

# Preliminary Title. Of the General Definitions of Law and the Promulgation of the Laws (Art. 1 - 23)

Louisiana

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Compiled Edition  
*of the*  
Civil Codes of Louisiana

PRELIMINARY TITLE

Of the General Definitions of Law and the  
Promulgation of the Laws

Chapter 1—OF LAW

**ART. 1.** Law is a solemn expression of legislative will.

RCC—21, 1901, 1903, 1967. Const. 1921, III, 18, 24.

**RCC 1870, Art. 1.**

Same as above.

**CC 1825, Art. 1.**

(Projet, p. 1. Amendment adopted; comment by redactors)

Same as above.

La loi est une déclaration solennelle [solennelle] de la volonté législative.

**CC 1808, p. 2, Art. 1.**

Law is a solemn expression of Legislative will, upon a subject of general interest and interior regulation.

**-p. 3, Art. 1.**

La Loi est une déclaration solennelle [solennelle] de la volonté législative, sur un objet général et de régime intérieur.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800),** Preliminary Book, Title I, Art. 6.

Among all peoples, law is a solemn expression of legislative authority, upon a subject of interior regulation and common interest.

La loi, chez tous les peuples est une déclaration solennelle du pouvoir législatif sur un objet de régime intérieur et d'intérêt commun.

**ART. 2.** It orders and permits and forbids, it announces rewards and punishments, its provisions generally relate not to solitary or singular cases, but to what passes in the ordinary course of affairs.

RCC—1967.

**RCC 1870, Art. 2.**

Same as above.

**CC 1825, Art. 2.**

(No reference in Projet)

Same as above.

La loi ordonne, elle permet, elle défend, elle annonce des récompenses et des peines. Elle dispose en général, non sur des cas rares ou singuliers, mais sur ce qui se passe dans le cours ordinaire des choses.

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

Same as above; but semicolon dash (;—) after "forbids", and after "punishments"; comma (,) after "relate."

**-p. 3, Art. 2.**

La loi ordonne, elle permet, elle défend, elle annonce des récompenses et des peines.—Elle dispose en général, non sur des cas rares ou singuliers, mais sur ce qui se passe en général, dans le cours ordinaire des choses.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800),** Preliminary Book, Title I, Art. 7, pars. 1, 2.

It orders and permits and forbids, it announces rewards and punishments.

Elle ordonne, elle permet, elle défend, elle annonce des récompenses et des peines.

It never legislates for individual cases; its provisions are presumed to relate, not to solitary or singular cases, but to what passes in the ordinary course of affairs.

Elle ne statue point sur des faits individuels; elle est présumée disposer, non sur des cas rares ou singuliers, mais sur ce qui se passe dans le cours ordinaire des choses.

**ART. 3.** Customs result from a long series of actions constantly repeated, which have by such repetition, and by uninterrupted acquiescence, acquired the force of a tacit and common consent.

RCC—21, 1903, 1953, 1954, 1964, 1966.

**RCC 1870, Art. 3.**

Same as above.

**CC 1825, Art. 3.**

(Projet, p. 1. Recommendation to suppress rejected; comment by redactors)

Same as above.

La coutume résulte d'une longue suite d'actes constamment répétés, qui, par cette répétition et une soumission non interrompue, ont acquis la force d'un consentement tacite et commun.

**CC 1808, p. 2, Art. 3.**

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

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

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

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800), Preliminary Book, Title I, Art. 5.**

Customs result from a long series of actions constantly repeated, which have acquired the force of a tacit and common agreement.

La coutume résulte d'une longue suite d'actes constamment répétés, qui ont acquis la force d'une convention tacite et commune.

## Chapter 2—OF THE PUBLICATION OF THE LAWS

**ART. 4.** As laws can not be obligatory without being known, they must be promulgated.

RS—413, 2170.

**RCC 1870, Art. 4.**

Same as above.

(Same as Art. 4 of Proposed Revision of 1869; in conformity with Acts 1827, p. 172, §1, and Acts 1855, No. 282, §1 [RS §21681])

**CC 1825, Art. 4, par. 1.**

(No reference in Projet)

As laws cannot be obligatory without being known, they must be promulgated by the Governor of the State.

Les lois ne pouvant obliger sans être connues, elles seront promulguées par le Gouverneur de cet Etat.

**CC 1808, p. 2, Art. 4, par. 1.**

As laws cannot be obligatory without being known, they shall be promulgated by the Governor of the Territory.

