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Article 1030, Louisiana Civil Code of 1870 - The Prescription of Acceptance or Renunciation of Successions

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(2) Cumulation of parties should be permitted if there be either a community of interest, or if the causes arise out of the same facts—*ex eodem facto*.

(3) If the cumulation of parties is improper, any litigant should be free to avail himself of the objection, for it is apparent that his rights in the matter will be influenced and probably prejudiced thereby.

(4) If the objection is sustained, the plaintiff should have at least the prerogative of election and, possibly, if deemed feasible, should receive the benefit of judicial division of his claims, each to be tried separately, in the interest of expeditious judicial action.

William D. Brown III

Article 1030, Louisiana Civil Code of 1870— The Prescription of Acceptance or Renunciation of Successions

Article 1030¹ states that: "The faculty of accepting or renouncing a succession becomes barred by the lapse of time required for the longest prescription of the rights to immovables." This article is a literal translation of Article 789² of the French Civil Code and has appeared in all three of the Louisiana Civil Codes.³ To the French commentator Marcadé its real meaning seemed "facile."⁴ Justice McCaleb, in a recent case,⁵ observed: "[T]he literal meaning of the Article is perfectly clear and presents no problem of interpretation. . . ." But he added: "Yet, there is probably no other provision of our Code which has caused a greater diversity of opinion than this Article." Judge Saunders, speaking of Articles 1030 and 1031, says: "Now I do not know,

1. LA. CIVIL CODE of 1870.

2. "*La faculté d'accepter ou de répudier une succession, se prescrit par le laps de temps requis pour la prescription la plus longue des droits immobiliers.*"

3. LA. CIVIL CODE of 1808, 3.1.94, p. 164; Art. 1023, LA. CIVIL CODE of 1825.

4. 3 MARCADÉ, EXPLICATION DU CODE CIVIL 167 (7th ed. 1873): "*Pour nous, ces interprétations multipliées et si contradictoires nous ont toujours étonné, et le vrai sens de l'article nous a toujours paru facile.*"

5. Sun Oil Co. v. Tarver, 219 La. 103, 115, 52 So.2d 437, 441 (1951).

nor do I know that anybody else ever knew, what these two articles mean."⁶ Justice Provosty remarked in a decision: "[T]o invoke it for throwing light upon the proper interpretation of some other article of the Code is simply to seek light out of Cimmerian darkness."⁷ It has been noted by the Louisiana Supreme Court that the various French commentators evolved eight different interpretations.⁸ The Louisiana court has vacillated between two theories in interpreting Article 1030. The purpose of this comment is to trace the development of these theories in the Louisiana jurisprudence.

The court was first called upon to interpret this article in 1857 in *Succession of Waters*.⁹ In that case a wife was named heir in her mother's will. She died before having accepted the legacy. The only child of her marriage died several months later. Her husband therefore became heir to the legacy of his wife's mother by transmission from his wife through his child. He took no action to claim the estate for more than thirty years. The question was presented to the court whether or not he was barred from then accepting by the prescription of thirty years provided by Article 1030. The court found that he was so barred by the plain language of the article but, because it was unnecessary in reaching the decision, declined to render a complete interpretation of the article.¹⁰

The *Waters* case was cited with approval in a 1913 decision,¹¹ but it was not until 1918 in *Generes v. Bowie Lumber Co.*¹² that the question was fully considered. Generes had died testate in 1875, but his will did not mention the property which was the

6. SAUNDERS, LECTURES ON THE CIVIL CODE 205 (1925).

7. *Harang v. Golden Ranch Land & Drainage Co.*, 143 La. 982, 1024, 79 So. 768, 788 (1918).

8. When it was suggested by counsel that the holding of *Generes v. Bowie Lumber Co.*, 143 La. 811, 79 So. 413 (1918) was at variance with some of the French commentators, Justice O'Niell replied, "Our answer is that, as the French commentators entertained eight different and conflicting opinions of the meaning and effect of Article 789 of the French Code, we were compelled to depart from at least seven of them." *Bendernagel v. Foret*, 145 La. 115, 128, 81 So. 869, 873 (1919).

9. 12 La. Ann. 97 (1857).

10. "We, therefore, conclude that the legislature intended to declare in one part of the Article, that if he who is called to an inheritance is silent for thirty years, and does no act, evincing his acceptance of the succession, he is barred by prescription. We do not find it necessary to put any construction upon the second portion of the Article. It will be in time to consider the difficulties presented by it whenever the case arises in which their explanation, if possible, is required." 12 La. Ann. 97, 98-99 (1857).

