

French Civil Code

BOOK III. Of The Different Modes Of Acquiring Property.

TITLE XV.

OF THE COMPOUNDING OF ACTIONS.

Decreed 15th of March, 1804. Promulgated the 25th of the same Month.

2044. Compounding is a contract by which the parties terminate a litigation begun, or prevent a litigation about to commence. This contract must be reduced to writing.
2045. In order to compound, it is necessary to have the capacity of disposing of the objects comprised in the composition. The guardian can only settle for the minor or interdicted person conformably to article 467, under the title "Of Minority, Guardianship, and Emancipation;" and he can only settle with the minor on his arriving at full age, on the accounts of his guardianship, conformably to article 472, in the same title. The communes and public establishments cannot compound without the express authority of government.
2046. A party may compound for the civil claims resulting from a wrong. Such composition does not prevent the prosecution of the public ministry.
2047. A party may add to his composition a stipulation for a penalty against him who shall fail to execute it.
2048. Compositions are bounded by their object: the renunciation which is therein made of all claims, actions, and pretensions, imports only what relates to the dispute which has given rise to it.
2049. Compositions only regulate the disputes which are therein comprised, whether the parties have manifested their intention by special or general expressions, or whether such intention can be understood as a necessary consequence of what is expressed.
2050. If the party having compounded for a claim which he had in his own right, becomes afterwards possessed of a similar claim in right of another person, he is not bound by the anterior composition so far as regards the claim acquired.
2051. Composition made by one of the interested parties does not bind others interested, and cannot be objected by them.
2052. Compositions have, between the parties, the authority of a matter decided in the last resort. They cannot be impeached on the ground of error in law, or on the ground of injury.
2053. Nevertheless, a composition may be rescinded where there is mistake in the person, or in the object of the litigation. It may be so in all cases where there is fraud or violence.
2054. There is equal foundation for an action of annulment against a composition, when it was made in execution of a void title, unless the parties have expressly treated respecting such nullity.
2055. Composition made upon documents which have subsequently been discovered to be false, is entirely null.
2056. Composition on the ground of a suit terminated by a judgment given with the authority of a matter decided, of which the parties or one of them had no knowledge, is

void.

If the judgment of which the parties had no knowledge were subject to appeal, the composition shall be valid.

2057. Where parties have compounded generally upon all matters which they may have between them, documents which were then unknown to them, and which may have been subsequently discovered, are not a ground of rescission, unless they have been kept back by the act of one of the parties; But the composition shall be null if it only relate to an object respecting which it shall be made manifest by documents subsequently discovered, that one of the parties had no claim.

2058. Error in calculation in a composition must be rectified.