**-p. 3, Art. 4, par. 1.**

Same as above; but comma (,) after "obliger"; "ce Territoire" instead of "cet Etat."

**CN 1804.** No corresponding article.

**ART. 5.** The laws shall be executed throughout every part of this State from the moment they shall be promulgated in the manner prescribed.

**RCC 1870, Art. 5.**

Same as above.

(Same as Art. 5 of Proposed Revision of 1869)

**CC 1825, Art. 5.**

(Projet, p. 1. Amendment adopted; no comment)

The laws shall be executed through every part of this State from the moment they shall be promulgated in the manner prescribed.

Les lois seront exécutées dans toutes les parties de l'Etat, du moment où la promulgation en aura été faite de la manière prescrite.

**Art. 6**

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**CC 1808, p. 4, Art. 5.**

The laws shall be executed through every part of this territory, from the moment their promulgation shall be known.

**CN 1804, Art. 1, pars. 1, 2.**

Laws become enforceable throughout the entire French territory by virtue of their promulgation by the First Consul.

They shall be enforced in every part of the Republic from the moment the promulgation can be known.

**-p. 5, Art. 5.**

Les lois seront exécutées dans toutes les parties de ce Territoire, du moment où la promulgation en pourra être connue.

Les lois sont exécutoires dans tout le territoire français, en vertu de la promulgation qui en est faite par le Premier Consul.

Elles seront exécutées dans chaque partie de la République, du moment où la promulgation en pourra être connue.

**ART. 6.** All laws enacted by the Legislature of this State, shall be considered promulgated at the place where the State gazette is published, the day after the publication of such laws in the State gazette, and in all other parts of the State, thirty days after the publication.

The Secretary of State shall keep a register in which he shall write down the titles of all the laws passed by the Legislature, together with the date when they shall have been respectively published in the State paper; and the register thus kept or the certificate delivered from the same by the Secretary of State under his official signature and seal, shall be evidence of the publication of the laws; and whenever the promulgation of any law is contested, the person contesting the same shall be held to prove the fact. (But see Const. 1921, III, 27, as amended by Acts 1936, No. 70; Const. 1921, V, 15)

**RCC 1870, Art. 6.**  
Same as above.

(Same as Art. 6 of Proposed Revision of 1869; same as Acts 1827, p. 172, §§1, 3, and Acts 1855, No. 282 [RS §§2168, 2169])

**CC 1825, Art. 6.**

(No reference in Projet)

The promulgation made by the Governor, shall be presumed to be known in the parish which is the seat of government, three days after the day of promulgation, and in each of the other parishes, after the expiration of the said period, with the addition of one day for every four leagues between the place in which the promulgation shall have been made, and the place where the Court for such parish is held.

La promulgation faite par le Gouverneur, sera réputée connue dans la paroisse où siégera le gouvernement, trois jours après celui de la promulgation, et dans chacune des autres paroisses, après l'expiration du même délai augmenté d'un jour par chaque quatre lieues, entre le lieu où la promulgation aura été faite et le lieu des séances de la cour de chaque paroisse.

**-Art. 4, pars. 2, 3.**

The laws shall be directed to the authorities entrusted with their execution or application, and to such other persons as the law has designated or may designate, in the form and manner which is, or may be prescribed, to ensure their most extensive publicity.

Les lois seront adressées aux autorités chargées de les exécuter ou de les appliquer, et à telles autres personnes que la loi a désignées ou pourra désigner, dans la forme et de la manière qui est ou pourra être prescrite pour assurer aux lois la plus grande publicité possible.

The Clerks of all the Courts of Justice of this State, shall insert in a register to be kept for that purpose, the titles of all the laws which shall have been directed to them, together with the day on which they shall have received them.

Les greffiers de toutes les cours de justice de cet Etat insereront dans un registre particulier, tenu à cet effet, le titre de toutes les lois qui leur auront été adressées, avec la date du jour où ils les auront reçues.

**CC 1808, p. 4, Art. 6.**

The promulgation made by the Governor shall be supposed to be known in the parish where the government shall be sitting, three days after the day of promulgation; and in every one of the other parishes, after the expiration of the said delay, with the addition of one day for every four leagues between the city in which the promulgation shall have been made, and the place where the court for every parish is held.