11. *Schultze v. Frost-Johnson Lumber Co.*, 131 La. 956, 60 So. 629 (1913).

12. 143 La. 811, 79 So. 413 (1918).

subject of the suit. He left a surviving wife, two major daughters, and a minor son. At the time the will was probated, the two daughters renounced his succession. His wife died intestate in 1905. In 1916 the son brought an action against the Bowie Lumber Company for timber trespass. The Bowie Company alleged that this land was separate property of the father and interposed the thirty years' prescription of Article 1030. In an opinion by Justice O'Niell the court discarded the rule of the *Waters* case and announced the theory that what prescribes at the end of thirty years is the right to accept or renounce, depending upon which faculty the heir has at that time. The regular heir is considered to be seized of the succession at the moment of the death of the *de cuius* and the faculty which he loses at the end of thirty years is the faculty to renounce, since he need not exercise his faculty of acceptance at all in order to become vested with the estate. The regular heir has, therefore, but one faculty to lose at the end of thirty years—that of renunciation. The irregular heir, since he must claim the succession in order for ownership to vest in him, has only the faculty of acceptance, or more properly, the right of claiming, which is lost by his failure to exercise it within a period of thirty years. Therefore the plaintiff in the *Generes* case by failing to exercise his right of renunciation within thirty years was barred from so doing and, having been barred from renouncing, was considered the unconditional owner. The plea of prescription was overruled. The court pointed out that since the plaintiff was a minor at the time of his father's death, an acceptance was made for him by operation of the law.¹³

Justice Leche, dissenting, criticized the majority opinion as

13. The court cited Articles 352 and 977 of the Civil Code as authority. Article 352: "It shall not be necessary for minor heirs to make any formal acceptance of a succession that may fall to them, but such acceptance shall be considered as made for them with benefit of inventory by operation of law, and shall in all respects have the force and effect of a formal acceptance."

Article 977: "No one can be compelled to accept a succession, in whatever manner it may have fallen to him, whether by testament or the operation of law. He may therefore accept or renounce it.

"It shall not be necessary for minor heirs to make any formal acceptance of a succession that may fall to them, but such acceptance shall be considered as made for them with benefit of inventory by operation of law, and shall in all respects have the force and effect of a formal acceptance."

This seems to have been a secondary ground or makeweight in the opinion. It has been subsequently held that the acceptance with benefit of inventory by operation of law in favor of a minor heir operates as a full and complete acceptance for the minor. *Lee v. Jones*, 224 La. 231, 69 So.2d 26 (1953), discussed page 874 *infra*. See also *Tillery v. Fuller*, 190 La. 586, 182 So. 683 (1938), discussed page 872 *infra*.

contravening the articles of the Code which provide that no one can be compelled to accept a succession¹⁴ and that a renunciation of a succession is never presumed.¹⁵ He also criticized the majority for likening the seizin of the regular heir to possession in fact and in effect converting the legal fiction of seizin into an acceptance.

*Harang v. Golden Ranch Land & Drainage Co.*¹⁶ was decided several months before the *Generes* case, but both were heard on rehearing on the same day.¹⁷ The court disposed of the contention that the thirty years prescription of Article 1030 was applicable by finding that the heir had in fact accepted the succession. The majority opinion on rehearing announced by way of dicta what would seem to be a doctrine contrary to that of the *Generes* case, affirmed on rehearing on the same day. The court said: "By not accepting the succession within 30 years the heir loses his inheritance, and the heir next in rank becomes vested with the right of inheritance. . . ." The "representative of the succession [heir with seizin] does not hold for himself, but for whichever heir may eventually accept the succession, so that when the heir first in rank suffers his faculty to accept to prescribe, and the heir next in rank accepts, the latter heir has in fact possessed through the representative of the succession from the time of the opening of the succession."¹⁸ This language seems to contradict the theory of the *Generes* case that the regular heir, by virtue of his seizin, need not accept the succession within thirty years to have full ownership vested in him.¹⁹

In *Bendernagel v. Foret*,²⁰ decided the next year, the court reaffirmed the holding in the *Generes* case. Justice O'Niell, who wrote the majority opinion in the *Generes* case, was also organ for the court in the *Bendernagel* case. The Justice refers in the opinion to "what was said"²¹ in the *Harang* case and states: "[A]

14. Art. 977. LA. CIVIL CODE of 1870, quoted in note 13 *supra*.

15. Art. 1017, LA. CIVIL CODE of 1870: "The renunciation of a succession is not presumed, it must be made expressly by public act before a notary, in presence of two witnesses."

