

Title III. Of Usufruct, Use and Habitation (Art. 533 - 645)

Louisiana

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CN 1804, Art. 577.

Damages may also be recovered against those who have employed materials belonging to others, and without the knowledge of the latter, if the occasion warrants, and they are still liable to be prosecuted criminally, should the case require it.

Ceux qui auront employé des matières appartenant à d'autres, et à leur insu, pourront aussi être condamnés à des dommages et intérêts, s'il y a lieu, sans préjudice des poursuites par voie extraordinaire, si le cas y échet.

*Note error in English translation of French text; "unknown to them" should be "and without the knowledge of the latter."

**Note error in English translation of French text; "according to circumstances" should be "if the occasion warrants."

TITLE III—OF USUFRUCT, USE AND HABITATION

Chapter I—OF USUFRUCT

Section I—GENERAL PRINCIPLES

ART. 533. Usufruct is the right of enjoying a thing, the property of which is vested in another, and to draw from the same all the profit, utility and advantages which it may produce, provided it be without altering the substance of the thing.

The obligation of not altering the substance of the thing takes place only in the case of perfect usufruct.

RCC—223, 487, 505, 534 *et seq.*, 551, 569, 603, 606 *et seq.*, 619, 633, 916, 1520, 1522, 1533, 2371.

RCC 1870, Art. 533.

(Same as Art. 533 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 525.

(Projet, p. 48. Amendment † adopted; comment by redactors)

Par. 1 same as par. 1, above.

L'usufruit est le droit de jouir d'une chose dont un autre a la propriété, d'en tirer tout le profit, toute l'utilité, toute la commodité qu'elle peut produire, pourvu que ce soit sans altérer sa substance.

The obligation of not altering the substance of the thing takes place only in the case of a complete usufruct.

Cette obligation de ne point altérer la substance de la chose sujette à l'usufruit, n'a lieu que dans le cas de l'usufruit parfait.

CC 1808, p. 110, Art. 1.

Usufruct is the right of enjoying a certain thing the property of which is vested in another, and to draw from the same, all the profit, utility and advantages which it may produce, as the owner himself could do, *provided* it be without altering the substance of the thing.

-p. 111, Art. 1.

L'usufruit est le droit de jouir d'une certaine chose dont un autre a la propriété et d'en tirer tout le profit, toute l'utilité, toute la commodité qu'elle peut produire, comme pourrait le faire le propriétaire lui-même, *pourvu* que ce soit sans en altérer la substance.

This obligation of not altering the substance of the thing, takes place only in the case of a complete usufruct.

Par. 2 same as par. 2, above.

CN 1804, Art. 578.

Usufruct is the right of enjoying things, the property of which is vested in another, as could the owner himself, but under the obligation of preserving its substance.

L'usufruit est le droit de jouir des choses dont un autre a la propriété, comme le propriétaire lui-même, mais à la charge d'en conserver la substance.

ART. 534. There are two kinds of usufruct:

Perfect usufruct, which is of things which the usufructuary can enjoy without changing their substance, though their substance may be diminished or deteriorated naturally by time or by the use to which they are applied; as a house, a piece of land, furniture and other movable effects.

And imperfect or *quasi* usufruct, which is of things which would be useless to the usufructuary, if he did not consume or expend them, or change the substance of them, as money, grain, liquors.

RCC—533, 535, 536, 549.

RCC 1870, Art. 534. (Same as Art. 534 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 526. (Projet, p. 48. Amendment adopted; comment by redactors)

Par. 1 same as par. 1, above.

Perfect usufruct, which is of things which the usufructuary can enjoy without changing their substance, though their substance may be diminished or deteriorated naturally by time or the use to which they are applied; as a house, a piece of land, slaves, furniture and other moveable effects [effects];

Par. 3 same as par. 3, above.

Il y a deux espèces d'usufruit:
L'usufruit parfait, qui est celui des choses dont l'usufruitier peut jouir sans en changer la substance, quoiqu'elle puisse être détériorée ou diminuée naturellement par le temps ou l'usage qu'il en fait, comme une maison, une terre, des esclaves, des meubles meublans et autres effets mobiliers;

Et l'usufruit imparfait, ou quasi-usufruit, qui est celui des choses qui seraient inutiles à l'usufruitier, s'il ne les consommait, dépensait, ou n'en changeait la substance, comme l'argent, les grains, les liqueurs.

CC 1808, p. 110, Art. 2.

There are things which produce by themselves some advantage to the person who possess [possesses] them, without their substance being altered by the use to which they are applied; as a piece of land produces* rent, &c. The person who has the usufruct of said things, is bound to preserve them as much as possible, in order to return them to the owner, when the usufruct is at an end; and such are the things properly susceptible of usufruct, and it is for this reason that they come under the denomination of what is called a perfect usufruct.

-p. 110, Art. 3.

On the contrary, there are things whose substance is altered and changed by use, as wine, oil, &c. which become useless to those who possess them, unless they make use of the same. Such things are not, properly speaking, susceptible of usufruct; nevertheless public utility has caused to be admitted a kind of usufruct in said things, and this is what is called incomplete usufruct.

Thus the usufructuary of such things has a right either to sell such things, or to make whatever use of

-p. 111, Art. 2.

Il y a des choses qui produisent d'elles-mêmes, une utilité à celui qui les possède, sans que leur substance soit changée par l'usage qu'on en fait; comme une terre produit des fruits, une maison* des loyers &c.; celui qui a l'usufruit de ces sortes des choses, doit les conserver autant qu'il est possible, pour les rendre au propriétaire, quand l'usufruit est fini, et ce sont ces sortes de choses qui sont proprement susceptibles d'usufruit, et qui par cette raison composent ce qu'on appelle usufruit parfait.

-p. 111, Art. 3.

Au contraire il y a des choses dont la substance est changée et corrompus par l'usage que l'on en fait, comme le vin, l'huile &c., qui deviennent inutiles à ceux qui les possèdent, s'ils ne les consomment; ces sortes de choses ne sont naturellement pas susceptibles d'usufruit; néanmoins l'utilité publique y a fait admettre une espèce d'usufruit, et c'est ce qu'on appelle usufruit imparfait.

Ainsi il est permis à l'usufruitier de ces sortes de choses de les vendre ou de s'en servir à tel usage que bon lui

them he may think proper, on condition of causing the same to be valued, and returning to the owner the estimated value of the same, after the right of usufruct shall be at an end, as is prescribed in the following section.

semble, à la charge de les feair [faire] estimer et d'en rendre l'estimation au propriétaire, après que l'usufruit sera fini, ainsi qu'il est prescrit en la section suivante.

CN 1804. No corresponding article.

*English translation of French text incomplete; should include "fruits, a house."

ART. 535. Perfect usufruct does not transfer to the usufructuary the ownership of the things subject to the usufruct; the usufructuary is bound to use them as a prudent administrator would do, to preserve them as much as possible, in order to restore them to the owner as soon as the usufruct terminates.

RCC—534, 550, 561, 567, 568.

RCC 1870, Art. 535. (Same as Art. 535 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 527. (Projet, p. 49. Amendment adopted; comment by redactors)

Perfect usufruct does not transfer to the usufructuary the property of the things subject to the usufruct; the usufructuary is bound to use them as a prudent administrator would do, to preserve them as much as possible, in order to restore them to the owner as soon as the usufruct terminates.

L'usufruit parfait ne transporte pas à l'usufruitier la propriété des choses sujettes à cet usufruit; et l'usufruitier doit en jouir en bon père de famille, en les conservant autant qu'il lui est possible, afin de les rendre au propriétaire, quand son usufruit est fini.

CC 1808, pp. 110, 111, Art. 2.

Quoted under RCC 1870, Art. 534, above.

CN 1804. No corresponding article.

ART. 536. Imperfect usufruct, on the contrary, transfers to the usufructuary the ownership of the things subject to the usufruct, so that he may consume, sell or dispose of them, as he thinks proper, subject to certain charges hereinafter prescribed.

RCC—488 *et seq.*, 534, 549, 561, 567.

RCC 1870, Art. 536. (Same as Art. 536 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 528. (Projet, p. 49. Amendment adopted; comment by redactors)

Imperfect usufruct, on the contrary, transfers to the usufructuary the property of the things subject to the usufruct, so that he may consume, sell or dispose of them, as he thinks proper, subject to certain charges hereinafter prescribed.

L'usufruit imparfait, au contraire, transfère à l'usufruitier la propriété des choses sujettes à cet usufruit, de manière qu'il peut les consommer, les vendre ou en disposer comme bon lui semble, à de certaines charges qui sont ci-après prescrites.

CC 1808, pp. 110, 111, Art. 3.

Quoted under RCC 1870, Art. 534, above.

CN 1804. No corresponding article.

ART. 537. Usufruct is an incorporeal thing, because it consists in a right.

RCC—460, 471.

RCC 1870, Art. 537.

Same as above.

CC 1825, Art. 529.

(Projet, p. 49. Addition adopted; comment by redactors)

Same as above.

L'usufruit est une chose incorporelle, parcequ'elle consiste dans un droit.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 538. Usufruct is divisible; for if this right is vested in several persons at a time, there is but one usufruct, which is divided among them, each having his portion. The reason is because the object of this right is the receiving the fruits of the thing, which are corporeal and divisible.

RCC—460, 539.

RCC 1870, Art. 538.

Same as above.

CC 1825, Art. 530.

(Projet, p. 50. Addition † adopted; no comment)

Same as above; but "object of this" misspelled "object of his."

L'usufruit est divisible; car si ce droit est accordé à plusieurs personnes à la fois, il n'y a qu'un seul usufruit qui se divise entr'elles, chacune pour sa portion. La raison est que l'objet de ce droit est la perception des fruits, qui sont corporels et divisibles.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 539. Usufruct may, from its origin, be conferred on several persons in divided or undivided portions.

RCC—494, 538.

RCC 1870, Art. 539.

Same as above.

CC 1825, Art. 531.

(Projet, p. 50. Addition adopted; comment by redactors)

Same as above.

L'usufruit peut, dès son origine, être accordé à plusieurs personnes par portions divisées ou indivisées.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 540. Usufruct may be established by all sorts of titles; by a deed of sale, by a marriage contract, by donation, compromise, exchange, last will and even by operation of law.

Thus the usufruct to which a father is entitled on the estate of his children during the marriage, is a legal usufruct.

RCC—221, 223, 555, 589, 628, 916, 1499, 1500, 1522, 1533, 1638, 2371, 2449.

RCC 1870, Art. 540.

Same as above.

CC 1825, Art. 532.

(No reference in Projet)

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

L'usufruit peut être établi par toutes sortes de titres; par contrat de vente, par contrat de mariage, par donation, transaction, échange, testament et même par la loi.

Ainsi l'usufruit que le père de famille a des biens de ses enfants, durant le mariage, est un usufruit légal.

CC 1808, p. 110, Art. 4.

Usufruct may be established by all sorts of titles, by a deed of sale, by a marriage contract, by donation, transaction, exchange, last will, and even by law.

Par. 2 same as par. 2, above.

-p. 111, Art. 4.

Same as above.

CN 1804, Art. 579.

Usufruct is established by law or by the voluntary acts of man.

L'usufruit est établi par la loi, ou par la volonté de l'homme.

ART. 541. Usufruct may be established on every description of estates, movable or immovable, corporeal and incorporeal.

RCC—448, 460, 461, 462, 471, 472.

RCC 1870, Art. 541.

Same as above.

CC 1825, Art. 533.

(No reference in Projet)

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

L'usufruit peut être établi sur toute espèce de biens meubles ou immeubles, corporels ou incorporels.

CC 1808, p. 110, Art. 5.

Usufruct may be established on every description of estates moveable or immoveable, corporeal or incorporeal.

-p. 111, Art. 5.

Same as above.

CN 1804, Art. 581.

Usufruct may be established on every description of things, movable or immoveable.

Il peut être établi sur toute espèce de biens meubles ou immeubles.

ART. 542. Usufruct may be established simply, or to take place at a certain day, or under condition; in a word, under all such modifications as the person who gives such a right may be pleased to annex to it.

RCC—569, 608 *et seq.*, 1519, 2020, 2021, 2043, 2051.

RCC 1870, Art. 542.

Same as above.

CC 1825, Art. 534.

(No reference in Projet)

Same as above; but comma (,) after "condition", and after "right."

L'usufruit peut être constitué purement ou à certain jour, ou sous condition, en un mot, sous toutes les modifications qu'il plaît à celui qui le donne, d'apporter.

