 et seq., 3503, 3521 et seq., 3541.

RCC 1870, Art. 3505. (Same as Art. 3505 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3471. (Projet, p. 409. Addition adopted; no comment)

All the rules, established in the preceding paragraph with regard to the prescriptions of ten and twenty years, are applicable to prescriptions of thirty years, except in the provisions contained in the present paragraph, which are contrary to, or incompatible with them.

CC 1808. No corresponding article.

CC 1804. No corresponding article.

§3—Of Prescription of Movable

ART. 3506. If a person has possessed in good faith and by a just title, as owner, a movable thing, during three successive years without interruption, he shall acquire the ownership of it by prescription unless the thing was stolen or lost.

RCC—461, 472 et seq., 870, 2793, 2933, 2947, 3166, 3173, 3175, 3422, 3424, 3426, 3432, 3436, 3442 et seq., 3451, 3454, 3472, 3476, 3477, 3478, 3483 et seq., 3488 et seq., 3493, 3507, 3508, 3509, 3538.

RCC 1870, Art. 3506. (Same as Art. 3506 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3472. (Projet, p. 409. Amendment adopted; no comment)

If a person has possessed in good faith and by a just title, as proprietor, a moveable thing, during three successive years without interruption, he shall acquire the property of it by prescription, unless the thing was stolen or lost.

CC 1808, p. 488, Art. 75.

If a man has had a public and notorious possession of a moveable thing, during three years, in the presence of the person who claims the property of the thing, said person being a resident within the territory, is presumed to have known the circumstances of the possession and the property becomes vested in the possessor, unless the thing has been stolen.

CC 1808, p. 489, Art. 75.

En matière de choses mobilières, si quelqu’un a possédé à juste titre, publiquement et notoirement, une chose mobilière pendant trois années successives, en la présence de celui qui pourrait prétendre y avoir droit, et qui étant résidant dans le territoire, aurait pu le savoir, et n’en peut vraisemblablement prétendre cause d’ignorance, il acquiert la propriété de la chose, si ce n’est qu’elle eût été originairement volée ou dérobée.
With respect to movables, possession is equivalent to title. Nevertheless, he who has lost a thing, or from whom a thing has been stolen, has three years within which to reclaim it, commencing on the date of the loss or theft, from anyone who has it in his custody; saving to the latter his recourse against the person from whom he obtained it.

ART. 3507. If, however, the possessor of a thing stolen or lost bought it at public auction or from a person in the habit of selling such things, the owner of the thing can not obtain restitution of it without returning to the purchaser the price it cost him.

RCC—461, 472 et seq., 2313, 2314, 2452, 3422, 3432, 3506, 3508.

RCC 1870, Art. 3507.
Same as above.

CC 1825, Art. 3473. (Projet, p. 409. Amendment 4 adopted; no comment)
Same as above; but comma (,) after "auction."

CC 1808, p. 488, Art. 76.
But however, if the thing stolen has been purchased by the possessor at a public market, or at a fair, or at public auction, or from a person dealing in similar commodities, the former possessor can only obtain possession of the thing, by paying the possessor the purchase money.

CN 1804, Art. 2280.
If the present possessor of a thing stolen or lost has bought it at a fair, at a public market, at public auction, or from a person dealing in similar commodities, the original owner of the thing cannot obtain restitution of it without returning to the possessor the price that it cost him.

ART. 3508. This reclamation on the part of the owner, even by reimbursing the price, is not allowed against a person who has purchased stray animals which have been sold in conformity with the regulations of police, or other movable objects lost or abandoned which are sold by authority of law, although he has not possessed them during the time required for the prescription of movables.

RCC—461, 472 et seq., 2618 et seq., 2622 et seq., 3421 et seq., 3476, 3506, 3507, 3543.

RCC 1870, Art. 3508.
Same as above.
ART. 3509. When the possessor of any movable whatever has possessed it for ten years without interruption, he shall acquire the ownership of it without being obliged to produce a title or to prove that he did not act in bad faith.

RCC—461, 472 et seq., 2301, 3175, 3422, 3426 et seq., 3432, 3451, 3452, 3493, 3506 et seq.

RCC 1870, Art. 3509. (Same as Art. 3509 of Proposed Revision of 1869; in conformity with Acts 1848, No. 87 [RS §§452, 2810])

ART. 3510. Those who possess for others and not in their own name, can not prescribe, whatever may be the time of their possession.

Thus, farmers, tenants, depositaries, usufructuaries and all those generally who hold by a precarious tenure and in the name of the owner, can not prescribe on the thing thus held.

RCC—533, 1310, 1921 et seq., 2295 et seq., 2674, 2926, 2937, 3133, 3166, 3175, 3426, 3433, 3436, 3438, 3440, 3441, 3445, 3446, 3458, 3487 et seq., 3511 et seq., 3556 (25).

RCC 1870, Art. 3510. (Same as Art. 3510 of Proposed Revision of 1869)

ART 1825, Art. 3476. (No reference in Projet)

Par. 1 same as par. 1, above; but comma (,) after “others.”
Art. 3511

Thus, farmers, tenants, depositaries, usufructuaries, and all those generally who hold by a precarious tenure, and in the name of the proprietor, cannot prescribe on the thing thus held.

CC 1808, p. 484, Art. 45.

Those who possess for others and not in their own name, cannot prescribe, whatever may be the time of said possession.

Par. 2 same as par. 2, above; but no punctuation after "Thus", or after "usufructuaries."

CN 1804, Art. 2236.

Those who possess for others cannot prescribe by any lapse of time whatsoever.

Par. 2 same as RCC 1870, Art. 3510, par. 2, above.

Projet du Gouvernement (1800), Book III, Title XX, Art. 18, par. 1.

Same as CC 1808, p. 484, Art. 45, par. 1, above.

ART. 3511. The heirs of the persons holding under the tenures mentioned in the preceding article, can not prescribe any more than those from whom they hold such thing.

RCC—2015, 2452, 2731, 3490, 3510, 3512 et seq.

RCC 1870, Art. 3511. (Same as Art. 3511 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3477. (No reference in Projet)

The heirs of the persons holding under the tenures mentioned in the preceding article, cannot prescribe any more than those from whom they hold such things.

CC 1808, p. 484, Art. 46.

The heirs of the persons holding under the tenures mentioned in the preceding article, cannot prescribe any more than those from whom they hold said things.