16. 143 La. 982, 79 So. 768 (1918).

17. The *Harang* case was decided on January 28, 1918, and judgment affirmed on rehearing on June 29, 1918. The *Generes* case was decided on April 11, 1918, and application for rehearing refused on June 29, 1918.

18. 143 La. 982, 1022, 79 So. 768, 788 (1918).

19. Chief Justice Monroe, in his dissent in the *Harang* case, points out that the *Generes* decision was not brought to the attention of the court until after the *Harang* case had been well considered.

20. 145 La. 115, 81 So. 869 (1919).

21. 145 La. 115, 129, 81 So. 869, 874 (1919).

to a coheir who has accepted the succession, or as to the heir next in degree who has accepted, the heir at law who has not accepted becomes a stranger to the succession at the end of 30 years."²² It would appear that the Justice had in mind Article 1031,²³ although that article was not specifically cited as authority. The pertinent part of Article 1031 provides: "So long as the prescription of the right of accepting is not acquired against the heirs who have renounced, they have the faculty to accept the succession, *if it has not been accepted by other heirs. . .*" (Italics supplied.) This article is apparently applicable only where a regular heir has renounced,²⁴ which would seem to be a different situation from that contemplated by Article 1030. In any event, such a holding was not necessary to reach the decision in the *Bendernagel* case. However, as will be seen later, this notion was incorporated into subsequent cases²⁵ and has been corrected only recently.²⁶

The inconsistency of this notion with the theory of the *Generes* case may be emphasized by asking the following questions: If the seizin of the regular heir is sufficient to provide him with the attributes of ownership so that he has no need of making an acceptance of the succession, why should the acceptance, formal or tacit, of one regular heir exclude his coheir who has not accepted within 30 years? Can the seizin of one heir be of a different quality from his coheir? If no acceptance is necessary on the part of the regular heir, why should an unnecessary act on the part of his coheir put that person in a better position?

In *Schreiber v. Beer's Widow and Heirs*,²⁷ the court held on rehearing, again in an opinion by Justice O'Niell, that the regular heirs and the widow in community are not personally liable for the debts of the succession and community unless they have expressly or tacitly accepted. Referring to the *Generes* and *Bendernagel* cases Justice O'Niell says: "It was not held, in either of those cases, that an heir who had not renounced the succession was *within the period of 30 years* presumed to have accepted,

22. 145 La. 115, 129, 81 So. 869, 874 (1919).

23. LA. CIVIL CODE of 1870.

24. It was so applied in *Succession of Hymel*, 49 La. Ann. 461, 21 So. 641 (1897).

25. *Barnsdall Oil Co. v. Applegate*, 218 La. 572, 50 So.2d 197 (1950); *Tillery v. Fuller*, 190 La. 586, 182 So. 683 (1938).

26. *Lee v. Jones*, 224 La. 231, 69 So.2d 26 (1953); *Sun Oil Co. v. Tarver*, 219 La. 103, 52 So.2d 437 (1951).

27. 150 La. 676, 91 So. 149 (1921).

and might be held liable personally for a debt of the deceased, without having been proceeded against by the method provided in article 1055 of the Civil Code and in articles 977 and 979 of the Code of Practice to compel the heir to elect whether he will accept or renounce the succession."²⁸ (Italics supplied.) Chief Justice Monroe disagreed with this passage in the majority decision, being of the opinion that the *Generes* and *Bendernagel* cases did hold that the regular heir who has not renounced is presumed to have accepted. He concurred in the decision in the *Schreiber* case but felt that it was in conflict with holdings of the *Generes* and *Bendernagel* cases and that these cases should be overruled. In the opinion of the writer these cases are not in conflict with the holding of the *Schreiber* case. In the *Schreiber* case thirty years had not elapsed. The theory of the *Generes* case, as appears from the very language dissented from by the Chief Justice,²⁹ was that complete ownership was vested in the regular heir who had not renounced *after the passage of thirty years time*; until the passage of thirty years the regular heir held the succession property subject only to the possibility of defeasance by his own act of renunciation. This is not in conflict with the idea that he may still exercise that right of defeasance at any time before the passage of thirty years. The theory of the Chief Justice, as indicated by his dissent in the *Generes*, *Bendernagel* and *Harang* cases and reiterated in the *Schreiber* case, was that with the passage of thirty years the inactive heir becomes a stranger to the succession and no longer has any right therein.³⁰