CC 1808, p. 112, Art. 6.

Same as above; but no punctuation after "simply", or after "word."

-p. 113, Art. 6.

L'usufruit peut être constitué purement, ou à certain jour, ou sous condition, en un mot sous toutes les modifications qu'il plaît à celui qui le donne, d'y apporter.

CN 1804, Art. 580.

Usufruct may be established simply, or to take place at a certain day, or under condition. L'usufruit peut être établi, ou purement, ou à certain jour, ou à condition.

ART. 543. It may be granted to all such as may be possessed of an estate, even to communities or corporations.

RCC 1870, Art. 543.

Same as above.

CC 1825, Art. 535.

(No reference in Projet)

Same as above.

Il peut être accordé à tous ceux qui peuvent posséder des biens, même aux communautés et corporations.

CC 1808, p. 112, Art. 7.

Same as above.

-p. 113, Art. 7.

Same as above.

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book II, Title III, Art. 5.

It may be granted to all such as may be possessed of an estate, even to communes or public institutions. Il peut être accordé à tous ceux qui peuvent posséder des biens, même à des communes ou à des établissements publics.

Section 2—OF THE RIGHTS OF THE USUFRUCTUARY

ART. 544. All kinds of fruits, natural, cultivated or civil, produced, during the existence of the usufruct, by the things subject to it, belong to the usufructuary.

RCC—465, 498 *et seq.*, 545, 551, 566, 633, 3510.

RCC 1870, Art. 544.

(Same as Art. 544 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 536.*

(Projet, p. 50. Amendment adopted; comment by redactors)

All kinds of fruits, natural, cultivated or civil, produced, during the existence of the usufruct, by the things subject to it, with the exception of the children of slaves, belong to the usufructuary.

Toutes les espèces de fruits, soit naturels, soit industriels, soit civils, qui sont produits pendant la durée de l'usufruit, par les choses qui y sont sujettes, à l'exception des enfans des esclaves, appartiennent à l'usufruitier.

CC 1808, p. 112, Art. 8.*

The usufructuary has a right to enjoy all sorts of profits,** whether natural or the produce of industry or civil, proceeding from the object whose use*** belongs to him.

-p. 113, Art. 8.*

L'usufruitier a le droit de jouir de toutes les espèces de fruits** soit naturels, soit industriels, soit civils, que peut produire l'objet dont il a l'usufruit.***

CN 1804, Art. 582.

The usufructuary has a right to enjoy all sorts of fruits, whether nat- Same as CC 1808, p. 113, Art. 8, above; but comma (,) after "fruits."

ural or the produce of industry or civil, proceeding from the object whose usufruct belongs to him.

*Similar provisions repeated in CC 1825, Art. 539, and CC 1808, pp. 112, 113, Art. 12, quoted in appendix.

**Note error in English translation of French text; "profits" should be "fruits."

***Note error in English translation of French text; "use" should be "usufruct."

ART. 545. Natural fruits are such as are the spontaneous product of the earth; the product and increase of cattle are likewise natural fruits.

The fruits, which result from industry bestowed on a piece of ground, are those which are obtained by cultivation.

Civil fruits are rents of real property, the interest of money, and annuities.

All other kinds of revenue or income derived from property by the operation of the law or private agreement, are civil fruits.

RCC—546, 547, 969, 1515.

RCC 1870, Art. 545. (Same as Art. 545 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 537. (Projet, p. 50. Amendment adopted; comment by redactors)

Natural fruits are such as are the spontaneous produce of the earth; the produce and increase of cattle, and the children of slaves are likewise natural fruits.

Pars. 2-4 same as pars. 2-4, above; but no punctuation after "money."

Les fruits naturels sont ceux qui sont le produit spontané de la terre. Le produit et le croît des animaux et les enfans des esclaves, sont aussi des fruits naturels.

Les fruits* industriels d'un fonds sont ceux qu'on en obtient par la culture.

Les fruits civil sont les loyers et fermages des biens, les intérêts des sommes d'argent, les rentes.

Toutes les autres espèces de revenus ou profits qu'on peut retirer des biens, par l'effet de la loi ou de la convention, sont aussi des fruits civils.

CC 1808, p. 112, Art. 9.

Natural profits* are such as are the spontaneous produce of the earth, the increase of cattle are likewise natural profits.*

The profits* which result from industry, bestowed on a piece of ground, are those which are obtained by cultivation.

-p. 113, Art. 9.

Les fruits* naturels sont ceux qui sont le produit spontané de la terre. Le produit et le croît des animaux sont aussi des fruits* naturels.

Par. 2 same as par. 2, above.

-p. 112, Art. 10.

Civil profits* are the rents of houses, the interests on money which is due, the arrears of rents or annuities.

The price of leases is likewise enumerated among the civil profits.*

-p. 113, Art. 10.

Les fruits* civils sont les loyers de maison, les intérêts des sommes exigibles, les arrâges des rentes.

Les prix des baux à ferme sont aussi rangés dans la classe des fruits* civils.

CN 1804, Art. 583.

Natural fruits are such as are the spontaneous product of the earth. The increase of cattle are likewise natural fruits.

Par. 1 same as CC 1808, p. 113, Art. 9, par. 1, above.

Par. 2 same as CC 1825, Art. 537, par. 2, above.

Les fruits industriels d'un fonds sont ceux qu'on obtient par la culture.

-Art. 584.

Civil fruits are the rents of houses, the interest on money which is due, the arrears of rents or annuities.

Les fruits civils sont les loyers des maisons, les intérêts des sommes exigibles, les arrérages des rentes.

The price of leases is likewise enumerated among the civil fruits.

Par. 2 same as CC 1808, p. 113, Art. 10, par. 2, above.

*Note error in English translation of French text; "profits" should be "fruits."

ART. 546. The natural fruits, or such as are the product of industry, hanging by branches or by roots at the time when the usufruct is open, belong to the usufructuary.

Fruits in the same state, at the moment when the usufruct is at an end, belong to the owner, without being* obliged to compensate the other, for either work or seeds.

RCC—545, 547, 551.

RCC 1870, Art. 546.

(Same as Art. 546 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 538.

(No reference in Projet)

The natural fruits, or such as are the produce of industry, hanging by branches or by roots, at the time when the usufruct is open, belong to the usufructuary.

Les fruits naturels et industriels, pendant par les branches ou par les racines au moment où l'usufruit est ouvert, appartiennent à l'usufruitier.

Par. 2 same as par. 2, above.

Ceux qui sont dans le même état, au moment où l'usufruit finit, appartiennent au propriétaire, sans récompense de part ni d'autre,* des labours et des semences.

CC 1808, p. 112, Art. 11.

The natural profits** or such as are the produce of industry, hanging by branches or by roots, at the time when the usufruct is open, belong to the usufructuary.

-p. 113, Art. 11.

Les fruits** naturels et industriels, pendans par branches ou par racines, au moment où l'usufruit est ouvert, appartiennent à l'usufruitier.

Profits** in the same state, at the moment when the usufruct is at an end belong to the owner without either's being obliged to compensate the other, for either work or seeds.

Ceux** qui sont dans le même état au moment où l'usufruit finit, appartiennent au propriétaire, sans récompense de part et d'autre, des labours et des semences.

CN 1804, Art. 585.

Par. 1 same as CC 1825, Art. 538, par. 1, above.

Par. 1 same as par. 1, above; but no punctuation after "racines."

Fruits in the same state at the moment when the usufruct is at an end, belong to the owner, without either party being obliged to compensate the other for either work or seeds, but without prejudice to the portion of the fruits which may belong to the tenant paying rent in kind, if there were one at the beginning or at the expiration of the usufruct.

Ceux qui sont dans le même état au moment où finit l'usufruit, appartiennent au propriétaire, sans récompense de part ni d'autre des labours et des semences, mais aussi sans préjudice de la portion des fruits qui pourrait être acquise au colon partiaire, s'il en existait un au commencement ou à la cessation de l'usufruit.

Projet du Gouvernement (1800), Book II, Title III, Art. 9.

All the fruits hanging by branches or by roots, at the time when the usufruct is open, belong to the usufructuary.

Tous les fruits pendans par branches ou par racines au moment où l'usufruit est ouvert, appartiennent à l'usufruitier.

All the fruits in the same state, at the moment when the usufruct is at an end, belong to the owner, without either party being obliged to compensate the other for either work or seeds.

Tous ceux qui sont dans le même état au moment où l'usufruit finit, appartiennent au propriétaire, Sans récompense, de part et d'autre, de labours et de semences.

*Note error in English translation of French text; "without being" should be "without either party being."

**Note error in English translation of French text; "profits" should be "fruits."

ART. 547. Rents and income of property, interest of money, and annuities, and other civil fruits, are supposed to be obtained day by day, and they belong to the usufructuary, in proportion to the duration of his usufruct, and are due to him, though they may not be collected at the expiration of his usufruct.

RCC—545.

RCC 1870, Art. 547.

Same as above.

CC 1825, Art. 540.

(Projet, p. 51. Amendment adopted; comment by redactors)

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

Les loyers, fermages et rentes des biens, les intérêts des sommes d'argent, et autres fruits civils, sont réputés s'acquérir jour par jour, et appartiennent à l'usufruitier, à proportion de la durée de son usufruit; et ils lui sont dus, quoiqu'ils n'aient pas encore été perçus, lors de l'expiration de l'usufruit.

CC 1808, p. 112, Art. 13.

Civil profits* are supposed [supposed] to be obtained day by day, and they belong to the usufructuary, in proportion to the duration of his usufruct.

-p. 113, Art. 13.

Les fruits* civils sont réputés s'acquérir jour par jour, et appartiennent à l'usufruitier, à proportion de la durée de son usufruit.

-p. 114, Art. 17.

The usufruct of a life, or perpetual annuity gives likewise to the usufructuary, as long as the usufruct lasts, the right of receiving the arrears of said annuity without being bound to any restitution.

-p. 115, Art. 17.

L'usufruit d'une rente viagère ou perpétuelle, donne aussi à l'usufruitier, pendant la durée de son usufruit, le droit d'en percevoir les arrérages, sans être tenu à aucune restitution.

CN 1804, Art. 586.

Civil fruits are supposed to be obtained day by day, and they belong to the usufructuary, in proportion to the duration of his usufruct. This rule applies to the price of leases of land, as well as to rents of houses and other civil fruits.

Sentence 1 same as CC 1808, p. 113, Art. 13, above.

Cette règle s'applique au prix des baux à ferme, comme aux loyers des maisons et aux autres fruits civils.

-Art. 588.

The usufruct of a life annuity gives likewise to the usufructuary, as long as the usufruct lasts, the right of receiving the arrears of said annuity without being bound to any restitution.

L'usufruit d'une rente viagère donne aussi à l'usufruitier, pendant la durée de son usufruit, le droit d'en percevoir les arrérages, sans être tenu à aucune restitution.

*Note error in English translation of French text; "profits" should be "fruits."

ART. 548. The usufruct of a house carries with it the enjoyment of the house, of the profits* which it may bring, and indeed of such furniture as is permanently fixed therein, even should the title by which the usufruct is established make no mention of the same.

RCC—545, 635.

RCC 1870, Art. 548.

Same as above.

CC 1825, Art. 541.

(No reference in Projet)

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

L’usufruit d’une maison emporte la jouissance de cette maison, des fruits* qu’elle rapporte, et même des ustensiles qui y sont à perpétuelle demeure, quand même le titre constitutif de l’usufruit n’en ferait aucune mention.

CC 1808, p. 112, Art. 14.

The usufruct of a house carries with it the enjoyment of said house, of the profit* which it may bring, and indeed of such furniture as is permanently fixed therein, even should the title by which the usufruct is established, make no mention of the same.

-p. 113, Art. 14.

Same as above; but no punctuation after “rapporte.”

CN 1804. No corresponding article.

*Note error in English translation of French text; “profits” should be “fruits.”

ART. 549. If the usufruct includes things, which can not be used* without being expended or consumed, or without their substance being changed, the usufructuary has a right to dispose of them at his pleasure, but under the obligation of returning the same quantity, quality and value to the owner, or their estimated price, at the expiration of the usufruct.

RCC—534, 536, 637.

RCC 1870, Art. 549.

Same as above.

CC 1825, Art. 542.

(Projet, p. 51. Addition adopted; comment by redactors)

Same as above.

