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A DIGEST

OF THE

CIVIL LAWS

NOW IN FORCE

IN THE

TERRITORY OF ORLEANS,

WITH

ALTERATIONS AND AMENDMENTS

ADAPTED TO ITS

PRESENT SYSTEM OF GOVERNMENT.

*W. A. R. R.*

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## TITLE XII.

## OF ALEATORY CONTRACTS

Art. 1. The aleatory contract is that by which each of the contracting parties engages to give or to do a thing and receive as an equivalent of the thing given, only the risk which he has taken on himself and which depends on a casual and uncertain event :

Such are : Contracts of insurance ;

Loan on bottomry ;

Gaming and betting ;

The contract of annuity for life.

The two former contracts coming under the laws of commerce, are foreign from this code.

The contract of annuity has been treated of under the title of loan.

Art. 2. The law grants no action for the payment of what has been won at gaming or by a bet, except for games tending to promote skill in the use of arms, such as the exercise of the gun, foot, horse and chariot racing.

And as to such games, the judge may reject the demand when the sum appears to him excessive.

Art. 3. In all cases in which the law refuses an action to the winner, it also refuses to suffer the loser to reclaim what he has voluntarily paid, unless there have been on the part of the winner, fraud, deceit or swindling.

## TITLE XIII.

## OF MANDATE OR COMMISSION.

## CHAPTER I.

OF THE NATURE OF PROXIES, MANDATES  
AND COMMISSIONS.

Art. 1. A procuration or letter of attorney is an act by which one person gives power to another to transact for him one or several affairs.

Art. 2. This contract is perfected only by the acceptance of the person empowered to represent the principal.

Art. 3. A power of attorney may be accepted either expressly and in the act itself, or by a posterior act, or tacitly by the attorney's acting under it.

Art. 4. If the proxy or attorney in fact, pleads that he has not accepted