In 1922, in *Dew v. Hammett*,³¹ the court reaffirmed the *Generes* case and said: "[T]he question that an heir has no other right or faculty to lose by prescription under article 1030 of the Code than the right or faculty of renouncing may be considered set at rest."³² In 1937 the court held that acknowledged illegit-

28. 150 La. 676, 691, 91 So. 149, 155 (1921).

29. The Chief Justice quotes from the *Generes* case as follows: "At the expiration of the 30 years the status of the person or relation is irrevocably fixed by the prescription established by Article 1030 of the Code, either as an heir or not as an heir, depending upon what his status was before the 30 years ended. To illustrate: If he was a forced heir, or if he was a legal heir, and there was no forced heir nor universal legatee, he is presumed, if he has not renounced the succession, irrevocably to have accepted it at the end of 30 years, for his right or faculty of renouncing is then prescribed." 143 La. 811, 822, 79 So. 413, 416-17 (1918).

30. This view has recently been adopted by the court in *Sun Oil Co. v. Tarver*, 219 La. 103, 52 So.2d 437 (1951) and affirmed in *Lee v. Jones*, 224 La. 231, 69 So.2d 26 (1953).

31. 150 La. 1094, 91 So. 523 (1922).

32. 150 La. 1094, 1098, 91 So. 523, 524 (1922).

imates who had not claimed the succession of their natural mother were barred from then asserting their claim by the passage of thirty years. But since prescription was suspended by minority as to some of the heirs, they were allowed to come in and claim the entire succession.³³

In 1938, in *Tillery v. Fuller*,³⁴ a suit over valuable oil land, the court was presented with a situation in which one heir had accepted the succession by going into possession and other heirs had remained silent for more than thirty years. The court referred to the language quoted from *Bendernagel v. Foret*³⁵ and held that where one heir has accepted the succession his coheirs are barred by the passage of thirty years. Justice O'Niell, then Chief Justice, again wrote the majority opinion. On application for rehearing the attention of the court was directed to the fact that at the time of the death of the *de cujus* several of the heirs were minors and that the holding of the court would contravene the provisions of the Code relating to acceptance with benefit of inventory in favor of minors.³⁶ The court said in a per curiam opinion: "These articles, when read in connection with article 1030 of the Civil Code, mean merely that the law protects the minor heir, during his or her minority, against the consequence of a failure to formally accept the succession. But, when the minor arrives at the age of majority, he has only thirty years from that time in which to accept the succession, or his failure to accept will inure to the benefit of any coheir or coheirs who may have accepted, or of any heir next in degree who may have accepted, by going into possession of the estate."³⁷

That the foregoing is inconsistent with the holding in the *Generes* case may be seen from the following language from that case: "The plaintiff in this case was not only a forced heir, being a son, of Louis F. Generes, but was a minor child when his father's succession was opened. It was never necessary for him to accept the succession. The law accepted it for him, with benefit of inventory."³⁸ In the opinion of the writer the rule of the *Tillery*

33. Succession of Tyson, 186 La. 516, 172 So. 772 (1937).

34. 190 La. 586, 182 So. 683 (1938).

35. 145 La. 115, 81 So. 869 (1919).

36. Arts. 352, 977, LA. CIVIL CODE of 1870, quoted in note 13 *supra*.

37. 190 La. 586, 664-65, 182 So. 683, 709 (1938). In a companion case the court held that the prescription provided for by Article 1030 is not, in the absence of fraud, tolled by the nonresidence of the heir and his resulting ignorance of his rights. *Smith v. Tyson*, 193 La. 571, 192 So. 61 (1939).

38. 143 La. 811, 825-26, 79 So. 413, 418 (1918). See also note 13 *supra*.

case is also inconsistent with the main theory of the *Generes* case, as has been previously observed.

The *Generes* case was again affirmed in 1950,³⁹ and the following year a fact situation similar to *Tillery v. Fuller* was presented to the court. In that case⁴⁰ the mortgaging of the whole estate by children of a second marriage was held to bar the claim of the children of the first marriage who had allowed thirty years to pass in silence. *Tillery v. Fuller* and *Bendernagel v. Foret* were cited as authority for the holding.