Si l’usufruit comprend des choses dont on ne peut faire usage ou retirer d’utilité,* sans en disposer, les consommer, ou en changer la substance, l’usufruitier a le droit de les consommer et d’en disposer à sa volonté, mais à la charge d’en rendre de pareille quantité, qualité et valeur au propriétaire, ou leur estimation à la fin de l’usufruit.

CC 1808, p. 112, Art. 15.

If the usufruct includes things which cannot be used without being expended, such as money, provisions, liquors, the usufructuary has a right to use the same, but under the obligation of returning the same quantity, quality and value, or their estimated price, at the expiration of the usufruct.

-p. 113, Art. 15.

Si l’usufruit comprend des choses dont on ne peut faire usage sans les consommer, comme l’argent, les denrées, les liqueurs; l’usufruitier a le droit de s’en servir, mais à la charge d’en rendre de pareilles [pareille] quantité, qualité et valeur, ou leur estimation à la fin de l’usufruit.

CN 1804, Art. 587.

If the usufruct includes things which cannot be used without being expended, such as money, grain, liquors, the usufructuary has a right to use the same, but under the obligation of returning the same quantity, quality and value, or their estimated price, at the expiration of the usufruct.

Si l'usufruit comprend des choses dont on ne peut faire usage sans les consommer, comme l'argent, les grains, les liqueurs, l'usufruitier a le droit de s'en servir, mais à la charge d'en rendre de pareille quantité, qualité et valeur, ou leur estimation, à la fin de l'usufruit.

*English translation of French text incomplete; should include "or put to some useful purpose."

ART. 550. If the usufruct comprehends things which, though not consumed at once, are gradually impaired by wear and decay, such as furniture, the usufructuary has, in like manner, a right to make use of them for the purposes for which they are intended, and at the expiration of the usufruct he is obliged only to restore them in the state in which they may be, provided they have not been impaired through his fault or neglect.

And even should any of these things be entirely worn out by use at the expiration of the usufruct, the usufructuary is not bound to make good the same.

RCC—535.

RCC 1870, Art. 550.

Same as above.

CC 1825, Art. 543.

Same as above.

(No reference in Projet)

Si l'usufruit comprend des choses qui, sans se consommer de suite, se détériorent peu-à-peu par l'usage, comme des meubles meublans, l'usufruitier a également le droit de s'en servir pour l'usage auquel elles sont destinées, et n'est obligé à les rendre, à la fin de l'usufruit, que dans l'état où elles se trouvent, pourvu qu'elles n'aient pas été détériorées par son dol ou par sa faute.

Si même quelqu'une de ces choses se trouve entièrement consommée par l'usage à la fin de l'usufruit, l'usufruitier est dispensé de la représenter.

-p. 113, Art. 16.

Same as above; but no punctuation after "rendre"; comma (,) after "usage."

CC 1808, p. 112, Art. 16.

If the usufruct comprehends things which though not consumed at once, are gradually impaired by wear and decay, such as furniture, the usufructuary has, in like manner, a right to make use of them for the purposes for which they are intended; and at the expiration of the usufruct he is obliged only to restore them in the state in which they may be, *provided*, they have not been impaired through his improbity or default.

Par. 2 same as par. 2, above.

CN 1804, Art. 589.

If the usufruct comprehends things which, though not consumed at once, are gradually impaired by wear and

Si l'usufruit comprend des choses qui, sans se consommer de suite, se détériorent peu à peu par l'usage,

decay, such as clothes or furniture, the usufructuary has a right to make use of them for the purposes for which they are intended, and at the expiration of the usufruct he is obliged only to restore them in the state in which they may be, without impairment through his fault or neglect.

comme du linge, des meubles meublans, l'usufruitier a le droit de s'en servir pour l'usage auquel elles sont destinées, et n'est obligé de les rendre, à la fin de l'usufruit, que dans l'état où elles se trouvent, non détériorées par son dol ou par sa faute.

Projet du Gouvernement (1800), Book II, Title III, Art. 14.

If the usufruct comprehends things which though not consumed at once, are gradually impaired by wear and decay, such as furniture, the usufructuary has, in like manner, a right to make use of them for the purposes for which they are intended; and at the expiration of the usufruct he is obliged only to restore them in the state in which they may be, without impairment through his fault or neglect.

Si l'usufruit comprend des choses qui, sans se consumer de suite, se détériorent peu à peu par l'usage, comme les meubles meublans, l'usufruitier a également le droit de s'en servir pour l'usage auquel elles sont destinées, et n'est obligé de les rendre, à la fin de l'usufruit, que dans l'état où elles se trouvent, non détériorées par son dol ou par sa faute.

Par. 2 same as CC 1808, p. 112, Art. 16, par. 2, above.

Si même quelque-une de ces choses se trouve entièrement consumée par l'usage à la fin de l'usufruit, l'usufruitier est dispensé de la représenter.

ART. 551. The usufructuary has a right to draw all the profits which are usually produced by the thing subject to the usufruct.

Accordingly he may cut trees on land of which he has the usufruct, take from it earth, stones, sand and other materials, but for his use only, and for the amelioration and cultivation of the land, provided he act in that respect as a prudent administrator, and without abusing this right.

RCC—533, 544, 546, 552.

RCC 1870, Art. 551.

Same as above.

CC 1825, Art. 544.

(Projet, p. 51. Amendment adopted; comment by redactors)

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

L'usufruitier a le droit de retirer tous les émolumens que la chose sujette à l'usufruit a coutume de produire.

Ainsi il peut faire des coupes de bois sur le fonds dont il a l'usufruit, en tirer de la terre, des pierres, du sable et autres matériaux, mais pour son usage seulement, et pour l'amélioration et l'exploitation de ce fonds, pourvu que ce soit en bon père de famille, et sans abuser de ce droit.

CC 1808, p. 114, Art. 18.

Par. 1 same as par. 1, above; but no punctuation after "profits."

Accordingly he may cut trees on land of which he has the usufruct, dig stones, sand and other materials both for his use and for sale, *provided* he act in those respects as a prudent father, and so as that the inheritance* be not thereby rendered entirely barren or useless.

-p. 115, Art. 18.

L'usufruitier est en droit de tirer tous les émolumens que la chose sujette à l'usufruit, a coutume de produire.

Ainsi il peut faire des coupes de bois sur le fonds dont il a l'usufruit, en tirer des pierres, du sable et d'autres matériaux, tant pour son usage que pour vendre, *pourvu* que ce soit en bon père de famille et de manière que l'héritage* ne soit pas par là rendu totalement stérile ou inutile.

CN 1804, Art. 592.

In all other cases, the usufructuary may not touch the timber trees: he may, for the purpose of making repairs for which he is bound, use only the trees accidentally up-rooted or broken; he may even, for this purpose, fell some if it be necessary, but under the charge of proving such necessity to the owner.

Dans tous les autres cas, l'usufruitier ne peut toucher aux arbres de haute futaie: il peut seulement employer, pour faire les réparations dont il est tenu, les arbres arrachés ou brisés par accident; il peut même, pour cet objet, en faire abattre s'il est nécessaire, mais à la charge d'en faire constater la nécessité avec le propriétaire.

-Art. 593.

He may gather poles in the woods for vines; he may likewise take the annual or periodic produce of trees; all of which must be done according to the usages of the country or the custom of the owners.

Il peut prendre, dans les bois, des échelas pour les vignes; il peut aussi prendre, sur les arbres, des produits annuels ou périodiques; le tout suivant l'usage du pays ou la coutume des propriétaires.

-Art. 594.

Fruit trees which die and even those which are accidentally up-rooted or broken, belong to the usufructuary, under the obligation on his part of replacing them with others.

Les arbres fruitiers qui meurent, ceux même qui sont arrachés ou brisés par accident, appartiennent à l'usufruitier, à la charge de les remplacer par d'autres.

*Note error in English translation of French text; "inheritance" should be "estate."

ART. 552. The usufructuary has a right to the enjoyment and proceeds of mines and quarries in the land subject to the usufruct, if they were actually worked before* the commencement of the usufruct; but he has no right to mines and quarries not** opened.

RCC—505, 551.

RCC 1870, Art. 552.

Same as above.

CC 1825, Art. 545.

Same as above.

(Projet, p. 52. Addition adopted; no comment)

L'usufruitier peut jouir des mines et carrières, qui sont dans le fonds dont il a l'usufruit, et en vendre les produits, si elles sont en exploitation au moment de* l'ouverture de l'usufruit; mais il n'a aucun droit aux mines et carrières non encore** ouvertes.

CC 1808. No corresponding article.

CN 1804, Art. 598.

He enjoys as well, in the same manner as the owner, the mines and quarries which were actually worked at the commencement of the usufruct; nevertheless, if such working cannot be carried on without a concession, the usufructuary shall be able to enjoy it only after having obtained permission of the Government.

He has no right to mines and quarries not yet opened, nor to peat-bogs, exploitation of which has not been begun, nor to treasure which might be discovered during the term of the usufruct.

Il jouit aussi, de la même manière que le propriétaire, des mines et carrières qui sont en exploitation à l'ouverture de l'usufruit; et néanmoins, s'il s'agit d'une exploitation qui ne puisse être faite sans une concession, l'usufruitier ne pourra en jouir qu'après en avoir obtenu la permission du Gouvernement.

Il n'a aucun droit aux mines et carrières non encore ouvertes, ni aux tourbières dont l'exploitation n'est point encore commencée, ni au trésor qui pourrait être découvert pendant la durée de l'usufruit.

*Note error in English translation of French text; "worked before" should be "being worked at the time of."

**English translation of French text incomplete; should include "yet."

ART. 553. The usufructuary enjoys the increase brought by alluvion to the land of which he has the usufruct, but has no right to islands formed in a stream not navigable opposite the land; they belong to the riparian proprietors, as is prescribed in the title; *Of Things*.

In like manner he has no right, not even the right of enjoyment, to the treasure which may be discovered in the land of which he has the usufruct, unless he himself has discovered it, in which case he shall only enjoy the right granted by law to such persons as find a treasure in a piece of land, the property of another person.

RCC—509 *et seq.*, 513 *et seq.*, 3423.

RCC 1870, Art. 553.

Same as above.

CC 1825, Art. 546.

(Projet, p. 52. Amendment † adopted; comment by redactors)

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

L'usufruitier jouit de l'augmentation survenue par alluvion au fonds dont il a l'usufruit. Mais il n'en est pas de même de l'île qui se forme dans une rivière non navigable, vis-à-vis de ce fonds; elle appartient aux propriétaires riverains, ainsi qu'il a été prescrit au titre des choses ou des biens, et l'usufruitier n'y a aucun droit.

Il n'a également aucun droit, même de jouissance, sur le trésor qui pourrait être découvert dans le fonds dont il a l'usufruit, si ce n'est qu'il l'eût lui-même trouvé, dans lequel cas il jouira seulement du droit que la loi accorde à ceux qui trouvent un trésor dans le fonds d'autrui.

CC 1808, p. 114, Art. 19.

The usufructuary enjoys the increase brought by alluvion to the land of which he has the usufruct.

But he has no right, not even the right of enjoyment to the treasure which may be discovered there during the period of the usufruct, unless he himself has discovered it, in which case he shall only enjoy the right granted by law to such persons as find a treasure in a piece of land the property of another person.

-p. 115, Art. 19.

L'usufruitier jouit de l'augmentation survenue par alluvion au fonds dont il a l'usufruit.

Mais il n'a aucun droit même de jouissance sur le trésor qui pourrait y être découvert, pendant la durée de son usufruit, si ce n'est qu'il l'eût lui-même trouvé, dans lequel cas il jouira seulement du droit que la loi accorde à ceux qui trouvent un trésor dans le fonds d'autrui.

CN 1804, Art. 596.

The usufructuary enjoys the increase brought by alluvion to the object of which he has the usufruct.

L'usufruitier jouit de l'augmentation survenue par alluvion à l'objet dont il a l'usufruit.

-Art. 598, par. 2.

Quoted under RCC 1870, Art. 552, above.

ART. 554. The usufructuary enjoys the rights of servitudes, ways or others due to the inheritance* of which he has the usufruct; and if this inheritance* is inclosed within the other lands of him who has established such usufruct, a way must be gratuitously furnished to the usufructuary by the owner of the land or by his heirs.

RCC—619, 699, 703, 722.

RCC 1870, Art. 554.

(Same as Art. 554 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 547.

(No reference in Projet)

The usufructuary enjoys the right of servitudes, ways or others due to the inheritance* of which he has the usufruct; and if this inheritance* is inclosed within the other lands of him who has established such usufruct, a way must be gratuitously furnished to the usufructuary by the proprietor of the land or by his heirs.