CN 1804, Art. 2237.

The heirs of the persons who held under one of the tenures mentioned in the preceding article, cannot prescribe.

Les héritiers de ceux qui tenaient la chose à quelqu’un des titres désignés par l’article précédent, ne peuvent non plus prescrire.

ART. 3512. Notwithstanding what is said in the two preceding articles, precarious possessors and their heirs may prescribe when the cause of their possession is changed by the act of a third person; as if a farmer, for example, acquires from another the estate which he rented. For if he refuse afterwards to pay the rent, if he declare to the lessor that he will no longer hold the estate under him, but that...
he chooses to enjoy it as his own, this will be a change of possession by an external act,* which shall suffice to give a beginning to the prescription.

RCC—341 et seq., 3485 et seq., 3510, 3511, 3513, 3556(25).

RCC 1870, Art. 3512.
Same as above.

CC 1825, Art. 3478.  (Projet, p. 410.  Addition: adopted; no comment)
Nonobstant ce qui est dit dans les deux articles précédents, les possesseurs précaires et leurs héritiers peuvent prescrire eux-mêmes, quand la cause de leur possession est changée par le fait d'un tiers, comme si un fermier, par exemple, acquiert d'un autre les héritages qu'il tenait à ferme. Car s'il refuse après cela de payer les fermages, s'il déclare au locateur qu'il ne veut plus tenir de lui ces héritages, mais qu'il veut en jouir comme des siens propres, ce sera un changement de possession par un fait extérieur, mais* qui ne laissera pas de donner commencement à la prescription.

CC 1808.  No corresponding article.

CN 1804, Art. 2238.
Nevertheless those persons mentioned in articles 2236 and 2237 may prescribe if the title under which they possess is changed either by the act of a third person, or by their contradiction set up by them against the owner's right.

ART. 3513.  Those to whom tenants, depositaries and such other persons having only a precarious possession, have conveyed the same by a title capable of transferring the ownership of property, may prescribe for the same.

RCC—2015, 2452, 2926, 3478, 3483 et seq., 3510 et seq., 3514, 3556(25).

RCC 1870, Art. 3513.  (Same as Art. 3513 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3479.  (No reference in Projet)
Those to whom tenants, depositaries and such other persons having only a precarious possession, have conveyed the same by a title capable of transferring property, may prescribe for the same.

CC 1808, p. 484, Art. 47.  -p. 485, Art. 47.
Same as above.

CN 1804, Art. 2239.
Same as above.

ART. 3514.  One can not prescribe against his own title, in this sense, that he can not change by his own act the nature and the origin of his possession.
Art. 3515

Thus, he whose possession is founded on a contract of lease which is adduced, is considered as always possessing by the same title, and can not prescribe by any length of time.

RCC—1305, 1822, 1884, 2669, 3433, 3441, 3446, 3489, 3490, 3510 et seq., 3515.

RCC 1870, Art. 3514.
Same as above.

CC 1825, Art. 3480.
Same as above.

CC 1808, p. 484, Art. 48.
Same as par. 1, above; but comma (,) after “change”, and after “act.”

CN 1804, Art. 2240.
Same as above.

Projet du Gouvernement (1800), Book III, Title XX, Art. 22.
Same as above.

ART. 3515. The rule, contained in the preceding article, is to be understood in this sense, that a man can not prescribe against an essential part of the contract.

Thus the creditor on an annuity can not prescribe against the right of redemption; but one may prescribe beyond his title.

So also, a person who has a title for one half an estate, may prescribe for the other half; for it may be that a new title has transferred the ownership of the property to him, or that he has acquired it without title by thirty years’ possession.

RCC—662, 663, 669, 823 et seq., 850 et seq., 1305, 2491 et seq., 2793, 2796, 3426, 3432, 3478, 3499, 3503, 3514.

RCC 1870, Art. 3515.
(Same as Art. 3515 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3481.
(Proit, p. 410. Addition amended in English text and adopted; no comment)

Pars. 1, 2 same as par. 1, 2, above; but “article” misspelled “articles.”

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Art. 3517

So also a person, who has a title for one half an estate, may prescribe for the other half; for it may be that a new title has transferred the property to him, or that he has acquired it without title by thirty years possession.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

§5—Of the Causes Which Interrupt Prescription

Art. 3516. There are two modes of interrupting prescription; that is, by a natural interruption, or by a legal interruption.

RCC—801, 2090, 3460, 3495, 3517, 3518, 3520 et seq., 3535, 3551.

RCC 1870, Art. 3516.
Same as above.

CC 1825, Art. 3482. (No reference in Projet)
Same as above; but comma (, ) after "prescription."

CC 1808, p. 484, Art. 50.
Same as above; but no punctuation after "prescription", after "is", or after "natural interruption."

CC 1808, p. 484, Art. 50.
Same as above; but comma (, ) after "naturellement."

CN 1804, Art. 2242.
Prescription may be interrupted either naturally or legally.

Projet du Gouvernement (1800), Book III, Title XX, Art. 24.
Same as CC 1808, p. 484, Art. 50, above.

Art. 3517. A natural interruption is said to take place when the possessor is deprived of the possession* of the thing during more than a year, either by the ancient proprietor or even by a third person.

RCC—801, 3426, 3433, 3436, 3441 et seq., 3446 et seq., 3454 et seq., 3487 et seq., 3493, 3502 et seq., 3516.

RCC 1870, Art. 3517.
Same as above.

CC 1825, Art. 3483.** (No reference in Projet)
Same as above; but comma (, ) after "place", and after "proprietor."

CC 1808, p. 484, Art. 51.
Same as above.

CN 1804, Art. 2243.
There is a natural interruption when the possessor is deprived of the enjoy-

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ment of the thing during more than a year, either by the former owner, or even by a third person.

*Note error in English translation of French text; "possession" should be "enjoyment."

**Official edition reads “Art. 2483.”

**ART. 3518. A legal interruption takes place, when the possessor has been cited to appear before a court of justice, on account either of the ownership or of the possession; and the prescription is interrupted by such demand, whether the suit has been brought before a court of competent jurisdiction or not.