**-p. 2, Art. 4, pars. 2, 3.**

Same as CC 1825, Art. 4, pars. 2, 3, above; but no punctuation after "designate", or after "is"; "territory" instead of "State."

**CN 1804, Art. 1, par. 3.**

The promulgation by the First Consul shall be deemed known in the department which is the seat of the government one day after the promulgation; and in each of the other departments, after the expiration of the same delay, with the addition of one day for every ten myriameters (about twenty ancient leagues) between the city at which the promulgation shall have been made, and the chief-city of each department.

**-p. 5, Art. 6.**

La promulgation faite par le Gouverneur, sera réputée connue dans la Paroisse où siégera le Gouvernement, trois jours après celui de la promulgation, et dans chacune des autres Paroisses, après l'expiration du même délai augmenté d'un jour par chaque quatre lieues entre la ville où la promulgation aura été faite, et le lieu des séances de la Cour de chaque Paroisse.

**-p. 3, Art. 4, pars. 2, 3.**

Les lois seront adressées aux autorités chargées de les exécuter ou de les appliquer, et à telles autres personnes que la loi a, ou pourra désigner, dans la forme et de la manière qui est, ou pourra être prescrite pour assurer aux lois la plus grande publicité possible.

Par. 3 same as CC 1825, Art. 4, par. 3, above; but "ce Territoire" instead of "cet Etat"; comma (,) after "Territoire"; no punctuation after "particulier."

La promulgation faite par le Premier Consul sera réputée connue dans le département où siégera le Gouvernement, un jour après celui de la promulgation; et dans chacun des autres départemens, après l'expiration du même délai, augmenté d'autant de jours qu'il y aura de fois dix myriamètres (environ vingt lieues anciennes) entre la ville où la promulgation en aura été faite, et le chef-lieu de chaque département.

**ART. 7. After the promulgation, no one can allege ignorance of the law.**

RCC—1822, 1846.

**RCC 1870, Art. 7.**

Same as above.

**CC 1825, Art. 7.**

(Projet, p. 1. Addition adopted; comment by redactors)

Same as above.

Après la promulgation, personne ne pourra prétendre ignorance de la loi.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

**Chapter 3—OF THE EFFECTS OF LAWS**

**ART. 8. A law can prescribe only for the future; it can have no retrospective operation, nor can it impair the obligation of contracts.**

RCC—113, 1945. Const. 1921, IV, 15. US Const. Art. I(10).

**RCC 1870, Art. 8.**

Same as above.

*Art. 9*

*COMPILED EDITION*

- CC 1825, Art. 8.** (No reference in *Projet*)  
 Same as above; but colon (:) after "future."  
 La loi ne dispose que pour l'avenir; elle ne peut avoir d'effet rétroactif, ni altérer les obligations contenues dans les contrats.
- CC 1808, p. 4, Art. 7.**  
 A law can dispose only for the future; it can have no retrospective operation; nor can it impair the obligation of contracts.
- p. 5, Art. 7.**  
 Same as above.
- CN 1804, Art. 2.**  
 A law prescribes for the future only; it has no retroactive effect.  
 La loi ne dispose que pour l'avenir; elle n'a point d'effet rétroactif.

**ART. 9.** The law is obligatory upon all inhabitants of the State indiscriminately; the foreigner, whilst residing in the State, and his property within its limits, are subject to the laws of the State.

RCC—491, 1596.

**RCC 1870, Art. 9.** (Same as Art. 9 of Proposed Revision of 1869)  
 Same as above.

**CC 1825, Art. 9.** (No reference in *Projet*)  
 The law is obligatory upon all inhabitants of the State indiscriminately: the foreigner, whilst residing there, and his property within its limits, are subject to it.  
 La loi oblige indistinctement ceux qui habitent l'Etat; l'étranger y est soumis pour les biens qu'il y possède, et même pour sa personne, pendant sa résidence.

**CC 1808, p. 4, Art. 9.**  
 Same as above; but "territory" instead of "State"; semicolon (;) after "indiscriminately."  
**-p. 5, Art. 9.**  
 Same as above; but "le Territoire" instead of "l'Etat."

**CN 1804, Art. 3.**  
 Laws of police and public safety are binding on all persons inhabiting the territory.  
 Les lois de police et de sûreté obligent tous ceux qui habitent le territoire.  
 Immovables, even those belonging to foreigners, are governed by the French law.  
 Les immeubles, même ceux possédés par des étrangers, sont régis par la loi française.  
 Laws relating to the status and capacity of persons govern French citizens, even those residing in a foreign country.  
 Les lois concernant l'état et la capacité des personnes régissent les Français, même résidant en pays étranger.