Later in 1951 another case, *Sun Oil Co. v. Tarver*,⁴¹ came before the court. In that case regular heirs who had not accepted were again held to be barred by the prescription of thirty years because of a prior acceptance by their coheirs. It was argued by counsel for the excluded heirs that the holdings in *Bendernagel v. Foret* and *Tillery v. Fuller* were inconsistent with the theory announced by the court in *Generes v. Bowie Lumber Co.* and that these cases therefore should be overruled. The court, speaking through Justice McCaleb, recognized the conflict and held that it was not the *Bendernagel* and *Tillery* decisions which were wrong, but the long-established theory of the *Generes* case. The court noted that a correct decision had been reached in all of the previous cases but that the "predicate" of the *Generes* case was faulty.⁴² The court said: "The Article [1030], placed as it is under the part of the Civil Code dealing with the acceptance and renunciation of successions, is a prescription and not a peremption and inures to the relief of the succession and its representatives and to the benefit of those heirs, who have accepted, from and against all claims of heirship after the 30 year period has accrued. For this reason alone, it seems manifest that a trespasser, or one holding land or other succession property without semblance of right or title, as in *Generes v. Bowie Lumber Co.*, *Bendernagel v. Foret*, *Dileo v. Dileo* and *Dew v. Hammett* either by conveyances from the succession representatives or heirs or by an acquired prescription, cannot plead the prescription provided for in Article 1030 as the faculty lost by the heir, who fails to accept

39. *Dileo v. Dileo*, 217 La. 103, 46 So.2d 53 (1950).

40. *Barnsdall Oil Co. v. Applegate*, 218 La. 572, 50 So.2d 197 (1950).

41. 219 La. 103, 52 So.2d 437 (1951).

42. "[I]t does not necessarily follow that the conclusion reached in those cases or, for that matter, in *Generes v. Bowie Lumber Co.*, are incorrect. On the contrary, after a careful view of the cases involving Article 1030, we are convinced that the result reached in each and every one of them is right." 219 La. 103, 121, 52 So.2d 437, 443 (1951).

within thirty years, can only be availed of by the succession or those claiming through it as in *Succession of Waters; Tillery v. Fuller; Succession of Tyson and Barnsdall Oil Company v. Applegate*.⁴³ The decision treats all heirs, regular or irregular, as strangers to the succession when they fail to act towards the succession during the thirty-year prescriptive period, with the exception, however, that this bar may be pleaded only by the succession or its representatives. It should be noticed that the court made no mention of the acceptance provided for minors by operation of law.

In the recent case of *Lee v. Jones*⁴⁴ a father died, leaving two children, one a major and one a minor. Some time later the minor daughter married and left home. The major, a son, stayed on the farm and thereby tacitly accepted the succession. The question presented to the court was whether the heirs of the daughter were barred from claiming her share more than thirty years later. The court held that according to Articles 977 and 352⁴⁵ the law accepts for the minor with benefit of inventory and that this has the same effect as a formal acceptance. The heirs of the daughter were therefore not barred since the law had operated an acceptance in her favor upon the death of her father. On rehearing this holding was affirmed, the court stating: "The contention is made that if we do not follow the per curiam in the case of *Tillery v. Fuller*, *supra*, we are doing violence to the Louisiana rule of property. Our common law brothers have the rule of *stare decisis*. Such rule does not prevail in Louisiana. Each case must stand or fall on its own facts."⁴⁶

The theory adopted by the court in *Sun Oil v. Tarver* and reiterated in *Lee v. Jones* is a simple and, in the opinion of the writer, a workable interpretation of Article 1030. Whether or not it is the correct interpretation of Article 1030 viewed in the context of the entire Code is more doubtful. The present theory is that at the end of thirty years the heir who has taken no action towards the succession becomes a stranger to the succession and may exercise none of the rights or privileges of his heirship. This

43. 219 La. 103, 122, 52 So.2d 437, 443 (1951).

44. 224 La. 231, 69 So.2d 26 (1953).