RCC—2090, 3455, 3456, 3516, 3519, 3520 3535, 3538, 3551 et seq. CP—43, 46, 178 et seq. Acts 1898, No. 105, Art. II, §1; 1906, No. 115, §19 (as am. by 1912, No. 256, §17); 1912, No. 76, §1; 1914, No. 267, §§25, 27; 1918, No. 170, §1; 1918, No. 179 (as am. by 1932, No. 48, and 1938, No. 120); 1924, No. 184, §1 (as am. by 1938, No. 335, §1); 1926, No. 298, §§6, 12; 1928, No. 250, §§7, 66; 1932, No. 39, §1; 1940, No. 159, §5.

RCC 1870, Art. 3518. (Same as Art. 3518 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3484. (No reference in Projet)

A legal interruption takes place, when the possessor has been cited to appear before a court of justice, on account either of the property or of the possession; and the prescription is interrupted by such demand, whether the suit has been brought before a court of competent jurisdiction or not.

CC 1808, p. 484, Art. 52.

A legal interruption takes place when the possessor has been cited to appear before a court of justice, on account either of the property or of the possession; and the prescription is interrupted by such demand, whether the suit has been brought before a court having a competent jurisdiction or not.

CN 1804, Art. 2244.

A legal citation, a demand of payment in executory proceedings, or a conservatory writ, served on a person whom one wishes to prevent from prescribing, constitutes a legal interruption.

-Art. 2246.

A legal citation, issued even by an incompetent court, interrupts prescription.

-p. 485, Art. 52.

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

-Une citation en justice, un commandement ou une saisie, signifiées à celui qu'on veut empêcher de prescrire, forment l'interruption civile.

La citation en justice donnée, même devant un juge incompétent, interrompt la prescription.

ART. 3519. If the plaintiff in this case, after having made his demand, abandons or discontinues it, the interruption shall be considered as having never happened.

Whenever the plaintiff having made his demand shall at any time before obtaining final judgment allow five years to elapse without having taken any steps in the prosecution thereof, he shall be considered as having abandoned the same. (As amended by Acts 1898, No. 107)

RCC—2285, 2287, 3518, 3520. CP—491, 594.

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ART. 3520. Prescription ceases likewise to run whenever the debtor, or possessor, makes acknowledgment of the right of the person whose title they prescribed.


RCC 1870, Art. 3520.
Same as above.

CC 1825, Art. 3486. (No reference in Projet)
Same as above; but comma (,) after "run"; no punctuation after "debtor", or after "possessor."

CC 1808, p. 484, Art. 53.
Same as above.

CN 1804, Art. 2248.
Prescription is interrupted when the debtor or possessor makes acknowledgment of the right of the person against whose title he prescribed.

§6—Of the Causes Which Suspend the Course of Prescription

ART. 3521. Prescription runs against all persons, unless they are included in some exception established by law.

ART. 3522. Minors and persons under interdiction can not be prescribed against, except in the cases provided by law.


RCC 1870, Art. 3522.
Same as above.

CC 1825, Art. 3488.
Same as above.

CC 1808, p. 486, Art. 56.
Same as above; but comma (,) after "interdiction."

CN 1804, Art. 2252.
Minors and persons under interdiction cannot be prescribed against, except as stated in article 2278, and with the exception of the other cases provided by law.

Projet du Gouvernement (1800), Book III, Title XX, Art. 33.
Same as CC 1808, p. 486, Art. 56, above.

ART. 3523. Husbands and wives can not prescribe against each other.

RCC—1786, 2327, 2347, 2355, 2364, 2376, 2390, 2404, 3319, 3478, 3521, 3524, 3555.

RCC 1870, Art. 3523.
Same as above.

CC 1825, Art. 3489.
Same as above.

CC 1808, p. 486, Art. 57.
Same as above.

CN 1804, Art. 2253.
Same as above.

Projet du Gouvernement (1800), Book III, Title XX, Art. 34.
Same as above.
ART. 3524. Immovables given in dower* and not declared alienable by the marriage contract, are imprescriptible during the marriage. They may be prescribed for, if there be a separation of property by the marriage contract, or if it be pronounced afterwards.

RCC—2325, 2328, 2347, 2349 et seq., 2355, 2360, 2361, 2363 et seq., 2391, 2425 et seq., 3523, 3525, 3555.

RCC 1870, Art. 3524. (Same as Art. 3524 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3490. (Projet, p. 411. Substitution adopted; no comment)

Immoveables and slaves given in dower,* and not declared alienable by the marriage contract, are imprescriptible during marriage. They may be prescribed for, if there be a separation of property by the marriage contract, or if it be pronounced afterwards.


But prescription does not take place during marriage, as it respects property alienated which made a part of the dowry, as provided under the title of marriage contract.

CN 1804, Art. 2255.

But prescription does not run during the marriage with respect to the alienation of a dotal immovable, conformably to Article 1561 of the title Of the Marriage Contract and of the Respective Rights of the Spouses.

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

ART. 3525. Prescription is equally suspended during marriage:
1. When the wife can only be entitled to an action, after having chosen between accepting or renouncing the community.
2. When the husband, having sold the separate property of his wife, without her consent, is bound in warranty for the validity of such sale; and in every* case when the action of the wife may be prejudicial to her husband.

RCC—2364, 2384, 2385, 2391, 2410, 2411, 2433, 2452, 2476, 2500 et seq., 3524, 3555. CP—105.

RCC 1870, Art. 3525. (Same as Art. 3525 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3491. (No reference in Projet)

Par. 1 and subd. 1 same as par. 1 and subd. 1, above; but semicolon (;) after “community.”

2. When the husband, having sold an hereditary estate of his wife, without her consent, is bound in warranty
for the validity of such sale; and in every* case when the action of the wife may be prejudicial to her husband.

**CC 1808, p. 486, Art. 60.**

Prescription is equally suspended during marriage;

1st. When the wife can only be entitled to an action, after having chosen between accepting or renouncing the community;

2d. When the husband having sold an hereditary estate of his wife, without her consent, is bound as a warranty for the validity of such sale; and in every* case, when the action of the wife may be prejudicial to her husband.

**CN 1804, Art. 2256.**

Par. 1 and subd. 1 same as par. 1 and subd. 1, above.

2. When the husband, having sold the separate property of his wife, without her consent, is bound in warranty for the validity of such sale; and in every other case when the action of the wife may be prejudicial to her husband.

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

**ART. 3526.** Prescription does not run against a beneficiary heir, with respect to the debt due him by the succession.

But it runs against a vacant succession, though no curator has been appointed to such estate.