L'usufruitier jouit des droits de servitudes, de passage ou autres dus à l'héritage* dont il a l'usufruit, et si cet héritage* se trouve enclavé dans les autres possessions de celui qui a établi l'usufruit, le passage doit être fourni gratuitement à l'usufruitier par le propriétaire ou par ses héritiers.

CC 1808, p. 114, Art. 20.

The usufructuary enjoys the right of services, ways or others due to the inheritance* of which he has the usufruct, and if this inheritance* is inclosed within the other lands of him who has established such usufruct, the way must be gratuitously furnished to the usufructuary by the proprietor of the said lands or by his heirs.

-p. 115, Art. 20.

Same as above; but "servitudes" spelled "servitude."

CN 1804, Art. 597.

He enjoys the rights of servitude, of passage, and generally all the rights which the owner may enjoy, and he enjoys them in the same manner as the owner himself.

Il jouit des droits de servitude, de passage, et généralement de tous les droits dont le propriétaire peut jouir, et il en jouit comme le propriétaire lui-même.

*Note error in English translation of French text; "inheritance" should be "estate."

ART. 555. The usufructuary may enjoy by himself or lease to another, or even sell or give away his right; but all the contracts or agreements which he makes in this respect, whatever duration he may have intended to give them, cease of right at the expiration of the usufruct.

RCC—561, 638, 643, 737, 2730, 3289.

RCC 1870, Art. 555.

Same as above.

CC 1825, Art. 548.

(Projet, p. 52. Amendment † adopted; comment by redactors)

Same as above.

L'usufruitier peut jouir par lui-même, louer ou affermer, vendre ou donner son droit à un autre. Mais tous les contrats et autres actes qu'il passe à cet égard, quelque durée qu'il ait voulu leur donner, sont résolus de plein droit par l'extinction de son usufruit.

CC 1808, p. 114, Art. 21.

The usufructuary may enjoy by himself, or lease to another or even sell or give away his right.

-p. 115, Art. 21.

L'usufruitier peut jouir par lui-même ou donner à ferme à un autre, ou même vendre, ou donner son droit.

CN 1804, Art. 595, sentence 1.

The usufructuary may enjoy by himself, or lease to another, or even sell or transfer his right by gratuitous title.

L'usufruitier peut jouir par lui-même, donner à ferme à un autre, ou même vendre ou céder son droit à titre gratuit.

Projet du Gouvernement, (1800), Book II, Title III, Art. 20.

He may enjoy by himself, or lease to another, or even sell or give away his right. Il peut jouir par lui-même, ou donner à ferme à un autre, ou même vendre ou donner son droit.

ART. 556. The usufructuary can maintain all actions against the owner and third persons, which may be necessary to insure him the possession, enjoyment and preservation of his right.

RCC—591, 830, 1309, 3556 (32). CP—5, 43 *et seq.*, 46 *et seq.* Acts 1908, No. 38; 1938, No. 205.

RCC 1870, Art. 556.

Same as above.

CC 1825, Art. 549.

(Projet, p. 52. Addition adopted; comment by redactors)

Same as above.

L'usufruitier peut, pour entrer en possession de son droit, en jouir et le conserver, exercer toutes les actions nécessaires, tant contre le propriétaire que contre les tiers.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Section 3—OF THE OBLIGATIONS OF THE USUFRUCTUARY

ART. 557. The usufructuary takes things in the state in which they are; but he can not obtain possession of the things subject to the usufruct, without having caused to be made in presence of the owner, or after the owner has been duly summoned, if he be within the State, an inventory with the estimated value of the estate, both movable and immovable, subject to the usufruct, by a notary public duly authorized by the judge to that effect, and in the presence of two witnesses.

If the owner be absent from the State, and is not represented by any person therein, the judge shall appoint a counsel for him to assist at the inventory.

RCC—558, 560, 564, 565, 568, 629, 630, 1105 *et seq.*, 1210 *et seq.*, 2365.

RCC 1870, Art. 557.

Same as above.

CC 1825, Art. 550.

(Projet, p. 53. Amendment † adopted; no comment)

Same as above.

L'usufruitier prend les choses dans l'état où elles se trouvent, mais il ne peut obtenir la délivrance des choses sujettes à l'usufruit, qu'après en avoir fait dresser, en présence du propriétaire ou lui dûment appelé, s'il est dans l'Etat, un inventaire estimatif des biens, meubles et immeubles sujets à l'usufruit, par un notaire public dûment autorisé par le juge à cet effet, et en présence de deux témoins.

Si le propriétaire est absent, et n'est pas représenté dans l'Etat, il lui sera nommé un défenseur par le juge, pour assister pour lui à cet inventaire.

CC 1808, p. 114, Art. 22.

The usufructuary takes things in the state in which they are; but it is his duty, before he takes possession, to cause to be made, in presence of the owner, or after the owner has been duly summoned, an inventory with the estimated value of the estate both moveable and immoveable subject to the usufruct, by a notary public duly authorised by the parish judge to that effect and in the presence of two witnesses.

CN 1804, Art. 600.

The usufructuary takes things in the state in which they are; but he cannot enter into the enjoyment of them without having caused to be made, in the presence of the owner, or after the owner has been duly summoned, an inventory of the movables and a description of the immovables subject to the usufruct.

ART. 558. The usufructuary must give security that he will use, as a prudent administrator would do, the movables and immovables subject to the usufruct, and that he will faithfully fulfill all the obligations imposed on him by law, and by the title under which his usufruct is established.

RCC—559, 560, 562, 566, 621, 622, 629 *et seq.*, 3042, 3064, 3065.

RCC 1870, Art. 558.

Same as above.

CC 1825, Art. 551.

Same as above.

(Projet, p. 53. Amendment adopted; no comment)

L'usufruitier doit donner caution qu'il jouira en bon père de famille, des biens, meubles et immeubles sujets à l'usufruit, et qu'il remplira fidèlement toutes les obligations qui lui sont imposées par la loi et par le titre constitutif de son usufruit.

CC 1808, p. 114, Art. 23, par. 1.

The usufructuary is bound to give security for the amount of the inventory, as a pledge for his enjoying as a good father, if it be an immoveable estate; that he shall return the property in the state in which it is found, not grown worse through any fraud or neglect of his, if it be ordinary furniture*; and that he shall pay the estimated value specified in the inventory, if it consists of things liable to be worn out by use.

CN 1804, Art. 601, clause 1.

He gives security that he will use the things as a prudent administrator would do, if it is not dispensed with by the act by which the usufruct is established:

-p. 115, Art. 23, par. 1.

L'usufruitier doit donner caution du montant de l'inventaire, pour sûreté qu'il jouira en bon père de famille, si ce sont des immeubles; qu'il les rendra en l'état où ils se trouveront non détériorés ni par son dol ni par sa faute, si ce sont des meubles* ordinaires, et qu'il restituera l'équivalent de l'estimation qui en est faite par l'inventaire, si ce sont des choses sujettes à se consommer par l'usage.

Il donne caution de jouir en bon père de famille, s'il n'en est dispensé par l'acte constitutif de l'usufruit:

*Note error in English translation of French text; "furniture" should be "movables."

ART. 559. The amount of this security shall be the estimated value of the movables subject to the usufruct, according to the inventory, and such further sum as shall be fixed by the judge according to the nature of the immovable property subject to the usufruct, to answer for the damages which the usufructuary or those for whom he is responsible, may commit thereon.

This security may be dispensed with, in favor of the usufructuary, by the act by which the usufruct is established.

RCC—11, 558, 595, 622, 629, 630.

RCC 1870, Art. 559. (Same as Art. 559 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 552. (Projet, p. 53. Amendment adopted; comment by redactors)

The amount of this security shall be the estimated value of the moveables and slaves subject to the usufruct, according to the inventory, and such further sum as shall be fixed by the judge according to the nature of the real property subject to the usufruct, to answer for the damages which the usufructuary or those for whom he is responsible, may commit it thereon.

Par. 2 same as par. 2, above.

Le montant de ce cautionnement sera de la valeur estimative des biens-meubles et des esclaves sujets à l'usufruit, telle qu'elle est portée en l'inventaire de ces biens, et en outre de telle autre somme qui sera fixée par le juge, suivant l'importance des biens-fonds sujets à l'usufruit, pour répondre des dégradations que l'usufruitier, ou ceux pour lesquels il est responsable, pourraient y commettre.

L'usufruitier peut être dispensé de donner cette caution par l'acte constitutif de l'usufruit.

CC 1808, p. 114, Art. 23, pars. 1, 2. -p. 115, Art. 23, pars. 1, 2.

Par. 1 quoted under RCC 1870, Art. 558, above.

Par. 2 same as par. 2 above; but no punctuation after "usufructuary."

Par. 2 same as par. 2, above; but comma (,) after "caution."

CN 1804, Art. 601, clause 1.

Quoted under RCC 1870, Art. 558, above.

ART. 560. Neither the father nor mother, having the legal usufruct of the estate of their children, nor the seller, nor the donor, under the reservation of the usufruct, is required to give this security. (As amended by Acts 1871, No. 87)

RCC—223, 558, 588, 589, 916, 1533, 2382, 2480.

RCC 1870, Art. 560. (Same as Art. 560 of Proposed Revision of 1869)

Neither the father nor mother having the legal usufruct of the estate of their children, nor the seller, under the reservation of the usufruct, is required to give this security.

CC 1825, Art. 553. (No reference in Projet)

Same as RCC 1870, Art. 560, as amended by Acts 1871, No. 87, above; but no punctuation after "mother", after "seller", or after "donor."

Les père et mère ayant l'usufruit légal des biens de leurs enfans, le vendeur ou donateur sous réserve de l'usufruit ne sont point tenus de donner cette caution.

CC 1808, p. 114, Art. 23, par. 3.

The father and mother having the legal usufruct on the estate of their children, neither the seller nor the donor under a reservation of the usufruct, is required to give this security.

-p. 115, Art. 23, par. 3.

Same as above; but comma (,) after "donateur", and after "de l'usufruit."

CN 1804, Art. 601, clause 2.

Nevertheless, neither the father nor mother having the legal usufruct of the estate of their children, nor the seller nor the donor under the reservation of usufruct, is required to give security.

Cependant, les père et mère ayant l'usufruit légal du bien de leurs enfans, le vendeur ou le donateur sous réserve d'usufruit, ne sont pas tenus de donner caution.

ART. 561. If the usufructuary sell, give away or lease his right, he, as well as his security, is responsible for the abuse which the person to whom he has assigned his rights, makes of the things subject to the usufruct, and the damage he may commit on them.

RCC—535, 536, 555, 558, 567, 643.

RCC 1870, Art. 561.

Same as above.

CC 1825, Art. 554.

Same as above.

(Projet, p. 54. Addition adopted; no comment)

Si l'usufruitier vend, donne, loue ou afferme son droit, il est, ainsi que sa caution, responsable de l'abus que celui à qui il a transmis ses droits, ferait des choses sujettes à l'usufruit, et des dégradations qu'il pourrait y commettre.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 562. The usufructuary may for the security required of him by law, give a special mortgage on immovable property of sufficient value and unincumbered, lying within the State.

RCC—558, 559, 563, 564.

RCC 1870, Art. 562.

Same as above.

(Same as Art. 562 of Proposed Revision of 1869)

CC 1825, Art. 555.

The usufructuary may for the security required of him by law, give a special mortgage on real property of sufficient value and unincumbered, lying within the State.

(Projet, p. 54. Addition adopted; no comment)

L'usufruitier peut suppléer au cautionnement qui est exigé de lui d'après la loi, par une hypothèque spéciale sur des biens-fonds situés dans cet Etat, d'une valeur suffisante et libre de toute hypothèque.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 563. If the usufructuary does not give security or a special mortgage, as is prescribed in the preceding article, the immovables subject to the usufruct shall be leased at public auction.

Sums of money, the usufruct of which has been given, shall be put out at interest on good security, with the consent of the owner, and if he refuse, by the authority of the judge.

Movables subject to the same usufruct shall be sold at public auction, and the proceeds of the sale shall be put out at interest in the manner above prescribed.

The interest of such sums, the amount of the rent of the immovable and the products of sequestered property shall, in such case, belong to the usufructuary.

RCC—533 *et seq.*, 558, 562, 564, 2601 *et seq.*, 2668 *et seq.*

RCC 1870, Art. 563.

(Same as Art. 563 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 556.