**Projet du Gouvernement (1800), Preliminary Book, Title IV, Art. 4.**  
 Same as CC 1808, p. 4, Art. 9, above.  
 La loi oblige indistinctement ceux qui habitent le territoire: l'étranger y est soumis pour les biens qu'il y possède, et pour sa personne pendant sa résidence.

**ART. 10.** The form and effect of public and private written instruments are governed by the laws and usages of the places where they are passed or executed.

But the effect of acts passed in one country to have effect in another country, is regulated by the laws of the country where such acts are to have effect.

The exception made in the second paragraph of this article does not hold, when a citizen of another State of the Union, or a citizen or subject of a foreign State or country, disposes by will or testament, or

by any other act *causa mortis* made out of this State, of his movable property situated in this State, if at the time of making said will or testament, or any other act *causa mortis*, and at the time of his death, he resides and is domiciliated\* out of this State.

RCC—491, 1596, 1688, 1689, 2266, 3532. CP—13. Acts 1912, No. 176; 1916, No. 92.

**RCC 1870, Art. 10.**

Same as above.

**CC 1825, Art. 10.**

(Projet, p. 2. Amendment amended and adopted; comment by redactors)

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

La forme et l'effet des actes publics et privés, se règlent par les lois et les usages du pays dans lequel ces actes sont faits ou passés.

Cependant l'effet des actes passés pour être exécutés dans un autre pays, se règle par les lois du pays où ils ont leur exécution.

L'exception établie dans le second paragraphe de cet article, n'a pas lieu, lorsque c'est un citoyen d'un des autres Etats de l'Union, ou un citoyen ou sujet d'un Etat ou pays étranger, qui dispose, par testament ou tout autre acte à cause de mort, fait hors de cet Etat, de ses propriétés mobilières situées dans cet Etat, si, à l'époque de ce testament ou acte de dernière volonté, et au moment de la mort, il réside et est domicilié avec sa famille\* hors le la jurisdiction de cet Etat.

**CC 1808, p. 4, Art. 10.**

The form and force of acts and written instruments, depend upon the laws and usages of the places where they are passed or executed.

**-p. 5, Art. 10.**

Same as par. 1, above.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800), Preliminary Book, Title IV, Art. 6.**

The form of acts is governed by the laws of the place where they are passed or executed.

La forme des actes est réglée par les lois du lieu dans lequel ils sont faits ou passés.

\*English translation of French text incomplete; should include “with his family.”

**ART. 11. Individuals can not by their conventions, derogate from the force of laws made for the preservation of public order or good morals.**

**But in all cases in which it is not expressly or impliedly prohibited, they can renounce what the law has established in their favor, when the renunciation does not affect the rights of others, and is not contrary to the public good.**

RCC—12, 19, 21, 129, 130, 559, 709, 1289, 1519, 1529, 1531, 1887, 1892, 1893, 1895, 2031, 2174, 2325, 2454, 2460, 2568, 2589, 2983, 3460.

**RCC 1870, Art. 11.**

Same as above.



*Art. 12*

*COMPILED EDITION*

**CC 1825, Art. 11.**

(Projet, p. 2. Amendment adopted; comment by redactors)

Same as above.

Les individus ne peuvent, par des conventions particulières, déroger aux lois qui sont faites pour le maintien de l'ordre public ou des mœurs.

Mais ils peuvent, dans tous les cas où cela n'est pas défendu d'une manière expresse ou implicite, renoncer à ce que les lois établissent en leur faveur, lorsque cette renonciation ne blesse pas les droits d'autrui, et n'est pas contraire au bien public.

**CC 1808, p. 4, Art. 11.**

Same as par. 1, above.

**-p. 5, Art. 11.**

Same as par. 1, above.

**CN 1804, Art. 6.**

One cannot, by private conventions, derogate from the force of laws which concern public order and good morals.

On ne peut déroger, par des conventions particulières, aux lois qui intéressent l'ordre public et les bonnes mœurs.

**ART. 12. Whatever is done in contravention of a prohibitory law, is void, although the nullity be not formally directed.**

RCC—11, 94, 95, 161, 1893, 1895, 2398, 2983.

**RCC 1870, Art. 12.**

Same as above.