**RCC—881 et seq., 1054, 1095, 1097, 1350 et seq., 1359, 3527, 3528 et seq.**

**RCC 1870, Art. 3526.** (Same as Art. 3526 of Proposed Revision of 1869)

Same as above.

**CC 1825, Art. 3492.** (No reference in Projet)

Prescription does not run against a beneficiary heir, with respect to the debt due him by the estate.

But it runs against a vacant estate, though no curator has been appointed to such estate.

**CC 1808, p. 486, Art. 62.**

Par. 1 same as par. 1, above.

But it runs against a vacant estate, though no curator has been appointed for said estate.

**CN 1804, Art. 2258.**

Par. 1 same as par. 1, above.

It runs against a vacant succession, though no curator has been appointed to such estate.

**Projet du Gouvernement (1800), Book III, Title XX, Art. 39, par. 2.**

Same as CC 1808, p. 486, Art. 62, par. 2, above.
ART. 3527. It runs likewise during the delay which the law grants for making the inventory and for deliberating.

RCC—1033, 1050, 1052, 1055, 2413, 3526.

RCC 1870, Art. 3527.
Same as above.

CC 1825, Art. 3493. (No reference in Projet)
Same as above.

CC 1808, p. 486, Art. 63.
It runs likewise during the three months which the law grants for the making of the inventory and the forty days given for deliberating.

CN 1804, Art. 2259.
It runs also during the three months which the law grants for the making of the inventory, and the forty days given for deliberating.

Section 3—OF THE PRESCRIPTION WHICH OPERATES A RELEASE FROM DEBT

ART. 3528. The prescription which operates a release from debts, discharges the debtor by the mere silence of the creditor during the time fixed by law, from all actions, real or personal, which might be brought against him.


RCC 1870, Art. 3528.
Same as above.

CC 1825, Art. 3494. (Projet, p. 412. Addition adopted; no comment)
Same as above; but comma (,) after "prescription," and after "debtor;"

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3529. This prescription has also the effect of releasing the owner of an estate from every species of real rights, to which the property may have been subject, if the person in possession of the right has not exercised it during the time required by law.


RCC 1870, Art. 3529.
Same as above.
Art. 3530. To enable the debtor to claim the benefit of this prescription, it is not necessary that he should produce any title, or hold in good faith; the neglect of the creditor operates the prescription in this case.

RCC—3451 et seq., 3459, 3480 et seq., 3506, 3516 et seq., 3521 et seq., 3528, 3549 et seq.

RCC 1870, Art. 3530.
Same as above.

ART. 3531. The time necessary to acquire this prescription is longer or shorter, according to the different species of debts or of real rights, of which it produces the discharge or extinction.

RCC—1996, 1997 et seq., 3237, 3459, 3528, 3530 et seq., 3534 et seq., 3538, 3539, 3540 et seq., 3544 et seq.

RCC 1870, Art. 3531.
Same as above.

ART. 3532. Whenever any contract or obligation has been entered into, or judgment rendered, between persons who reside out of the State of Louisiana, and to be paid or performed out of this State, and such contract, obligation or judgment is barred by prescription or the statute of limitations of the place where the contract or obligation is to be performed or judgment executed, the same shall be considered and held as barred by prescription in Louisiana, upon the debtor who is thus discharged subsequently coming into this State.

RCC—10, 3470, 3531, 3533, 3547. CP—13, 746, 752. RS—2808, 2810.
§ 1—Of the Prescription of One Year

ART. 3534. The following actions are prescribed by one year:

That of justices of the peace and notaries, and persons* performing their duties, as well as that of constables, for the fees and emoluments which are due to them in their official capacity.

That of masters and instructors in the arts and sciences, for lessons which they give by the month.

That of innkeepers and such others, on account of lodging and board which they furnish.

That of retailers of liquors, who sell ardent spirits in less quantities than one quart.

That of workmen, laborers and servants, for the payment of their wages.
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That for the payment of the freight of ships and other vessels, the wages of the officers, sailors and others of the crew.
That for the supply of wood and other things necessary for the construction, equipment and provisioning of ships and other vessels.

RCC—1561, 1608, 1987, 1994, 2315, 2478, 2544, 2546, 3205 et seq., 3209, 3213, 3222 et seq., 3227, 3228, 3448, 3456, 3522, 3528, 3535 et seq., 3538, 3541, 3554, 3555, CP—59, 266, 268, Acts 1858, No. 91; 1898, No. 170, §63; 1900, No. 111; 1902, No. 209; 1911, No. 27; 1912, No. 44, §1; 1912, No. 175, §3; 1914, No. 223; 1916, No. 98, §2; 1916, No. 224, §6; 1918, No. 160, §63; 1918, No. 221; 1918, No. 222; 1920, No. 44, §31 (as am. by 1926, No. 85, §1, and 1934, No. 29, §1); 1926, No. 298, §4; 1926, No. 338, §44, 6; 1934, No. 145, §3; 1934, No. 165; 1938, No. 81, §85. RS—2822.

RCC 1870, Art. 3534.  (Same as Art. 3534 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3499.  (Projet, p. 412. Substitution adopted; no com-

The action of justices of the peace and notaries, and persons* performing their duties, as well as constables, for the fees and emoluments which are due to them in their official capacity:

Pars. 2, 3 same as pars. 3, 4, above; but semicolon (;) after "month", and after "furnish."

That of retailers of provisions and liquors;

Pars. 5, 6 same as pars. 6, 7, above; but semicolon (;) after "wages", and after "crew"; comma (,), after "sailors."

That for the supply of wood and other things necessary for the construction, equipment and provisioning of ships and other vessels, are prescribed by one year.

CC 1808, p. 488, Art. 77.
The claims of teachers or school masters for the lessons which they gave by the month, may be prescribed against, after a year has elapsed, unless a settlement has taken place, a note given or an action be pending before a court of justice.
The provisions of this article extend likewise to the keepers of taverns boarding houses and inns, on account of the lodging and boarding which they furnish; to that of workmen and day laborers for the payment of their days works and of the materials by them furnished; and for that of the domestics which let their services by the year.

