

CIVIL LAW TRANSLATIONS

3

AUBRY & RAU

DROIT CIVIL FRANÇAIS

(Vol. X §§ 643-676, Vol. XI §§ 677-744; 6th Ed.)

Testamentary Successions & Gratuitous Dispositions

An English Translation with Louisiana Annotations

Prepared by

Carlos E. Lazarus

Under the auspices of

The Louisiana State Law Institute

and

*The Institute of Civil Law Studies,
Louisiana State University*

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DROIT CIVIL FRANÇAIS

Of Testamentary Successions and Gratuitous Dispositions

Vol. X §§ 643-676—Vol. XI §§ 677-744

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by Paul Esmein

Professor of the Faculty of Law of Paris

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FOREWORD

This translation of Aubry & Rau's *Cours de Droit Civil Français* is on the subject of Testamentary Successions and Gratuitous Dispositions. This is the third volume of the series entitled *Civil Law Translations* which, with the concurrence of the Louisiana State Law Institute, is being distributed by the publisher as an integral part of the *Louisiana Statutes Annotated*. The first two volumes of this series were the translations of the works on Obligations and Property, respectively.

The Louisiana State Law Institute gratefully acknowledges the helpful cooperation in this project of the Institute of Civil Law Studies established by the Board of Supervisors of the Louisiana State University and domiciled at its Law School.

As observed in the foreword to Volume I, *Civil Law Translations*, the *Cours de Droit Civil Français* by Aubry & Rau covers the entire field of civil law with the conciseness and the clarity of style for which the authors are noted. The first edition appeared in five volumes published between 1838 and 1847. The authors, professors of law at Strasbourg and later counselors at the Court of Cassation, drew their inspiration from a German manual published in 1808 by Charles Solomon Zachariae. The arrangement of the treatise is original. Unlike that of preceding commentaries, it does not follow the order of the Code. This fact, together with its concise and careful statement of conclusions, has resulted in its general recognition as one of the foremost works of its kind.

The last half of Volume X and the whole of Volume XI of the Sixth Edition, published in 1954 and 1956, respectively, which served as the basis of this translation, were edited by Paul Esmein, then professor at the Faculty of Law of Paris, who has not only brought the original work up to date but has also incorporated his own critical views of the texts of the law and jurisprudence.

An added feature in this translation is the translator's incorporation of references to the Louisiana law and jurisprudence as developed under the *Louisiana Civil Code* and other statutory provisions on the subject matter covered by the authors. These annotations are interspaced through the translation, and although somewhat abbreviated due to lack of space, they contain references to all the *Louisiana Civil Code* articles corresponding to the articles of the *Code Napoléon* cited by the authors, as well as to those articles of the *Louisiana Civil Code* which, although having no counterpart in the French Code, are nevertheless codifications of the French legal concepts explained in the original work. In many of the areas covered, only references to the

FOREWORD

Code or other statutory provisions have been inserted because of a dearth of Louisiana jurisprudence. These *Louisiana Annotations* will be of particular value to the Louisiana practitioner.

The translator is Carlos E. Lazarus, Professor of Law at Louisiana State University. Professor Lazarus is a native of Honduras, Central America. He has degrees from the Municipal College of Commerce, Manchester, England, and from the Loyola University School of Law, New Orleans, Louisiana. Mr. Lazarus joined the law faculty in 1961 after having served for several years as Coordinator of Research and Revisor for the Louisiana State Law Institute.

The Institute expresses its sincere gratitude and appreciation to the Librairies Techniques, Paris, France, for its generosity in granting to the Institute the right to publish translations of selected volumes of Aubry & Rau's outstanding treatise, and to M. Paul Esmein for his concurrence in the authority granted.

The Institute also expresses its indebtedness to the West Publishing Company for its cooperation in this aspect of the Institute's program adopted in response to its statutory responsibility of making available translations of civil law materials and commentaries for the better understanding of the civil law of Louisiana and the philosophy upon which it is based.

J. DENSON SMITH

Professor of Law, Louisiana State University

Director, Louisiana State Law Institute

December, 1968

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FRENCH CIVIL LAW

PART II — BOOK II — DIVISION II

TITLE II

OF TESTAMENTARY SUCCESSIONS AND GRATUITOUS DISPOSITIONS

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