(Projet, p. 54. Addition † adopted; no comment)

If the usufructuary does not give security or a special mortgage, as is prescribed in the preceding article, the immoveables and the slaves subject to the usufruct shall be hired out or leased at public auction.

Pars. 2, 3 same as pars. 2, 3, above; but comma (,) after "same usufruct."

Si l'usufruitier ne trouve pas de caution, ou ne peut pas donner d'hypothèque spéciale, comme il est dit dans l'article précédent, les immeubles et les esclaves sujets à l'usufruit seront loués ou affermés à l'encan public.

Les sommes dont l'usufruit aura été donné, seront placées à intérêt d'une manière solide, du consentement du propriétaire, et s'il le refuse, sur l'autorisation du juge.

Les effets mobiliers sujets au même usufruit, seront vendus à l'encan public, et le prix en provenant, sera placé de la même manière qu'il est dit ci-dessus.

Les intérêts de ces sommes, le prix de la ferme des immeubles et des loyers des esclaves, et les produits des biens séquestrés, appartiendront dans ce cas à l'usufruitier.

The interest of such sums, the amount of the real rent of the estate and of the hire of slaves, and the produce of the sequestered estate, shall, in such case, belong to the usufructuary.

CC 1808, p. 114, Art. 24.

If the usufructuary is unable to give security, the immoveable [immoveables] and the slaves subject to the usufruct, shall be either leased, hired or sequestered.

Sums of money, the usufruct of which has been given, shall be put out at interest in a solid way.

And commodities subject to the same usufruct, shall be sold, and the amount of said sale shall be likewise put out at interest.

Par. 4 same as par. 4, above; but no punctuation after "slaves."

-p. 115, Art. 24.

Si l'usufruitier ne trouve pas de caution, les immeubles et les esclaves sujets à l'usufruit, seront donnés à ferme ou à loyer, ou mis en séquestre;

Les sommes dont l'usufruit aura été donné seront placées à intérêt d'une manière solide;

Et les denrées sujettes au même usufruit, seront vendues et le prix en provenant sera pareillement placé à intérêt.

Par. 4 same as par. 4, above; but no punctuation after "esclaves", or after "séquestrés."

CN 1804, Art. 602.

If the usufructuary is unable to give security, the immovables must be leased or sequestered;

Sums of money forming part of the usufruct must be invested;

The commodities must be sold and the amount of said sale likewise invested;

The interest of such sums and the amount of the rents belong, in such case, to the usufructuary.

Si l'usufruitier ne trouve pas de caution, les immeubles sont donnés à ferme ou mis en séquestre;

Les sommes comprises dans l'usufruit sont placées;

Les denrées sont vendues, et le prix en provenant est pareillement placé;

Les intérêts de ces sommes et les prix des fermes appartiennent, dans ce cas, à l'usufruitier.

ART. 564. In case the usufructuary does not give security, the owner has a right to insist that such furniture as grows worse* by use, be sold, that the proceeds may be placed at interest, as well as that** of merchandise; and in that case the usufructuary enjoys the interest during the usufruct. Nevertheless the usufructuary may claim, and the judge may order, according to circumstances, that a part of the furniture necessary for his use be left to him, under the simple obligation of returning the same at the expiration of the usufruct.

RCC 1870, Art. 564.

Same as above.

CC 1825, Art. 557.

(No reference in Projet)

Same as above; but semicolon (;) after "sold."

A défaut d'une caution de la part de l'usufruitier, le propriétaire peut exiger que les meubles qui dépérissent* par l'usage, soient vendus, pour le prix en être placé à intérêt, comme celui** des denrées, et alors l'usufruitier jouit de l'intérêt, pendant son usufruit; cependant l'usufruitier pourra demander, et le juge pourra ordonner, suivant les circonstances, qu'une partie des meubles nécessaires pour son usage, lui soit délaissée, à la charge seulement de les représenter à l'extinction de l'usufruit.

CC 1808, p. 116, Art. 25.

In case the usufructuary is unable to find security, the owner has a right to insist that such furniture as grows worse* by use, be sold, that the proceeds may be placed out at interest, as well as that** of the commodities; and in that case the usufructuary enjoys the interest during the usufruct. Nevertheless the usufructuary may claim, and the judge may order, according to circumstances, that a part of the furniture necessary for his use be left to him, under the obligation of returning the same at the expiration of the usufruct.

-p. 117, Art. 25.

Same as above; but no punctuation after "vendus", after "à l'intérêt", after "de l'intérêt", after "demander", or after "usage"; semicolon (;) after "denrées."

CN 1804, Art. 603.

In case the usufructuary is unable to find security, the owner has a right to insist that such movables as grow worse by use be sold, that the proceeds may be invested such as those of merchandise; and in that case the usufructuary enjoys the interest during the usufruct. Nevertheless, the usufructuary may claim and the judges may order, according to circumstances, that a part of the furniture necessary for his use be left to him, on his simple security on oath, and under the obligation of returning the same at the expiration of the usufruct.

A défaut d'une caution de la part de l'usufruitier, le propriétaire peut exiger que les meubles qui dépérissent par l'usage soient vendus, pour le prix en être placé comme celui des denrées; et alors l'usufruitier jouit de l'intérêt pendant son usufruit: cependant l'usufruitier pourra demander et les juges pourront ordonner, suivant les circonstances, qu'une partie des meubles, nécessaires pour son usage lui soit délaissée, sous sa simple caution jura-toire, et à la charge de les représenter à l'extinction de l'usufruit.

*Note error in English translation of French text; "furniture as grows worse" should be "movables as grow worse."

**Note error in English translation of French text; "as well as that" should be "such as those."

ART. 565. The usufructuary is bound to suffer the servitude which existed on the land of which he has the usufruct, at the time his right commenced.

RCC—557, 653, 794.

RCC 1870, Art. 565.

(Same as Art. 565 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 558. (Projet, p. 54. Addition adopted; comment by redactors)

The usufructuary is bound to suffer the services, which existed on the land of which he has the usufruct, at the time his right commenced.

L'usufruitier est obligé de souffrir la servitude qui existait sur le fonds dont il a l'usufruit, au moment où son droit s'est ouvert.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 566. A delay to give security does not deprive the usufructuary of the profits* to which he may have a right; they are due to him from the moment that the usufruct accrued.

RCC—558, 563, 564.

RCC 1870, Art. 566.

Same as above.

CC 1825, Art. 559.

(No reference in Projet)

Same as above.

Le retard de fournir caution ne prive pas l'usufruitier des fruits* auxquels il peut avoir droit; ils lui sont dus du moment où l'usufruit a été ouvert.

CC 1808, p. 116, Art. 26.

Same as above.

-p. 117, Art. 27.

Same as above.

CN 1804, Art. 604.

A delay to give security does not deprive the usufructuary of the fruits to which he may have a right. They are due to him from the moment that the usufruct accrued.

Le retard de donner caution ne prive pas l'usufruitier des fruits auxquels il peut avoir droit; ils lui sont dus du moment où l'usufruit a été ouvert.

*Note error in English translation of French text; "profits" should be "fruits."

ART. 567. It is the duty of the usufructuary to keep the things of which he has the usufruct, and to take the same care of them as a prudent owner does of what belongs to him.

He is accordingly answerable for such losses as proceed from his fraud, default or neglect.

RCC—535, 536, 561, 570, 571, 578, 590, 621, 623, 644.

RCC 1870, Art. 567.

Same as above.

CC 1825, Art. 560.

(No reference in Projet)

Same as above.

L'usufruitier doit conserver les choses dont il a l'usufruit, et en avoir le même soin que prend un bon père de famille de ce qui est à lui.

Ainsi, il est responsable des détériorations qui proviennent de son dol, de sa faute ou de sa négligence.

CC 1808, p. 116, Art. 27.

It is the duty of the usufructuary to keep the things of which he has the usufruct, and to take the same care of them as a father of a family does of what belongs to him.

He is accordingly answerable for such losses as proceed from any fraud, default or neglect of his.

-p. 117, Art. 27.

Same as above; but no punctuation after "usufruit", or after "Ainsi."

CN 1804. No corresponding article.

ART. 568. The usufructuary has a right to make useful and necessary improvements and repairs on the estate subject to the usufruct, and even to make such as are not necessary, but only to suit his own convenience, provided he do not injure the estate, or change its condition. But as to buildings existing on the land at the commencement of the usufruct, he must preserve them such as they have been transmitted to him, nor can he alter their form, distribution or destination,* even to improve it, without the consent of the owner.

He has, however, the right to make openings for windows and doors** in the house in which he lives, and of which he has the usufruct.

RCC—557, 569 *et seq.*, 594, 595, 598, 715.

RCC 1870, Art. 568.

Same as above.

CC 1825, Art. 561.

Same as above.

(Projet, p. 54. Amendment amended and adopted; comment by redactors)

L'usufruitier peut faire dans l'héritage sujet à l'usufruit, les améliorations et réparations utiles ou nécessaires, et même pour son seul plaisir; pourvu que ce soit sans rien empirer, ni changer l'état des lieux. Mais à l'égard des bâtimens existant lors de l'ouverture de l'usufruit, il doit les conserver tels qu'ils lui ont été transmis; et il ne peut en changer la forme ni la distribution,* même pour l'améliorer, sans le consentement du propriétaire.

Il peut cependant ouvrir des jours** dans la maison qui lui sert de demeure, et dont il a l'usufruit.

CC 1808, p. 116, Art. 28.

The usufructuary has a right to make on the estate subject to the usufruct, useful and necessary improvements and repairs, and even to do the same for his bare pleasure; *provided* it be without making the estate the worse or altering the condition of the place. But as to buildings, he must preserve them such as they have been transmitted to him, nor can he alter their form even to improve it, without the consent of the owner.

-p. 117, Art. 28.

L'usufruitier peut faire dans l'héritage, sujet à l'usufruit, des améliorations et réparations utiles et nécessaires et même pour son seul plaisir, *pourvu* que ce soit sans rien empirer ni changer l'état des lieux.

Mais à l'égard des bâtimens, il doit les conserver tels qu'ils lui ont été transmis, et il ne peut en changer la forme, même pour l'améliorer, sans le consentement du propriétaire.

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book II, Title III, Art. 29.

The usufructuary must preserve the buildings such as they have been transmitted to him, nor can he alter their form, even to improve it, without the consent of the owner.

L'usufruitier doit conserver les bâtimens tels qu'ils lui ont été transmis; et il ne peut en changer la forme, même pour l'améliorer, sans le consentement du propriétaire.

*"Or destination" has no counterpart in French text.

**Note error in English translation of French text; "windows and doors" should be "lights." See RCC 1870, Art. 715, below.

ART. 569. The usufructuary can not finish buildings commenced by the owner, nor erect new buildings upon the land of which he has the usufruct, unless these buildings are necessary for working

the land or for getting in the crops; he, however, may rebuild edifices and other works, which have been destroyed or thrown down by time or accident.

The usufructuary can not demolish or destroy what he has once built or constructed, nor take away materials; he must abandon the whole to the owner, at the end of his usufruct, without being able to claim any indemnity therefor.

It is understood that all these restrictions on the rights of the usufructuary, and others mentioned in this title of the Code, only take place, when there is no provision to the contrary in the act establishing the usufruct.

RCC—508, 533 *et seq.*, 542, 568, 577, 594, 595, 598.

RCC 1870, Art. 569.

Same as above.

CC 1825, Art. 563.

(Projet, p. 55. Addition † adopted; comment by redactors)

Same as above.

L'usufruitier ne peut achever l'édifice commencé par le propriétaire, ni faire de nouvelles constructions sur le fonds dont il a l'usufruit, qu'autant que ces édifices sont nécessaires pour l'exploitation de ce fonds, ou pour mettre ses récoltes à couvert. Néanmoins, il peut reconstruire les édifices et autres ouvrages qui ont été détruits ou renversés sur ce fonds, soit par vétusté ou par cas fortuit.

Mais l'usufruitier ne peut pas démolir ou détruire ce qu'il a une fois bâti ou construit, ni en enlever les matériaux, et il est obligé d'abandonner le tout au propriétaire, à la fin de son usufruit, sans pouvoir réclamer d'indemnité à cet égard.

Il est bien entendu que toutes ces restrictions aux droits de l'usufruitier, ainsi que toutes celles mentionnées en ce titre du code, n'ont lieu qu'autant qu'il n'y aura pas été expressément dérogé par l'acte constitutif d'usufruit.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 570. The usufructuary is liable to all the necessary expenses for the preservation and working of the estates subject to the usufruct.

RCC—567, 571, 573, 578, 595, 621, 623.