CN 1804, Art. 2271.
The claims of teachers and instructors in the arts and sciences, for the lessons which they give by the month;

L'action des juges de paix et des notaires, et autres officiers* en remplissant les fonctions, ainsi que des constables, pour les droits et émolumens qui leur sont dus en leur qualité:

Celle des maîtres et instituteurs des sciences et arts, pour les leçons qu'ils donnent au mois;
Celle des hôteliers, aubergistes et traiteurs, à raison du logement et de la nourriture qu'ils (qu'ils) fournissent;
Celle des marchands de comestibles et de liqueurs en détail, pour leurs fournitures;
Celle des ouvriers, gens de travail et de service, pour le payement de leurs journées, gages et salaires;
Celle en payement du fret des navires et autres embarcations des gages et loyers des officiers, matelots et autres gens de l'équipage;
Celle pour fourniture de bois et autres choses nécessaires aux constructions, équipement etavitaillement des navires et autres embarcations, se prescrivent par un an.

-p. 489, Art. 77.
L'action des maîtres et instituteurs des sciences, pour les leçons qu'ils donnent au mois;
Celle des hôteliers, aubergistes, traiteurs, à raison du logement et de la nourriture qu'ils fournissent;
Celle des ouvriers et gens de travail, pour le payement de leurs fournitures, journées et salaires;
Celle des domestiques qui se louent à l'année, pour le payement de leurs gages;
Se prescrivent par un an, si ce n'est qu'il y ait un compte arrêté, billet, ou obligation, ou action en justice non primée (périmée).

L'action des maîtres et instituteurs des sciences et arts, pour les leçons qu'ils donnent au mois;

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That of keepers of taverns and inns, on account of the lodging and boarding which they furnish;
That of workmen and day laborers, for the payment of their wages, and of the materials by them furnished,
Are prescribed by six months.

"Note error in English translation of French text; "persons" should be "other officers."

ART. 3535. In the cases mentioned in the preceding article, the prescription takes place, although they may have been a regular continuance of supplies, or of labor or other service.

It only ceases from the time when there has been an account acknowledged, a note or bond given, or a suit instituted.

However, with respect to the wages of officers, sailors and others of the crew of a ship, this prescription runs only from the day when the voyage is completed.


RCC 1870, Art. 3535. (Same as Art. 3535 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3500. (Projet, p. 412. Substitution ? adopted; no comment)

Par. 1 same as par. 1, above.

It only ceases, from the time when there has been an account acknowledged, a note or bond, or a suit instituted.

Par. 3 same as par. 3, above.

CC 1808, pp. 488, 489, Art. 77.
Quoted under RCC 1870, Art. 3534, above.

CN 1804, Art. 2274.

In the above cases, the prescription takes place, although there may have been a regular continuance of supplies, or of labor or other service.

It only ceases when there has been an account acknowledged, a note or bond given, or suit instituted which has not lapsed.

ART. 3536. The following actions are also prescribed by one year:

That for injurious words, whether verbal or written, and that for damages caused by animals, or resulting from offenses or quasi offenses.

That which a possessor may institute, to have himself maintained or restored to his possession, when he has been disturbed or evicted.

That for the delivery of merchandise or other effects, shipped on board any kind of vessels.
Art. 3537

That for damage sustained by merchandise on board ships, or which may have happened by ships running foul of each other.

RCC—237, 1711, 2315 et seq., 2321, 3237, 3454 (2), 3456, 3528, 3534, 3537, 3541. CP—49 et seq., 59. Acts 1858, No. 91; 1902, No. 170; 1908, No. 26; 1912, No. 44; 1912, No. 175; 1914, No. 223; 1918, No. 222; 1926, No. 224.

RCC 1870, Art. 3536. (Same as Art. 3536 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3501. (Projet, p. 413. Addition † adopted; no comment)

The actions for injurious words, whether verbal or written, and that for damages caused by slaves or animals, or resulting from offences or quasi offences;

Pars. 2, 3 same as pars. 3, 4, above; but semicolon (;) after “evicted”, and after “vessels.”

That for damage sustained by merchandise on board ships, or which may have happened by ships running foul of each other, are prescribed by one year.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3537. The prescription mentioned in the preceding article runs:

With respect to the merchandise injured or not delivered, from the day of the arrival of the vessel, or that on which she ought to have arrived.

And in the other cases from that on which the injurious words, disturbance or damage were sustained.

And where land, timber or property has been injured, cut, damaged or destroyed from the date knowledge of such damage is received by the owner thereof. (As amended by Acts 1902, No. 33)


RCC 1870, Art. 3537.

Same as pars. 1-3, above; but comma (,) after “prescription”, and after “article.”

CC 1825, Art. 3502. (Projet, p. 413. Addition adopted; no comment)

La prescription, dont il est fait mention dans l'article précédent, court, savoir:

Pour les injures, trouble ou dommage, du jour où l'injure, le trouble ou le dommage a été souffert;

Et à l'égard des marchandises avariées ou non délivrées, du jour où le navire est arrivé ou a dû arriver.

CC 1808. No corresponding article.

CN 1804. No corresponding article.
ART. 3538. The following actions are prescribed by three years:

That for arrearages of rent charge, annuities and alimony, or of the hire of movables and immovables.

That for the payment of money lent.

That for the salaries of overseers, clerks, secretaries, and of teachers of the sciences who give lessons by the year or quarter.

That of physicians, surgeons and apothecaries for visits, operations and medicines.

That of parish recorders, sheriffs, clerks and attorneys for their fees and emoluments.

That on the accounts of merchants, whether selling for wholesale or retail.

That on the accounts of retailers of provisions, and that of retailers of liquors, who do not sell ardent spirits in less quantities than a quart.

That on all other accounts.

This prescription only ceases from the time there has been an account acknowledged in writing, a note or bond given, or an action commenced. (As amended by Acts 1888, No. 78)

RCC 1870, Art. 3538. (Same as Art. 3538 of Proposed Revision of 1869; paras. 7-9 in conformity with Acts 1852, No. 118, §§1, 2 (RS 28111))

Para. 1-8 same as para. 1-8, above; but comma (,) after “sciences”, after “apothecaries”, and after “attorneys”; no punctuation after “liquors.”

That on all other open accounts.

This prescription only ceases from the time there has been an account acknowledged, a note or bond given, or an action commenced.

CC 1825, Art. 3503. (Projet, p. 413. Substitution † adopted; no comment)

The action for arrearages of rent charge, annuities and alimony, or of the hire of moveables or immovable:

Par. 2 same as par. 3, above; but semicolon (;) after “lent.”

For the salaries of overseers, clerks, secretaries, and of teachers of the sciences, for lessons by the year or quarter;

Par. 4 same as par. 5, above; but semicolon (;) after “medicines.”