45. LA. CIVIL CODE of 1870. See note 13 *supra*.

46. 69 So.2d 26, 32 (La. 1953). Justice Hawthorne dissented from the overruling of *Tillery v. Fuller*, saying: "However, I do not base my dissent on the logic of the rule as announced in *Tillery v. Fuller*, but, as stated above, simply on the fact that this court should not overrule a holding such as this, so long established, accepted, and relied upon, which affects the title of individuals to real property." 69 So.2d 26, 33 (La. 1953).

limitation may, however, be availed of only by the succession or its representatives. Thus an heir, even though the thirty years' prescription has run against him, may still assert his rights against trespassers and other third persons who are without some right emanating from the succession or its representatives.

In *Lee v. Jones* the court followed the letter of the law and held that the law accepts for the minor heir and that this acceptance is full and complete. It may be assumed that the only portion of *Tillery v. Fuller* meant to be overruled was the per curiam opinion, which held that prescription was only suspended during the minority of an heir. To overrule the remainder of the holding that an heir who has allowed thirty years to pass in silence is barred by the acceptance of his coheir would be to go directly in the teeth of the *Tarver* case, which was expressly affirmed.

Little of the basic problem of interpreting Article 1030, which troubled the court so much in the early cases, has been solved. As may be seen from an analysis of all the decisions considering this article, the court has "come out the same door wherein it went." Unless one concludes from the *Tarver* case that at the end of thirty years the heir becomes bound for the debts of the succession, no meaning has been given to the "or renounce" phrase of the article. The *Tarver* case concludes merely that the heir becomes a stranger to the succession. But can it be said that a stranger is bound for the succession debts and liabilities? Search for a complete exegesis of the article in the *Tarver* theory thus seems fruitless.

The *Generes* theory, consistently applied, would avoid this omission of the "or renounce" phrase. It would give full effect to the literal meaning of the article and harmonize with the concepts of seizin and regular and irregular heirship. A consistent application of the theory would, however, fail to give effect to what apparently impresses the court as a matter of justice, equity and policy—that the heir who has remained in silence should not stand in the same position as the heir who has acted and assumed responsibility. As has been previously noted, if the *Generes* theory is to be applied, logical consistency requires all regular heirs to be equally seized.

In all the cases presented to the court involving an inactive heir and a coheir who has accepted, the court has ruled in favor of the coheir, which is probably more in line with the spirit of

the law as reflected in the rest of the Civil Code than a literal interpretation of the article would be. Since an instance would be rare in which debts or liabilities of a succession would remain in force for thirty years, it is doubtful whether the court will ever be called upon to give meaning to the "or renounce" phrase of the article. Except for this one inconsistency, which for practical reasons will probably never be presented to the court, the *Tarver* theory offers a simple and workable solution to this troublesome problem of interpretation.

Charles C. Gray

Appellate Jurisdiction of the Supreme Court

PART I

The congestion of the Supreme Court docket seems to have led the court to insist vigorously upon the complete fulfillment of all the requirements for establishing its appellate jurisdiction. The practice under the new Rule IX¹ of reshuffling the voluminous matters awaiting adjudication has not stopped the influx of appealable cases, and effective relief can be found only in further limiting the court's appellate jurisdiction.²

Constitutional restriction of the court's appellate jurisdiction has consistently been accomplished by increasing the minimum jurisdictional amount.³ If no constitutional convention is forthcoming within the next year, a constitutional amendment to relieve the bottleneck on appeals would seem to be warranted.⁴

1. Rule IX of the Supreme Court, §§ 2-4, Revised October 4, 1951, effective January 1, 1952, permits assignment of cases to the preference docket in case of a rehearing, a special assignment, advancement to the preference docket, or certification of questions by the courts of appeal. "Section 3. Any case on the regular docket may be transferred to the preference docket, . . . by order of the Court founded on a written motion of the attorney . . . representing any party to the suit requesting the transfer. . . ." Special assignments are made under Section 4 where the state or its subdivisions are parties, and in matters impressed with "public interest" or, finally, in cases in which the court, "upon the showing made, believes that the ends of justice require an immediate hearing. . . ."

2. LA. CONST. Art. VII, § 10.

3. The Constitutions of 1812, 1845, 1852, and 1864 required \$300; the Constitution of 1868 effected a change to \$500, which was retained in the Constitution of 1879. The latter was amended pursuant to La. Acts 1882, No. 125, p. 174 to fix the minimum at \$2,000, which was retained in the 1898, 1913 and 1921 Constitutions.

4. H.B. No. 202 of the 1954 legislature proposed a constitutional amendment to LA. CONST. Art. VII, § 10, which would have restricted the civil