RCC 1870, Art. 570.

(Same as Art. 570 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 564.

(Projet, p. 55. Amendment † adopted; comment by redactors)

The usufructuary is liable to all the necessary expenses for the preservation and working of the estate subject to the usufruct; and if slaves form a part

L'usufruitier est assujéti à tous les frais qui tiennent à la conservation et à l'exploitation des biens sujets à l'usufruit; et si des esclaves en font

of them, he must provide for their support and clothing, for their medical attendance in sickness, and the just and necessary expenses of their children.

CC 1808, p. 116, Art. 29.

The usufruct is liable to all the necessary expences for the preservation and working of the estates subject to the usufruct, such as those necessary for the cultivation of lands and for the maintainance and clothing of slaves, and for the treatment of their diseases.

CN 1804. No corresponding article.

ART. 571. The usufructuary is bound to make such repairs only as are indispensably necessary for keeping the estate subject to the usufruct in good order.

Repairs extraordinary are to be made by the owner himself, unless such repairs have become necessary in consequence of the usufructuary's neglect to make the repairs for keeping the property in good order, since the usufruct has been acquired by him, in which case the usufructuary is bound to make such extraordinary repairs.

RCC—567, 570, 572 *et seq.*, 597, 621, 623.

RCC 1870, Art. 571.

Same as above.

CC 1825, Art. 565.

Same as above.

(No reference in Projet)

L'usufruitier n'est tenu qu'aux réparations d'entretien des biens sujets à l'usufruit.

Les grosses réparations demeurent à la charge du propriétaire, à moins qu'elles n'aient été occasionnées par le défaut de réparation ou d'entretien, depuis l'ouverture de l'usufruit, auquel cas l'usufruitier en est aussi tenu.

CC 1808, p. 116, Art. 30.

The usufructuary is bound only to such repairs as are indispensably necessary for keeping in good order the estate subject to the usufruct.

Repairs on a large scale are to be made by the owner himself, unless such repairs have become necessary in consequence of the usufructuary's neglect to make the repairs for keeping the things in good order, since the usufruct has been acquired by him, in which case the usufructuary is likewise bound to make said repairs.

CN 1804, Art. 605.

The usufructuary is bound only to such repairs as are indispensably necessary for keeping the things in good order.

Par. 2 same as par. 2, above.

-p. 117, Art. 30.

Par. 1 same as par. 1, above.

Les grosses réparations demeurent à la charge du propriétaire, à moins qu'elles n'ayent été occasionnées par le défaut de réparations d'entretien depuis l'ouverture de l'usufruit, auquel cas l'usufruitier en est aussi tenu.

L'usufruitier n'est tenu qu'aux réparations d'entretien.

Par. 2 same as par. 2, above; but comma (,) after "entretien"; semi-colon (;) after "usufruit."

ART. 572. Extraordinary repairs are those of the principal walls and vaults, and the replacing of beams and roofs *in toto*, and the reconstruction of a levee entirely destroyed or carried away.

All others are ordinary repairs.

RCC—571, 573 *et seq.*, 597, 623.

RCC 1870, Art. 572.

Same as above.

CC 1825, Art. 566.

Same as above.

(Projet, p. 55. Amendment adopted; no comment)

Les grosses réparations sont celles des gros murs et des voûtes, le rétablissement des poutres et des couvertures en entier, et la reconstruction d'une levée entièrement détruite ou emportée.

Toutes les autres sont des réparations d'entretien.

CC 1808, p. 116, Art. 31.

Repairs on a large scale are the building of four principal walls, and of vaults, and the replacing of beams and roofs *in toto*;

All other repairs are repairs only to keep in good order.

-p. 117, Art. 31.

Les grosses réparations sont celles de la construction des quatre gros murs et des voûtes, et le rétablissement des poutres et des couvertures entières.

Par. 2 same as par. 2, above.

CN 1804, Art. 606.

Repairs on a large scale are those of the principal walls and vaults, and the replacing of beams and of roofs *in toto*;

Those of dikes, supporting walls, and enclosing walls also *in toto*.

Par. 3 same as par. 2, above.

Les grosses réparations sont celles des gros murs et des voûtes, le rétablissement des poutres et des couvertures entières;

Celui des digues et des murs de soutènement et de clôture aussi en entier.

Toutes les autres réparations sont d'entretien.

Projet du Gouvernement (1800), Book II, Title III, Art. 31.

Same as CC 1808, p. 116, Art. 31, above.

Les grosses réparations sont celles de la construction des quatre gros murs et des voûtes, le rétablissement des poutres et des couvertures entières;

Par. 2 same as CC 1808, p. 117, Art. 31, par. 2, above.

ART. 573. The usufructuary can be compelled to make, during the time of his usufruct, the repairs which he is bound to make, the same to be determined by experts, and under the penalty of being responsible to the owner for all damages caused by his default.

RCC—570, 571, 621, 623.

RCC 1870, Art. 573.

Same as above.

CC 1825, Art. 567.

Same as above.

(Projet. p. 55. Addition adopted; comment by redactors)

L'usufruitier peut être contraint à faire, pendant la durée de son usufruit, les réparations dont il est tenu, et ce, à dire d'experts, et à peine de tous dommages et intérêts envers le propriétaire.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 574. If between the time the usufruct commences, and the time the usufructuary is put in possession, the owner makes any necessary repairs, which the usufructuary would have been bound to make, the former has the right to claim of the usufructuary the price thereof, and may retain the possession of the things subject to the usufruct, until the price is reimbursed.

RCC—571, 2295 *et seq.*

RCC 1870, Art. 574.

Same as above.

CC 1825, Art. 568.

(Projet, p. 56. Addition adopted; comment by redactors)

Same as above.

Si, dans l'intervalle qui s'est écoulé entre l'ouverture de l'usufruit et la mise en possession de l'usufruitier, le propriétaire a fait des réparations nécessaires dont l'usufruitier aurait été tenu, le propriétaire aura le droit d'en réclamer le prix, et même de retenir la possession des choses sujettes à l'usufruit, jusqu'à ce qu'il en soit remboursé.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 575. The usufructuary can release himself from the repairs, which he is bound to make, and even from the other charges of the usufruct, by abandoning it, even when the owner has instituted suit against him to compel him to make them or bear the expenses of them, and though the usufructuary be condemned in such suit.

But the abandonment will not have the effect of releasing the usufructuary from the charges of the enjoyment, which he has already had of the usufruct, nor from the accountability for the damages which he, or persons for whom he is responsible, may have caused to it.

RCC—571, 775.

RCC 1870, Art. 575.

Same as above.

CC 1825, Art. 569.

(Projet, p. 56. Addition adopted; comment by redactors)

Same as above.

L'usufruitier est le maître de se décharger des réparations dont il est tenu, et même des autres charges de l'usufruit, en abandonnant cet usufruit, quand bien même le propriétaire aurait intenté contre lui une action pour le contraindre à les faire ou supporter, et que même l'usufruitier y aurait été condamné.

Mais cet abandon n'aura pas l'effet de dégager l'usufruitier des charges de la jouissance qu'il aura déjà eue, et des détériorations que lui ou les personnes dont il doit répondre, pourraient avoir causées.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 576. The usufructuary has no action against the owner to compel him to make the extraordinary repairs, which the latter is bound to make. The usufructuary, on the refusal of the owner to make them, may advance the money necessary to complete them, and shall be reimbursed by the owner or his heirs, at the expiration of the usufruct, they not being included in the improvements, which he is obliged to abandon to the owner.

RCC—571, 572, 594, 595, 625.

RCC 1870, Art. 576.

Same as above.

CC 1825, Art. 570.

Same as above.

(Projet, p. 56. Addition adopted; comment by redactors)

L'usufruitier n'a point d'action contre le propriétaire pour le contraindre à faire les grosses réparations dont il est tenu. L'usufruitier peut seulement sur le refus du propriétaire de les faire, avancer les frais nécessaires à leur confection, dont il aura son remboursement de la part du propriétaire ou de ses héritiers, à l'expiration de son usufruit, comme n'étant point compris au nombre des améliorations qu'il est obligé de leur abandonner.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 577. Neither the owner nor the usufructuary is bound to build again what has fallen to ruin, owing to its antiquity, or has been destroyed by chance, when the ruin is total and entire; if it be only partial it forms the subject of ordinary* repairs.

Nevertheless, if the owner wishes to rebuild what has been destroyed, or to make the extraordinary repairs for which he is bound, the usufructuary is bound to permit him, but in the manner the least inconvenient and onerous to himself, and he may prescribe to the owner a reasonable delay for the performance of the work.

RCC—569, 572, 592, 593, 601, 604.

RCC 1870, Art. 577.

Same as above.

CC 1825, Art. 571.

Same as above; but comma (,) after "Neither the owner", after "nor the usufructuary", and after "partial."

(Projet, p. 56. Amendment adopted; no comment)

Ni le propriétaire, ni l'usufruitier, ne sont tenus de rétablir ce qui est tombé de vétusté, ou a été détruit par cas fortuit, lorsque cette destruction est entière et totale, car si elle n'est que partielle, c'est une grosse* réparation.

Néanmoins, si le propriétaire veut rétablir ce qui a été détruit ou faire les grosses réparations dont il est tenu, l'usufruitier sera obligé de souffrir ces constructions ou réparations, mais de la manière qui pourra lui être la moins onéreuse et la moins incommode; et il pourra faire fixer au propriétaire un délai raisonnable pour les faire.

CC 1808, p. 116, Art. 32.

Neither the owner nor the usufructuary is bound to build again what has fallen to ruins owing to its antiquity or has been destroyed by chance.

CN 1804, Art. 607.

Same as above.

Projet du Gouvernement (1800), Book II, Title III, Art. 32.

Same as above.

-p. 117, Art. 32.

Ni le propriétaire ni l'usufruitier ne sont tenus de rétablir ce qui est tombé de vétusté ou a été détruit par cas fortuit.

Ni le propriétaire, ni l'usufruitier, ne sont tenus de rebâtir ce qui est tombé de vétusté, ou ce qui a été détruit par cas fortuit.

Ni le propriétaire ni l'usufruitier ne sont tenus de rebâtir ce qui est tombé de vétusté, ou a été détruit par cas fortuit.

*Note error in English translation of French text; "ordinary" should be "extraordinary."

ART. 578. The usufructuary is liable, during his enjoyment, to all the annual charges to which the things subject to the usufruct may be liable.

He is obliged to pay all taxes and contributions imposed on the property subject to the usufruct, as well as all ground rents which may have been charged upon the property, previous to the commencement of the usufruct.

The usufructuary is also bound, during his enjoyment, to cause to be made and repaired the roads, bridges, ditches, levees and the like, for which the estate of which he has the usufruct may be liable.

RCC—567, 570, 571, 645, 2779 *et seq.*

RCC 1870, Art. 578.

Same as above.

CC 1825, Art. 572.

(Projet, p. 57. Amendment adopted; comment by redactors)

Same as above; but no punctuation after "enjoyment" in par. 3; comma (,) after "has the usufruct."

L'usufruitier est tenu, pendant sa jouissance, de toutes les charges annuelles, dont les choses sujettes à son usufruit peuvent être grevées.

En conséquence, il est obligé d'acquitter toutes les taxes ou contributions qui sont ou peuvent être imposées sur les biens sujets à son usufruit, ainsi que les rentes foncières qui ont été constituées, avant l'ouverture de l'usufruit, sur les héritages qui en dépendent.

Enfin, l'usufruitier est également tenu, pendant sa jouissance, de faire et réparer les chemins, ponts, fossés, levées, et de faire les autres travaux de ce genre, auxquels l'héritage dont il a l'usufruit, peut être assujéti.

CC 1808, p. 116, Art. 33.

The usufructuary is liable during his enjoyment to all the annual charges of the estate, such as contributions and others which according to usage are considered as charges on the profits.*

He is likewise bound during his enjoyment to cause to be made and re-

-p. 117, Art. 33.

L'usufruitier est tenu pendant sa jouissance, de toute les charges annuelles de l'héritage, telles que les contributions et autres qui dans l'usage, sont censées charges des fruits.*

Il doit également, pendant sa jouissance, faire et réparer les chemins,

paired, the roads, bridges, ditches, levees and the like, to which the estate is liable.

ponts, fossés, levées et faire faire les autres travaux de ce genre, auxquels l'héritier [l'héritage] est assujetti.

CN 1804, Art. 608.

The usufructuary is liable, during his enjoyment, for all the annual charges of the estate, such as contributions and others which according to usage are considered as charges against the fruits.