That of parish judges, sheriffs, clerks and attorneys, for their fees and emoluments,
Art. 3539

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The action of parties against their attorneys for the return of papers delivered to them for the interest of their suits, is prescribed also by three years, reckoning from the day when judgment was rendered in the suit, or from the revocation of the powers of the attorneys.

RCC—3027 et seq., 3538.

RCC 1870, Art. 3539.

Same as above.
ART. 3541

The prescription mentioned in the preceding article, and those provided in paragraphs I and II of Section 2 of Chapter 3 of this title, shall run against married women, minors and interdicted persons, reserving, however, to minors and interdicted persons recourse against their tutors or curators.

This prescription shall also run against persons residing out of the State. (As amended by Acts 1922, No. 17)


Art. 3541.
The prescription mentioned in the preceding article, and those provided in paragraphs I and II of Section 2 of Chapter 3 of this title, shall run against married women, minors and interdicted persons, reserving, however, to minors and interdicted persons recourse against their tutors or curators.

Par. 2 same as par. 2, above. (As amended by Acts 1920, No. 146)
The prescription mentioned in the preceding article, and those described above in paragraphs I. and II., run against minors and interdicted persons, reserving, however, to them their recourse against their tutors or curators. They run also against persons residing out of the State.

The prescription, mentioned in the preceding article, and those described above in paragraphs I and II, run against minors and interdicted persons, reserving, however, to them their recourse against their tutors or curators. Par. 2 same as par. 2, above.

The several species of prescriptions mentioned in the two preceding articles, run against minors and interdicted persons, reserving to said persons all such remedies as they may have against their tutors or curators.

The actions of nullity or rescission of contracts, testaments or other acts.

The action of nullity or rescission of contracts, testaments or other acts; but semicolon (;) after “portions”;

Are prescribed by five years, when the person entitled to exercise them is in the State, and ten years if he be out of it. Par. 5 same as par. 5, above.

The actions of nullity, and those of rescission of contracts, testaments or other acts; in the State. La prescription mentionnée dans l'article précédent et celles décrites dans les paragraphes I et II, ci-dessus, courent contre les mineurs et les interdits; sauf leur recours contre leurs tuteurs ou curateurs. Elles courent également contre les absents.

Les prescriptions mentionnées dans les deux articles précédents, courent contre les mineurs et les interdits, sauf leur recours contre leurs tuteurs ou curateurs.

Les prescriptions dont il s'agit dans les articles de la présente section, courent contre les mineurs et les interdits; sauf leur recours contre leurs tuteurs.

ART. 3542. The following actions are prescribed by five years:

That for the nullity or rescission of contracts, testaments or other acts.

That for the reduction of excessive donations.

That for the rescission of partitions and guarantee of the portions.

This prescription only commences against minors after their majority.

ART. 3543. That any and all informalities of legal procedure connected with or growing out of any sale at public auction of real or personal property made by any sheriff of the parishes of this State, licensed auctioneer, or other persons, authorized by an order of the courts of this State, to sell at public auction, shall be prescribed against by those claiming under such sale after the lapse of two years from the time of making said sale, except where minors or interdicted persons were part owners at the time of making it, and in the event of such part ownership by said minors or interdicted persons, the prescription thereon shall accrue after five years from the date of public adjudication thereof. (As amended by Acts 1932, No. 231)

RCC—362, 2221, 2601 et seq., 2616, 2617, 2618 et seq., 3478, 3508, 3521, 3522, 3541, 3542, 3554, 3555. Acts 1904, No. 185; 1912, No. 62, §1; 1914, No. 172; 1926, No. 172; 1928, No. 6; 1932, No. 192; 1932, No. 231; 1934, No. 21, §100; 1934, No. 106, §3. RS—168, 2809. Const. 1921, X, 11.

RCC 1870, Art. 3543. (Same as Art. 3543 of Proposed Revision of 1869; similar to Acts 1834, p. 122, §4; same as Acts 1855, No. 89, §4 (RS §3392))

All informalities connected with or growing out of any public sale, made by any person authorized to sell at public auction, shall be prescribed against by those claiming under such sale, after the lapse of five years from the time of making it, whether against minors, married women or interdicted persons.

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

§4—Of the Prescription of Ten Years

ART. 3544. In general, all personal actions, except those before enumerated, are prescribed by ten years.


RCC 1870, Art. 3544. (Same as Art. 3544 of Proposed Revision of 1869; in conformity with Acts 1848, No. 87 (RS §§452, 2810))

CC 1825, Art. 3508. (Projet, p. 414. Addition amended and adopted; no comment)

In general, all personal actions, except those above enumerated, are prescribed by ten years, if the creditor be present, and by twenty years, if he be absent.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3545. The action against an undertaker or architect, for defect or [of] construction of buildings of brick or stone, is prescribed by ten years.

RCC—2316, 2322, 2762, 3544.
Art. 3546

The rights of usufruct, use and habitation and servitudes are lost by non-use for ten years.


RCC 1870, Art. 3546. Same as above. (Same as Art. 3546 of Proposed Revision of 1869; in conformity with Acts 1848, No. 87 (RS §§452, 2810))

CC 1825, Art. 3511. (Projet, p. 414. Addition † adopted; no comment)

The rights of usufruct, use and habitation, and services, are lost by non-use for ten years, if the person, having a right to enjoy them, be in the State, and by twenty years if he be absent.

CC 1808. No corresponding article.

CC 1804. No corresponding article.

Art. 3547. All judgments for money, whether rendered within or without the State, shall be prescribed by the lapse of ten years from the rendition of such judgments, except that no judgment for money rendered without the State shall be enforceable in this State if it is prescribed or unenforceable under the laws of the State wherein it was rendered. Provided, however, that any party interested in any judgment rendered within or without the State and not prescribed in the State wherein rendered, may have the same revived at any time before it is prescribed, by having a citation issued according to law to the defendant or his representative, from the Court of defendant's domicile, unless defendant or his representatives show good cause why the judgment should not be revived, and if such defendant be absent and not represented, the Court may appoint a curator ad hoc to represent him in the proceedings, upon which said curator ad hoc the citation shall be served.
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Art. 3548

Any judgment revived, as above provided, shall continue in full force for ten years from the date of the order of Court reviving the same, and any judgment may be revived as often as the party or parties interested may desire. (As amended by Acts 1936, No. 278)

RCC—2278, 3322, 3326 et seq., 3369, 3411, 3532, 3544, 3552 et seq., 3556(3). CP—746, 752. Acts 1924, No. 163; 1936, No. 278. RS—455, 2810, 2813.