**CC 1825, Art. 12.**

(No reference in Projet)

Same as above.

Les lois prohibitives emportent peine de nullité, quoique cette peine n'y soit pas formellement exprimée.

**CC 1808, p. 4, Art. 12.**

The prohibiting laws import a nullity, though it be not formally expressed.

**-p. 5, Art. 12.**

Same as above.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800),** Preliminary Book, Title IV, Art. 9.

Same as CC 1808, p. 4, Art. 12, above. Same as CC 1808, p. 5, Art. 12, above.

**Chapter 4—OF THE APPLICATION AND CONSTRUCTION OF LAWS**

**ART. 13. When a law is clear and free from all ambiguity, the letter of it is not to be disregarded, under the pretext of pursuing its spirit.**

RCC—14 *et seq.*, 1950.

**RCC 1870, Art. 13.**

Same as above.

**CC 1825, Art. 13.**

(No reference in Projet)

Same as above.

Quand une loi est claire et sans ambiguïté, il ne faut point en éluder la lettre, sous prétexte d'en pénétrer l'esprit.

**CC 1808, p. 4, Art. 13.**

Same as above.

**-p. 5, Art. 13.**

Same as above.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800)**, Preliminary Book, Title V, Art. 5, clause 1.

When a law is clear, the letter of it is not to be disregarded under the pretext of pursuing its spirit;	Quand une loi est claire, il ne faut point en éluder la lettre sous prétexte d'en pénétrer l'esprit;
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**ART. 14. The words of a law are generally to be understood in their most usual signification, without attending so much to the niceties of grammar rules as to the general and popular use of the words.**

RCC—13, 15 *et seq.*, 1945, 1946, 1950.

**RCC 1870, Art. 14.** (Same as Art. 14 of Proposed Revision of 1869)

Same as above.

**CC 1825, Art. 14.** (No reference in Projet)

The words of a law are generally to be understood in their most known and usual signification, without attending so much to the niceties of grammar rules as to the general and popular use of the words.	Les termes d'une loi doivent être généralement entendus dans leur signification la plus connue et la plus usitée, sans s'attacher autant aux raffinemens des règles de la grammaire, qu'à leur acception générale et vulgaire.
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**CC 1808, p. 4, Art. 14.**

The words of a law are generally to be understood in their most known and usual signification, without attending so much to the niceties of grammar rules as to their general and popular use.

**-p. 5, Art. 14.**

Same as above.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800)**, Preliminary Book, Title V, Art. 5, clause 2.

And in the application of an obscure law, preference should be given to the most natural meaning and that which is the least defective in execution.	Et dans l'application d'une loi obscure, on doit préférer le sens le plus naturel et celui qui est le moins défectueux dans l'exécution.
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**ART. 15. Terms of art or technical terms and phrases, are to be interpreted according to their received meaning and acception with the learned in the art, trade or profession to which they refer.**

RCC—13, 14, 16 *et seq.*, 1947.

**RCC 1870, Art. 15.**

Same as above.

**CC 1825, Art. 15.** (No reference in Projet)

Same as above.

Les termes de l'art ou les expressions et phrases techniques doivent être interprétés conformément à la signification et acception qui leur sont données par les personnes versées dans chacun de ces arts, métiers ou professions.

**CC 1808, p. 4, Art. 15.**

Terms of art or technical terms and phrases, are to be interpreted according to their received meaning and acception with the learned in each art, trade and [or] profession.

**-p. 5, Art. 15.**

Same as above; but comma (,) after "techniques", and after "interprétés."

**CN 1804.** No corresponding article.

COMPILED EDITION

Art. 16

ART. 16. Where the words of a law are dubious, their meaning may be sought by examining the context with which the ambiguous words, phrases and sentences may be compared, in order to ascertain their true meaning.

RCC—13 *et seq.*, 1948, 1950, 1951.

RCC 1870, Art. 16.

Same as above.

CC 1825, Art. 16.

Same as above.

(No reference in Projet)

Quand les expressions d'une loi sont douteuses, on peut en rechercher la signification, en examinant et comparant les termes ou phrases ambiguës avec les autres parties de la loi, afin de déterminer leur véritable sens.

CC 1808, p. 4, Art. 16.

Same as above; but comma (,) after "context"; no punctuation after "compared."

-p. 5, Art. 16.

Same as above.

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Preliminary Book, Title V, Art. 6.