Same as CC 1808, p. 117, Art. 33, par. 1, above; but comma (,) after "tenu"; no punctuation after "usage."

*Note error in English translation of French text; "profits" should be "fruits."

ART. 579. With respect to extraordinary or temporary charges, which may be imposed on things subject to the usufruct during its pendency, the usufructuary is bound to support them, unless they are of a nature to augment the value of the property subject to the usufruct.

In this last case the usufructuary is bound to pay them, and shall be reimbursed by the owner at the termination of the usufruct, for the capital expended only.

RCC—571, 572, 625.

RCC 1870, Art. 579.

Same as above.

CC 1825, Art. 573.

Same as above.

(Projet, p. 57. Amendment adopted; comment by redactors)

A l'égard des charges extraordinaires ou temporaires qui peuvent être imposées sur les choses sujettes à l'usufruit, pendant sa durée, l'usufruitier sera tenu de les supporter, à moins qu'elles ne soient de nature à augmenter la valeur de ces biens.

Dans ce dernier cas, l'usufruitier devra les acquitter, et il en sera remboursé à la fin de l'usufruit, par le propriétaire, mais en capital seulement.

CC 1808, p. 116, Art. 34.

As to such charges as may be laid on the estate during the period of the usufruct, both the usufructuary and the owner contribute jointly* to the acquittal [acquittal] of such charges in the following manner; the owner is obliged to pay such charges and the usufructuary pays him the interest of the same. If the usufructuary has advanced of the funds, he has a right to claim the money thus advanced at the expiration of the usufruct.

-p. 117, Art. 34.

A l'égard des charges qui peuvent être imposés sur la propriété, pendant la durée de l'usufruit, l'usufruitier et le propriétaire y contribuent* de la manière suivante:

Le propriétaire est obligé de les payer, et l'usufruitier, de lui tenir compte de l'intérêt.

Si elles sont avancées par l'usufruitier, il a la répétition du capital à la fin de l'usufruit.

CN 1804, Art. 609.

As to such charges as may be laid on the estate during the period of the usufruct, both the usufructuary and the owner contribute to the acquittal of such charges as follows:

The owner is obliged to pay such charges, and the usufructuary must pay him the interest of the same.

Par. 3 same as sentence 2, above.

A l'égard des charges qui peuvent être imposées sur la propriété pendant la durée de l'usufruit, l'usufruitier et le propriétaire y contribuent ainsi qu'il suit:

Le propriétaire est obligé de les payer, et l'usufruitier doit lui tenir compte des intérêts.

Par. 3 same as par. 3, above.

Projet du Gouvernement (1800), Book II, Title III, Art. 34, par. 1.

Same as CC 1808, p. 116, Art. 34,
clause 1, above.

Same as CC 1808, p. 117, Art. 34,
par. 1, above; but no punctuation after
"propriété."

*"Jointly" has no counterpart in French text.

ART. 580. The legacy of an annuity or alimony left by a testator is to be wholly acquitted by the universal heir or legatee of the usufruct, and must be acquitted by the heir or legatee on an universal title, in proportion to his enjoyment, without any claim whatever to reimbursement on his part. (As amended by Acts 1871, No. 87)

RCC—1415, 1424, 1499, 1500, 1511, 1606 *et seq.*, 1611, 1612, 1614, 1631, 1633, 1638, 2779 *et seq.*, 2793 *et seq.*

RCC 1870, Art. 580. (Same as Art. 580 of Proposed Revision of 1869)

The legacy of an annuity or alimony left by a testator, is to be wholly acquitted by the universal heir or legatee of the usufruct, and must be acquitted by the legatee of the usufruct under a universal title, in proportion to his enjoyment, without any claim whatever to reimbursement on their part.

CC 1825, Art. 574. (No reference in Projet)

The legacy of an annuity or alimony left by a testator, is to be wholly acquitted by the universal heir or legatee of the usufruct, and must be acquitted by the heir or legatee on an universal title, in proportion to his enjoyment, without any claim whatever to reimbursement on their part.

Le legs fait par un testateur, d'une rente viagère ou pension alimentaire, doit être acquitté par l'héritier ou légataire universel de l'usufruit dans son intégrité, et par l'héritier ou légataire à titre universel de l'usufruit, dans la proportion de sa jouissance, sans aucune répétition de leur part.

CC 1808, p. 118, Art. 35.

The legacy of an annuity or alimony left by a testator, is to be wholly acquitted by the universal heir or legatee of the usufruct, and by the heir or legatee on a universal title of the usufruct, in proportion to his enjoyment, without any claim whatever to reimbursement on their part.

-p. 119, Art. 35.

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

CN 1804, Art. 610.

The legacy of an annuity or alimony left by a testator, is to be wholly acquitted by the universal legatee of the usufruct, and by the legatee on a universal title of the usufruct in proportion to his enjoyment, without any claim whatever to reimbursement on their part.

Le legs fait par un testateur, d'une rente viagère ou pension alimentaire, doit être acquitté par le légataire universel de l'usufruit dans son intégrité, et par le légataire à titre universel de l'usufruit dans la proportion de sa jouissance, sans aucune répétition de leur part.

ART. 581. The particular legatee of a usufruct is not bound to pay the debts for which the estate is mortgaged; if he be compelled to pay them, he has [his] action against the owner, subject to the provisions contained in the title: *Of donations inter vivos and mortis causa.*

RCC—579, 582, 1424, 1434, 1441, 1465, 1511, 1625 *et seq.*, 1633, 1638, 1642.

RCC 1870, Art. 581.

(Same as Art. 581 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 575.

(No reference in Projet)

The usufructuary on a particular title is not bound to pay the debts for which the estate is mortgaged; if he be com-

L'usufruitier à titre particulier n'est pas tenu des dettes auxquelles le fonds est hypothéqué; s'il est forcé de les

pelled to pay them, he has his action against the owner, subject to the provisions contained in the title of *donations intervivos and mortis causa*.

payer, il a son recours contre le propriétaire, sauf ce qui est statué au titre *des donations entre vifs et pour cause de mort*.

CC 1808, p. 118, Art. 36.

The usufructuary on a particular title is not bound to pay the debts for which the estate is mortgaged; if he be compelled to pay them, he has his action against the owner, saving what is stated in the title of *donations inter vivos et mortis causa*.

-p. 119, Art. 36.

Same as above.

CN 1804, Art. 611.

The usufructuary on a particular title is not bound to pay the debts for which the estate is mortgaged: if he be compelled to pay them, he has his action against the owner, subject to what is said in article 1020, in the title of *Donations inter vivos and of Testaments*.

L'usufruitier à titre particulier n'est pas tenu des dettes auxquelles le fonds est hypothéqué: s'il est forcé de les payer, il a son recours contre le propriétaire, sauf ce qui est dit à l'article 1020, au titre *des Donations entre-vifs et des Testaments*.

ART. 582. The universal usufructuary, or usufructuary under an universal title, whose usufruct has been constituted by an act *inter vivos*, in good faith and at a time not suspicious, is not bound for the debts of the owner, nor can he be sued for them, unless some part of the property subject to the usufruct be mortgaged for the payment of these debts, because with reference to the owner the usufructuary acquires under a particular title.

RCC—579, 581, 583, 1424, 1497, 1606 *et seq.*, 1611, 1612, 1614, 1633, 1642.

RCC 1870, Art. 582.

Same as above.

CC 1825, Art. 576.

Same as above.

(Projet, p. 58. Amendment adopted; comment by redactors)

L'usufruitier universel ou à titre universel, dont l'usufruit a été constitué par un acte entre vifs, de bonne foi, et dans un temps non suspect, n'est pas tenu des dettes du propriétaire, et ne peut être recherché à cet égard, à moins que quelques-uns des biens sujets à son usufruit, ne soient hypothéqués au paiement de ces dettes, parceque relativement au propriétaire, il n'est qu'acquéreur à titre singulier.

CC 1808, p. 118, Art. 37, par. 1.

The universal usufructuary or the usufructuary on a universal title, shall contribute with the owner to the payment of the debts.

-p. 119, Art. 37, par. 1.

L'usufruitier universel ou à titre universel doit contribuer avec le propriétaire au paiement des dettes.

CN 1804, Art. 612, par. 1.

The usufructuary, whether universal or under universal title, shall contribute with the owner to the payment of the debts, as follows:

L'usufruitier, ou universel, ou à titre universel, doit contribuer avec le propriétaire au paiement des dettes, ainsi qu'il suit:

ART. 583. The universal usufructuary, or usufructuary under an universal title, whose usufruct has been constituted by an act or [of] last will, is not directly bound for the debts of the testator, that is

to say, the creditors of the succession have no action against him to force him to discharge the debts out of his own estate, saving their rights to cause to be seized the effects of the succession, and to proceed against the heir of the testator to obtain payment.

RCC—582, 1420, 1611.

RCC 1870, Art. 583.

Same as above.

CC 1825, Art. 577.

(Projet, p. 58. Amendment adopted; comment by redactors)

Same as above; but “act or” correctly spelled “act of”; no punctuation after “universal usufructuary.”

L’usufruitier universel ou à titre universel, dont l’usufruit a été constitué par un acte de dernière volonté, n’est point tenu directement des dettes du testateur, c’est-à-dire que les créanciers de la succession n’ont point d’action contre lui, pour le contraindre à les acquitter sur ses biens, sauf leur droit de faire saisir les biens de la succession, et de procéder contre l’héritier du testateur pour obtenir leur payement.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 584. The heir of the testator who has bequeathed away the usufruct of his property, whether universally or under an universal title, can, when the creditors of the succession sue him, sell a part of the property subject to the usufruct, sufficient to yield the sum necessary for the discharge of the debts, in proportion to the sum for which the property subject to the usufruct is bound, if the usufructuary will not make an advance of this sum, as is mentioned in the following article [articles].

RCC—582, 585, 586, 605, 1424, 1499, 1522, 1606, 1611, 1612, 1614, 1633, 1642.

RCC 1870, Art. 584.

Same as above.

CC 1825, Art. 578.

(Projet, p. 58. Amendment adopted; comment by redactors)

Same as above; but “article” correctly spelled “articles.”

L’héritier du testateur qui a légué l’usufruit de ses biens, soit universellement, soit à titre universel, peut, sur la poursuite des créanciers de la succession, vendre une portion des biens sujets à l’usufruit, jusqu’à concurrence de la somme nécessaire à l’acquittement de ces dettes, si l’usufruitier ne veut pas faire l’avance de cette somme, ainsi qu’il est dit dans les articles suivans.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 585. If the legacy of the usufruct includes all the property of the testator, and the universal usufructuary will advance the sum necessary to discharge the debts of the succession, the capital shall be returned to him at the expiration of the usufruct without interest; but if he will not make this advance, the heir has the choice

of making the necessary advance himself for which the usufructuary shall allow him interest for the period of the usufruct, or to sell a* part of the property subject to the usufruct, as stated in the preceding article.

RCC—582, 584, 586, 605, 625, 1424, 1606, 1611, 1612, 1614, 1633, 1642.

RCC 1870, Art. 585.

Same as above.

CC 1825, Art. 579.

(Projet, p. 58. Amendment adopted; comment by redactors)

Same as above.

Si le legs d'usufruit comprend tous les biens du testateur, et que l'usufruitier universel veuille avancer la somme nécessaire à l'acquittement des dettes de la succession, le capital lui en est restitué à la fin de l'usufruit, sans aucun intérêt; mais si l'usufruitier ne veut pas faire cette avance, l'héritier a le choix ou de payer cette somme, et dans ce cas, l'usufruitier lui tient compte des intérêts, pendant la durée de l'usufruit, ou de faire vendre jusqu'à due concurrence,* une portion des biens soumis à l'usufruit, ainsi qu'il est prescrit par l'article précédent.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*English translation of French text incomplete; should include "sufficient."

ART. 586. If, on the contrary, the legacy* includes only a certain proportion of the property of the testator, or the whole of a certain kind of property, the usufructuary under an universal title is bound only to contribute with the heir to the payment of the debts of the succession.

RCC—582, 584, 585, 587, 1614.

RCC 1870, Art. 586.

Same as above.

CC 1825, Art. 580.

(Projet, p. 58. Amendment adopted; comment by redactors)

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

Si au contraire le legs d'usufruit* ne comprend qu'une quotité des biens du testateur, ou l'universalité d'une certaine espèce de ses biens, l'usufruitier à titre universel est tenu seulement de contribuer avec l'héritier, au payement des dettes de la succession.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*English translation of French text incomplete; should include "of the usufruct."