RCC 1870, Art. 3547.

( same as Art. 3547 of Proposed Revision of 1869; similar to Acts 1853, No. 274 [RS §2813])

All judgments for money, whether rendered within or without the State, shall be prescribed by the lapse of ten years from the rendition of such judgments. Provided, however, that any party interested in any judgment may have the same revived at any time before it is prescribed, by having a citation issued according to law, to the defendant or his representative, from the court which rendered the judgment, unless defendant or his representative show good cause why the judgment should not be revived, and if such defendant be absent and not represented, the court may appoint a curator ad hoc to represent him in the proceedings, upon which curator ad hoc the citation shall be served.

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

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

§5—Of the Prescription of Thirty Years

Art. 3548. All actions for* immovable property, or for an entire estate, as a succession, are prescribed by thirty years.

RCC—68, 70, 78, 461, 462 et seq., 471, 852, 1030, 1031, 1304, 1305, 3474, 3475, 3478 et seq., 3499 et seq., 3544, 3546. Acts 1880, No. 103.

RCC 1870, Art. 3548. (Same as Art. 3548 of Proposed Revision of 1869; in conformity with Acts 1848, No. 87 [RS §§452, 2810])

CC 1825, Art. 3512. (Projet, p. 414. Substitution † adopted; no comment)

All actions for* immovable property, or for an entire estate, as a succession, are prescribed by thirty years, whether the parties be present or absent from the State.

CC 1808, p. 486, Art. 65.

After thirty years, all actions either personal or real are prescribed against; and the person pleading prescription in that case, is not obliged to produce any color of title nor can it be alleged against him that he acted knavishly.

CN 1804, Art. 2262.

Same as above.

*Note error in English translation of French text; "for" should be "in revendication of the ownership of."

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§6—Of the Rules Relative to the Prescription Operating a Discharge from Debts

ART. 3549. In cases of prescription releasing debts, one may prescribe against a title created by himself; that is, against an obligation which he has contracted.

RCC—1758 (3) et seq., 1846, 3528 et seq., 3550 et seq.

RCC 1870, Art. 3549.
Same as above.

CC 1825, Art. 3514. (Projet, p. 415. Amendment adopted; comment by redactors, p. 411)

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

CC 1808, p. 484, Art. 49.

But a man can prescribe against his own title, in this sense, that he can prescribe against an obligation which he may have contracted.

CC 1804, Art. 2241.
Same as above.

ART. 3550. Good faith not being required on the part of the person pleading this prescription, the creditor can not compel him or his heirs to swear whether the debt has or has not been paid, but can only blame himself for not having taken his measures within the time directed by law; and it may be that the debtor may not be able to take any positive oath on the subject.

RCC—1758 et seq., 1846, 3450 et seq., 3459, 3480 et seq., 3528 et seq., 3551 et seq.

RCC 1870, Art. 3550.
Same as above.

CC 1825, Art. 3515. (Projet, p. 415. Addition adopted; no comment)

La bonne foi n’étant pas nécessaire dans celui qui oppose la prescription à l’effet de libérer, le créancier ne pourra pas lui déférer le serment, non plus qu’à ses héritiers, sur la question de savoir si la dette a été payée ou non, le créancier devant s’imputer de n’avoir pas agi dans les délais de la loi, et le débiteur pouvant se trouver dans l’impossibilité de prêter un serment positif sur un fait de cette nature.

CC 1808. No corresponding article.

CN 1804, Art. 2275.

Nevertheless, those against whom these prescriptions are asserted, may tender an oath to those who assert them, for the purpose of ascertaining if the thing has actually been paid for.

Néanmoins ceux auxquels ces prescriptions seront opposées, peuvent déférer le serment à ceux qui les opposent, sur la question de savoir si la chose a été réellement payée.

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The oath may be tendered to widows and heirs, or to the tutors of the latter, if they are minors, in order that they may declare whether they know that the thing is due.

**Art. 3551.** The prescription releasing debts is interrupted by all such cases [causes] as interrupt the prescription by which property is acquired, and which have been explained in the first section of this chapter.

It is also interrupted by the causes explained in the following articles.

RCC—2090, 3471, 3516 et seq., 3535, 3538, 3552 et seq. RS—2810.

**RCC 1870, Art. 3551.**
Same as above.

**CC 1825, Art. 3516.**
Same as above; but “such cases” correctly spelled “such causes”; comma (,) after “interrupt the prescription.”

**CC 1808.** No corresponding article.

**CN 1804.** No corresponding article.

**Art. 3552.** A citation served upon one debtor in solido, or his acknowledgement of the debt, interrupts the prescription with regard to all the others and even their heirs.

A citation served on one of the heirs of a debtor in solido, or the acknowledgment of such heir, does not interrupt the prescription, with regard to the other heirs, even if the debt was by mortgage, if the obligation be not indivisible.

This citation or acknowledgment does not interrupt the prescription with regard to the other codebtors, except for that portion for which such heir is bound.

To interrupt this prescription for the whole, with regard to the other codebtors, it is necessary, either that the citations be served on all the heirs of the deceased debtor, or the acknowledgment he made by all the heirs.

RCC—801, 2090, 2097, 2108 et seq., 2111, 2112, 2113 et seq., 2278, 3278, 3518 et seq., 3551, 3553. CP—178 et seq. Acts 1898, No. 105, Art. II, §1; 1906, No. 115, 419 (as am. by 1912, No. 256, 117); 1912, No. 76; 1914, No. 267, 125; 1918, No. 170, §1; 1918, No. 179 (as am. by 1932, No. 48, and 1938, No. 120); 1924, No. 184, §1 (as am. by 1938, No. 335, §1); 1928, No. 250, §37; 1932, No. 39; 1940, No. 189, §8.

**RCC 1870, Art. 3552.**
(Same as Art. 3552 of Proposed Revision of 1869)
Same as above.

**CC 1825, Art. 3517.**
(Amendment adopted; comment by redactors, p. 411)
debt, interrupts the prescription with regard to all the others and even their heirs.

A citation served on one of the heirs of a joint debtor,* or the acknowledgment of such heir does not interrupt the prescription, with regard to the other heirs, even if the debt was by mortgage, if the obligation be not indivisible.