In order to determine the true meaning of a part of the law, it is necessary to combine and put together all its provisions.

Pour fixer le vrai sens d'une partie de la loi, il faut en combiner et en réunir toutes les dispositions.

ART. 17. Laws *in pari materia*, or upon the same subject matter, must be construed with a reference to each other; what is clear in one statute may be called in aid to explain what is doubtful in another.

RCC—13 *et seq.*, 1948, 1949.

RCC 1870, Art. 17.

Same as above.

CC 1825, Art. 17.

Same as above.

(No reference in Projet)

Les lois *in pari materia*, ou sur un même sujet, doivent être interprétées suivant le rapport qu'elles ont l'une avec l'autre; ce qui est clair dans une loi peut servir de base pour expliquer ce qui est douteux dans une autre.

CC 1808, p. 4, Art. 17.

Same as above; but no punctuation after "*materia*"; colon (:) after "other"; comma (,) after "statute."

-p. 5, Art. 17.

Same as above; but no punctuation after "*materia*"; comma (,) after "loi."

CN 1804. No corresponding article.

ART. 18. The universal and most effectual way of discovering the true meaning of a law, when its expressions are dubious, is by considering the reason and spirit of it, or the cause which induced the Legislature to enact it.

RCC—13 *et seq.*, 1946, 1950.

RCC 1870, Art. 18.

Same as above.

**CC 1825, Art. 18.**

Same as above.

(No reference in Projet)

Le moyen le plus universel et le plus efficace pour découvrir le véritable sens d'une loi, lorsque les expressions en sont douteuses, est de considérer la raison et l'esprit de cette loi ou la cause qui a déterminé la Législature à la rendre.

**CC 1808, p. 4, Art. 18.**

The most universal and effectual way of discovering the true meaning of a law, when its expressions are dubious, is by considering the reason and spirit of it, or the cause which induced the legislature to enact it.

**-p. 7, Art. 18.**

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

**CN 1804.** No corresponding article.

**ART. 19.** When to prevent fraud, or from any other motives of public good, the law declares certain acts void, its provisions are not to be dispensed with on the ground that the particular act in question has been proved not to be fraudulent, or not to be contrary to the public good.

RCC—11, 1893.

**RCC 1870, Art. 19.**

Same as above.

(Same as Art. 19 of Proposed Revision of 1869)

**CC 1825, Art. 19.**

When to prevent fraud, or from any other motives of public good, the law declares certain acts void, its provisions are not to be dispensed with on the ground that the particular act in question has been proved not to be fraudulent, or not to be contrary to the public good.

(Projet, p. 2. Amendment amended and adopted; no comment)

Lorsque, pour prévenir la fraude ou par quelqu' autre raison de bien public, la loi déclare nuls certains actes, ses dispositions ne peuvent être éludées sur le fondement que l'on aurait rapporté la preuve que ces actes ne sont point frauduleux, et qu'ils ne sont pas contraires au bien public.

**CC 1808, p. 6, Art. 19.**

When to prevent the commission of a particular class of frauds, the law declares certain acts void, its provisions are not to be dispensed with, on the grounds that the particular act in question, has been proved not to be fraudulent.

**-p. 7, Art. 19.**

Lorsque par la crainte de quelque fraude, la loi déclare nuls certains actes, ses dispositions ne peuvent être éludées sur le fondement que l'on aurait rapporté la preuve que ces actes ne sont point frauduleux.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800),** Preliminary Book, Title V, Art. 9.

Same as CC 1808, p. 6, Art. 19, above.

Same as CC 1808, p. 7, Art. 19, above; but comma (,) after "Lorsque."

**ART. 20.** The distinction of laws into odious laws and laws entitled to favor, with a view of narrowing or extending their construction, can not be made by those whose duty it is to interpret them.

**RCC 1870, Art. 20.**

Same as above.

(Same as Art. 20 of Proposed Revision of 1869)

**CC 1825, Art. 20.**

The distinction between odious laws and laws entitled to favor, with a view of narrowing or extending their construction, cannot be made by those whose duty it is to interpret them.

(Projet, p. 2. Amendment adopted; no comment)

La distinction des lois en lois odieuses et lois favorables, dans la vue de restreindre ou d'étendre leurs dispositions, ne peut être faite par ceux qui sont chargés de les interpréter.

