

French Civil Code

BOOK III. Of The Different Modes Of Acquiring Property.

TITLE IV.

OF ENGAGEMENTS WHICH ARE FORMED WITHOUT CONTRACT.

Decreed the 9th of February, 1804. Promulgated the 19th of the same Month.

1370. Certain engagements are formed without the intervention of any agreement, either on the part of him who is bound thereby, or on his towards whom he has become bound.

Some result from the simple authority of law. others spring from a fact personal to the party who finds himself bound.

The first are engagements formed involuntarily, such as those between neighboring proprietors, and those of guardians and other administrators who are not at liberty to refuse the functions cast upon them.

The engagements which spring from a fact personal to him who finds himself bound, result either from quasi-contracts, or from quasi-crimes. They form the subject of the present title.

CHAPTER I.

Of Quasi-Contracts.

1371. Quasi-contracts are the purely voluntary acts of the party from which results any engagement what-soever towards a third person, and sometimes a reciprocal engagement of two parties.

1372. When a person voluntarily manages the affairs of others, whether the proprietor is aware of such management or whether he is ignorant of it, he who so manages contracts a tacit engagement to continue the management which he has begun and to complete it until the proprietor, shall be in condition to provide for it himself; he must himself take the charge in like manner of all the dependencies of the same affairs.

He subjects himself to all the obligations which would result from an express commission given him by the proprietor.

1373. He is compelled to continue his management, notwithstanding the master may happen to die before the affair is completed, until the period at which the heir is competent to take the direction thereof.

1374. He is bound to apply in the management of the affair all the cares of a good father of a family.

Nevertheless the circumstances which led him to charge himself with the affair, may authorize the judge to moderate the damages which would result from the faults or negligence of the manager.

1375. The principal whose business has been well administered, must fulfil the engagements which the party who managed it has contracted in his name, must indemnify him against all personal engagements which he has undertaken, and reimburse him in all the useful or necessary expenses which he has been put to.

1376. He who receives through mistake or knowingly that which is not due to him, is bound to restore it to the party from whom he has unduly received it.

1377. When a person through mistake, believing himself a debtor, discharges a demand, he has a claim for recovery against the creditor.
Nevertheless such claim ceases in the case where the creditor has destroyed his title in consequence of payments, saving the remedy of the party paying against the real debtor.
1378. If there have been bad faith on the part of him who has received, he is bound to restore, as well the capital as the interest or the fruits, from the day of payment.
1379. If the thing unduly received is an immovable or a corporeal moveable, he who has received it is bound to restore it in kind, if in existence, or its value if it have perished or become deteriorated by his fault; he is even responsible for its loss by accident, if he have obtained it through bad faith.
1380. If he who has received bona fide has sold the thing, he is only bound to refund the produce of such sale.
1381. He to whom the thing is restored must allow even to the possessor through bad faith, all the necessary and useful expenses which have been incurred for its preservation.

CHAPTER II.

Of Crimes and Quasi-crimes.

1382. Every action of man whatsoever which occasions injury to another, binds him through whose fault it happened to reparation thereof.
1383. Every one is responsible for the damage of which he is the cause, not only by his own act, but also by his negligence or by his imprudence.
1384. A person is responsible not only for the injury which is caused by his own act, but also for that which is caused by the act of persons for whom he is bound to answer, or by things which he has had. under his care.
The father, and the mother after the decease of her husband, are responsible for the injury caused by their children being minors and residing with them masters and trustees, for the injury caused by their servants and managers in the functions in which they have employed them;
Tutors and artisans for the injury caused by their pupils and apprentices during the period in which they are under their superintendence.
The responsibility above mentioned is incurred unless the father and mother, tutors and artisans, can prove that they were not able to prevent the act which gives rise to such responsibility.
1385. The owner of an animal, or he who makes use of it while it is in his employment, is responsible for the injury which the animal has occasioned, whether the animal were in his custody, or whether it had strayed or escaped.
1386. The proprietor of a building is responsible for the injury caused by its fall, when it has happened in consequence of the want of necessary repairs or from defect in its construction.