Par. 3 same as par. 3, above; but comma (,) after “prescription.”

To interrupt this prescription for the whole, with regard to the other co-debtors, it is necessary, either that the citations be served on all,** or the acknowledgment be made by all the heirs.

**p. 485, Art. 54.

La citation donnée à l’un des héritiers d’un débiteur solidaire,* ou sa reconnaissance, n’interrompt (n’interrompt) pas la prescription à l’égard des autres co-héritiers, quand même la créance serait hypothécaire, si l’obligation n’est indivisible.

Cette citation, ou cette reconnaissance, n’interrompt pas la prescription à l’égard des autres co-débiteurs, que pour la part dont cet héritier est tenu.

L’interpellation faite, conformément aux articles ci-dessus, à l’un des débiteurs solidaire, ou sa reconnaissance, interrompt la prescription contre tous les autres, même contre leurs héritiers.

L’interpellation faite à l’un des héritiers d’un débiteur solidaire, ou la reconnaissance de cet héritier, n’interrompt pas la prescription à l’égard des autres co-héritiers, quand même la créance serait hypothécaire, si l’obligation n’est indivisible.

Cette interpellation ou cette reconnaissance n’interrompt pas la prescription à l’égard des autres codébiteurs, que pour la part dont cet héritier est tenu.

L’interpellation faite à l’un des héritiers d’un débiteur solidaire, ou la reconnaissance de cet héritier, n’interrompt pas la prescription à l’égard des autres co-héritiers, quand même la créance serait hypothécaire, si l’obligation n’est indivisible.

Cette interpellation ou cette reconnaissance n’interrompt pas la prescription à l’égard des autres codébiteurs, que pour la part dont cet héritier est tenu.

For interrompre la prescription pour le tout, à l’égard des autres co-débiteurs, il faut, ou la citation donnée à tous les héritiers du débiteur décédé,** ou la reconnaissance de tous ces héritiers.

The prescription can be interrupted for the whole debt against all the other co-debtors, only when all the heirs of the deceased co-debtor, have been cited or have acknowledged the debt.

CN 1804, Art. 2249.

A citation served, in conformity with the above articles, on one debtor in solido, or his acknowledgment, interrupts prescription against all the others, and even their heirs.

Pars. 2-4 same as RCC 1870, Art. 3552, pars. 2-4, above.
ART. 3553. A citation served on the principal debtor, or his acknowledgment, interrupts the prescription on the part of the surety.

RCC—3035, 3036, 3059, 3060, 3518, 3520, 3551, 3552. CP—178 et seq. Acts 1898, No. 105, Art. II, §1; 1906, No. 115, §19 (as am. by 1912, No. 256, §17); 1912, No. 76; 1914, No. 267, §25; 1918, No. 170, §1; 1918, No. 179 (as am. by 1932, No. 48, and 1938, No. 120); 1924, No. 184, §1 (as am. by 1938, No. 335, §1); 1928, No. 250, §17; 1940, No. 159, §5.

RCC 1870, Art. 3553.

Same as above.

CC 1825, Art. 3518. (Projet, p. 415. Amendment adopted; comment by redactors, p. 411)

Same as above.

La citation faite au débiteur principal, ou sa reconnaissance, interrompt la prescription contre la caution.

CC 1808, p. 486, Art. 55.

The citation of the principal or his acknowledgment, interrupts the prescription of the security.

p. 487, Art. 55.

La citation donnée au débiteur principal, ou sa reconnaissance, interrompt la prescription contre la caution.

CN 1804, Art. 2250.

A citation served on the principal debtor, or his acknowledgment, interrupts the prescription against the surety.

L'interpellation faite au débiteur principal, ou sa reconnaissance, interrompt la prescription contre la caution.

*Note error in English translation of French text; "on the part of" should be "against."

ART. 3554. Prescription does not run against minors and persons under interdiction, except in the cases specified by law.

RCC—362, 415, 802, 1414, 1791 et seq., 1875 et seq., 3478, 3505, 3521, 3522, 3534 et seq., 3538 et seq., 3541 et seq. Acts 1916, No. 23; 1921, No. 34 (as am. by 1928, No. 283); 1924, No. 13; 1928, No. 6; 1928, No. 17; 1928, No. 38.

RCC 1870, Art. 3554. (Same as Art. 3554 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 3519. (Projet, p. 415. Amendment adopted; no comment)

Prescription does not run against minors and persons under interdiction, except in the cases specified above.

La prescription ne court pas contre les mineurs et les interdits, sauf ce qui est dit dans l'article ci-dessus.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 3555. Prescription runs against the wife, even although she be not separated in property by marriage contract or by authority
of law, for all such credits as she brought in marriage to her husband, or for whatever has been promised to her in dower*; but the husband continues responsible to her.

RCC—2325 et seq., 2337, 2348, 2364, 2376, 2383 et seq., 2425 et seq., 3319, 3330, 3338, 3349, 3521, 3523 et seq., 3541, 3543. CP—105. Acts 1921, No. 34 (as am. by 1928, No. 283).

RCC 1870, Art. 3555. (Same as Art. 3555 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 3520. (Projet, p. 415. Substitution adopted; no comment)
Prescription runs against the wife, even although she be not separated of property by marriage contract or by authority of law, for all such credits as she brought in marriage to her husband, or for whatever has been promised to her in dower*; but the husband continues responsible to her.

CC 1808, p. 486, Art. 58.
Married women may be prescribed against, though not separated from their husbands, for all the property belonging to them and administered by their husbands, saving their recourse against said husbands.

CN 1804, Art. 2254.
Prescription runs against the wife, even although she be not separated in property by marriage contract or by authority of law, with respect to the property administered by her husband, saving her recourse against the husband.

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

TITLE XXIV—OF THE SIGNIFICATION OF SUNDRY TERMS OF LAW EMPLOYED IN THIS CODE

Art. 3556. Whenever the terms of law, employed in this Code, have not been particularly defined therein, they shall be understood as follows:

1. The masculine gender comprehends the two sexes, whenever the provision is not one, which is evidently made for one of them only:

Thus, the word man or men includes women; the word son or sons includes daughters; the words he, his and such like, are applicable to both males and females.

2. The singular is often employed to designate several persons or things: the heir, for example, means the heirs, where there are more than one.

3. Absentees.—An absentee is a person who has resided in the State, and has departed without leaving any one to represent him.