**CC 1808, p. 6, Art. 20.**

The distinction between odious laws, and laws entitled to favor, made with a view of narrowing, or extending their construction, is a gross abuse.

**-p. 7, Art. 20.**

La distinction des lois en lois odieuses et en lois favorables, faite dans la vue d'étendre ou de restreindre leurs dispositions, est abusive.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800)**, Preliminary Book, Title V, Art. 10.

The distinction of odious laws and laws entitled to favor, made with the object of narrowing or extending their construction, is abusive.

La distinction des lois odieuses et des lois favorables, faite dans l'objet d'étendre ou de restreindre leurs dispositions, est abusive.

**ART. 21.** In all civil matters, where there is no express law, the judge is bound to proceed and decide according to equity. To decide equitably, an appeal is to be made to natural law and reason, or received usages, where positive law is silent.

RCC—1, 3, 11, 520, 1903, 1963 *et seq.*, 1967.

**RCC 1870, Art. 21.**

(Same as Art. 21 of Proposed Revision of 1869)

Same as above.

**CC 1825, Art. 21.**

(No reference in Projet)

In civil matters, where there is no express law, the Judge is bound to proceed and decide according to equity. To decide equitably, an appeal is to be made to natural law and reason, or received usages, where positive law is silent.

Dans les matières civiles, le juge, à défaut de loi précise, est obligé de procéder conformément à l'équité; pour décider suivant l'équité, il faut recourir à la loi naturelle et à la raison, ou aux usages reçus, dans le silence de la loi primitive [positive].

**CC 1808, p. 6, Art. 21.**

Same as above.

**-p. 7, Art. 21.**

Same as above.

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800)**, Preliminary Book, Title V, Art. 11.

In civil matters, where there is no express law, the judge must act as a minister of equity. Equity is the return to natural law, or to received usages where positive law is silent.

Dans les matières civiles, le juge, à défaut de loi précise, est un ministre d'équité. L'équité est le retour à la loi naturelle, ou aux usages reçus dans le silence de la loi positive.

## Chapter 5—OF THE REPEAL OF LAWS

**ART. 22.** Laws may be repealed either entirely or partially, by other laws.

**RCC 1870, Art. 22.**

Same as above.

**CC 1825, Art. 22.**

(No reference in Projet)

Same as above.

Les lois peuvent être abrogées en tout ou en partie par d'autres lois.

**CC 1808, p. 6, Art. 23.**

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

**-p. 7, Art. 23.**

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

**CN 1804.** No corresponding article.

**Projet du Gouvernement (1800)**, Preliminary Book, Title VI, Art. 2.

Laws are repealed either entirely or partially, by other laws. Les lois sont abrogées, en tout ou en partie, par d'autres lois.

**ART. 23.** The repeal is either express or implied:

It is express, when it is literally declared by a subsequent law;

It is implied, when the new law contains provisions contrary to, or irreconcilable with those of the former law.

The repeal of a repealing law does not revive the first law.

Const. 1921, III, 17.

**RCC 1870, Art. 23.** (Same as Art. 23 of Proposed Revision of 1869)

Same as above.

**CC 1825, Art. 23.** (No reference in Projet)

The appeal [repeal] is either express or implied:

Pars. 2, 3 same as pars. 2, 3, above.

Leur abrogation est expresse ou tacite:

Elle est expresse, lorsqu'elle est littéralement prononcée par la loi nouvelle;

Elle est tacite, si la nouvelle loi renferme des dispositions contraires à celles des lois antérieures, ou qui ne puissent se concilier avec elles.

Le rappel d'une loi, qui en rappelait une autre, ne fait pas revivre la première, si cela n'est ainsi exprimé.

The repeal of a repealing law does not revive the first law, unless it be so particularly expressed.

**CC 1808, p. 6, Art. 24.**

Same as RCC 1870, Art. 23, pars. 1-3, above; but period (.) after "or implied", and after "subsequent law"; no punctuation after "to."

**-p. 7, Art. 24.**

Same as pars. 1-3, above; but semicolon (;) after "ou tacite."

**CN 1804.** No corresponding article.

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

The repeal is either express or implied:

It is express when it is literally declared by a subsequent law.

It is implied when the new law contains provisions contrary to those of the former laws.

L'abrogation est expresse ou tacite.

Elle est expresse quand elle est littéralement prononcée par la loi nouvelle.

Elle est tacite si la nouvelle loi renferme des dispositions contraires à celles des lois antérieures.