ART. 587. To establish this contribution, the value of the property subject to the usufruct, and that of the property remaining

to the heir, is estimated, and the sum which they are each bound to contribute to the payment of the debts, is fixed in proportion to this valuation.

After which, if the usufructuary will make an advance of the sum which he is bound to contribute, the capital must be returned to him without interest at the termination of the usufruct, but if he will not, the heir has the choice, either to pay this sum, in which case the usufructuary must pay him interest during the period of the usufruct, or to sell a part of the property subject to the usufruct, sufficient to meet the sum which the usufructuary is bound to contribute.

RCC—586, 625.

RCC 1870, Art. 587.

Same as above.

CC 1825, Art. 581.

Same as above.

(Projet, p. 58. Amendment adopted; comment by redactors)

Pour établir cette contribution, on estime la valeur des biens sujets à l'usufruit, et celle des biens qui restent à l'héritier, et l'on fixe la somme pour laquelle ils doivent contribuer respectivement au paiement des dettes, en raison de cette valeur.

Après quoi, si l'usufruitier veut faire l'avance de la somme pour laquelle il doit contribuer, le capital lui en est restitué à la fin de l'usufruit, sans aucun intérêt; mais si l'usufruitier ne veut pas faire cette avance l'héritier a le choix ou de payer cette somme, et dans ce cas l'usufruitier lui tient compte des intérêts pendant la durée de l'usufruit, ou de faire vendre une portion des biens sujets à l'usufruit, jusqu'à concurrence de la somme pour laquelle l'usufruitier doit contribuer.

CC 1808, p. 118, Art. 37, pars. 2, 3.

In order to ascertain this contribution, the estate of which he has the usufruct must be valued as well as the sum which [he] is bound to contribute in proportion to this value.

If the usufructuary is willing to advance the sum due by the estate, the amount shall be returned to him at the expiration of the usufruct, without any interest. But if the usufructuary be unwilling to make the advance, the owner is at liberty, either to pay said sum, and in such case the usufructuary is bound to pay him the interest on said sum during the period of the usufruct, or to cause to be sold such a portion of the estate subject to the usufruct, as shall be sufficient to pay what is due by said estate.

CN 1804, Art. 612, pars. 2-4.

The value of the estate subject to usufruct is estimated; the contribution to the debts is fixed in proportion to this value.

-p. 119, Art. 37, par. 2.

Pour exécuter cette contribution, on estime la valeur du fonds dont il a l'usufruit et la somme à laquelle il doit contribuer, en raison de cette valeur; si l'usufruitier veut avancer la somme à laquelle le fonds doit contribuer, le capital lui en est restitué à la fin de l'usufruit, sans aucun intérêt, mais si l'usufruitier ne veut pas faire cette avance, le propriétaire a le choix ou de payer cette somme, et dans ce cas, l'usufruitier lui tient compte des intérêts pendant la durée de l'usufruit, ou de faire vendre jusqu'à due concurrence, une portion des biens soumis à l'usufruit.

On estime la valeur du fonds sujet à usufruct; on fixe ensuite la contribution aux dettes à raison de cette valeur.

If the usufructuary is willing to advance the sum due by the estate, the amount shall be returned to him at the expiration of the usufruct, without any interest.

If the usufructuary be unwilling to make the advance, the owner is at liberty either to pay this sum, and in such case the usufructuary is bound to pay him interest during the period of the usufruct, or to cause to be sold such a portion of the estate subject to the usufruct as shall be sufficient to pay what is due by said estate.

Projet du Gouvernement (1800), Book II, Title III, Art. 36, par. 2, clause 1.

In order to ascertain this contribution, the estate of which he has the usufruct must be valued and the amount which he is bound to contribute in proportion to this value;

Si l'usufruitier veut avancer la somme pour laquelle le fonds doit contribuer, le capital lui en est restitué à la fin de l'usufruit, sans aucun intérêt.

Si l'usufruitier ne veut pas faire cette avance, le propriétaire a le choix, ou de payer cette somme, et dans ce cas l'usufruitier lui tient compte des intérêts pendant la durée de l'usufruit, ou de faire vendre jusqu'à due concurrence une portion des biens soumis à l'usufruit.

Pour exécuter cette contribution, on estime la valeur du fonds dont il a l'usufruit, et le capital auquel il doit contribuer à raison de cette valeur;

ART. 588. Usufructuaries, with the exception of fathers and mothers, as is hereafter provided, are bound only for such costs as result from law suits concerning the enjoyment of the property subject to their usufruct, and for judgments which may have been given in such suits.

Nevertheless, in suits instituted for the recovery of the thing subject to the usufruct against the owner, the expenses must be divided between the usufructuary and him.

RCC—560, 586, 589. CP—549.

RCC 1870, Art. 588. (Same as Art. 588 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 582. (Projet, p. 59. Amendment adopted; comment by redactors)

Usufructuaries, with the exception of fathers and mothers, as is hereafter provided, are bound to pay no costs, but such as result from law-suits concerning the enjoyment of the property subject to their usufruct, and to judgments which may have been given in such suits.

Par. 2 same as par. 2, above.

Les usufruitiers, à l'exception des pères et mères, ainsi qu'il est dit ci-après, ne sont tenus que des frais des procès qui concernent la jouissance des biens sujets à l'usufruit, et des condamnations auxquelles ces procès peuvent donner lieu.

Néanmoins, sur les demandes en revendication de la chose sujette à l'usufruit, formées contre le propriétaire, les frais doivent se partager entre l'usufruitier et lui.

CC 1808, p. 118, Art. 38.

The usufructuary is bound to pay no costs but such as result from law suits concerning the enjoyment, and the other penalties* to which such law suits may have given rise.

CN 1804, Art. 613.

The usufructuary is bound to pay no costs but such as result from law suits concerning the enjoyment, and the other judgments to which such law suits may have given rise.

-p. 119, Art. 38.

L'usufruitier n'est tenu que des frais des procès qui concernent la jouissance et des autres condamnations* auxquelles ces procès pourraient donner lieu.

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

*Note error in English translation of French text; "penalties" should be "judgments."

ART. 589. Fathers and mothers who enjoy the legal usufruct of the property of their children, are bound to support the expenses of all suits concerning that property, in the same manner as if they were the owners of it.

RCC—223, 540, 588, 916. CP—549.

RCC 1870, Art. 589.

Same as above.

CC 1825, Art. 583. (Projet, p. 60. Addition † adopted; no comment)

Same as above; but comma (,) after “suits.” Les pères et mères qui jouissent de l’usufruit légal des biens de leurs enfants, sont tenus de supporter les frais de tous les procès qui concernent les choses dont ils ont la jouissance, de la même manière que s’ils en étaient propriétaires.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 590. The usufructuary who loses, by non-usage on his part, a servitude belonging to the property subject to his usufruct, is responsible for it to the owner. He is also responsible to the owner, if he permits a servitude to be acquired on the property by prescription.

RCC—567, 618, 760, 764, 765, 789, 3504, 3546.

RCC 1870, Art. 590. (Same as Art. 590 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 584. (Projet, p. 60. Addition adopted; comment by redactors)

The usufructuary who loses, by non-usage on his part, a service belonging to the property subject to his usufruct, is responsible for it to the owner. He is also responsible to the owner, if he permits a service to be acquired on the property by prescription. L’usufruitier qui laisse périr, par le non-usage de sa part, une servitude dont jouit l’héritage soumis à son usufruit, en est responsable envers le propriétaire. Il en est de même s’il en laisse acquérir une, par l’effet de la prescription.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 591. If, during the period of the usufruct, a third person makes encroachments on the estates [estate], or violates, in any other way, the rights of the owner, it is the duty of the usufructuary to give information of the same to the owner, and if he fails to do it, he shall be answerable for all damages which may result to the owner, as he would be for injuries committed by himself.

RCC—556, 621, 2314, 2724. CP—5, 43 *et seq.*, 46 *et seq.* Acts 1908, No. 38; 1938, No. 205.

RCC 1870, Art. 591.

Same as above.

CC 1825, Art. 585. (No reference in Projet)

Same as above; but “estates” correctly spelled “estate.” Si pendant la durée de l’usufruit, un tiers commet quelqu’usurpation sur le fonds, ou attente autrement aux droits du propriétaire, l’usufruitier est tenu

d'en donner avis à celui-ci; faute de ce, il sera responsable de tout le dommage qui en peut résulter pour le propriétaire, comme il le serait des déprédations commises par lui-même.

CC 1808, p. 118, Art. 39.

If during the period of the usufruct a third person does make some encroachments on the estate, or violates in any other way, the rights of the owner, it is the duty of the usufructuary to give information of the same to the owner, and if he fails to do it, he shall be answerable for all damages which may result to the owner, as he should be for depredation committed by himself.

-p. 119, Art. 39.

Si pendant la durée de l'usufruit, un tiers commet quelque usurpation sur le fonds, ou attente autrement aux droits du propriétaire, l'usufruitier est tenu d'en donner avis à celui-ci, faute de ce, il sera responsable de tout le dommage qui en peut résulter pour le propriétaire, comme il le serait des déprédations commises par lui-même.

CN 1804, Art. 614.

If, during the period of the usufruct, a third person makes some encroachments on the estate, or violates in any other way the rights of the owner, it is the duty of the usufructuary to denounce him to the owner: if he fails to do it, he shall be answerable for all damages which may result to the owner, as he would be for injuries committed by himself.

Si, pendant la durée de l'usufruit, un tiers commet quelque usurpation sur le fonds, ou attente autrement aux droits du propriétaire, l'usufruitier est tenu de le dénoncer à celui-ci: faute de ce, il est responsable de tout le dommage qui peut en résulter pour le propriétaire, comme il le serait de dégradations commises par lui-même.

ART. 592. If the usufruct consists of only one head of cattle, which dies without any neglect on the part of the usufructuary, he is not bound to return another, or to pay the estimated value of the same.

RCC—577, 593, 613.

RCC 1870, Art. 592.

Same as above.

CC 1825, Art. 586.

(No reference in Projet)

Same as above; but "estimated" misspelled "estimate."

Si l'usufruit n'est établi que sur un animal qui vient à périr sans la faute de l'usufruitier, celui-ci n'est pas tenu d'en donner un autre, ni d'en payer l'estimation.

CC 1808, p. 118, Art. 40.

If the usufruct consists only of one head of cattle, which dies without any neglect on the part of the usufructuary, he is not bound to return another, or to pay the estimated value of the same.

-p. 119, Art. 40.

Same as above; but comma (,) after "périr"; no punctuation after "autre."

CN 1804, Art. 615.

Same as above.

Si l'usufruit n'est établi que sur un animal qui vient à périr sans la faute de l'usufruitier, celui-ci n'est pas tenu d'en rendre un autre, ni d'en payer l'estimation.

ART. 593. If a whole herd of cattle subject to the usufruct, dies owing to some accident or disease, without any neglect on the part of the usufructuary, he is bound only to return the owner the hides of such cattle, or the value of such hides.

If the whole herd does not die, the usufructuary is bound to make good the number of dead out of the new born cattle, as far as they go.

RCC—577, 592, 613.

RCC 1870, Art. 593.

Same as above.

CC 1825, Art. 587.

Same as above.

(No reference in Projet)

Si le troupeau, sur lequel un usufruit a été établi, périt entièrement par accident ou par maladie, et sans la faute de l'usufruitier, celui-ci n'est tenu envers le propriétaire que de lui rendre compte des cuirs ou de leur valeur.

Si le troupeau ne périt pas entièrement l'usufruitier est tenu de remplacer jusqu'à concurrence du croît, les têtes des animaux qui ont péri.

CC 1808, p. 118, Art. 41.

If a whole herd of cattle subject to the usufruct, dies owing to some accident or disease, without any neglect on the part of the usufructuary he is bound only to return the owner the hides of said cattle, or the value of said hides; if the whole herd does not die, the usufructuary is bound to make good the number of dead out of the new born cattle as far as they go.

-p. 119, Art. 41.

Same as above; but no punctuation after "troupeau"; comma (,) after "propriétaire."

CN 1804, Art. 616.

Same as above.

Same as above; but no punctuation after "propriétaire"; comma (,) after "remplacer."

ART. 594. At the expiration of the usufruct, the usufructuary has no right to claim any compensation for the improvements which he contends he has made, although the value of the thing may have increased by such improvements.

The usufructuary is bound at the expiration of his usufruct, to abandon, without compensation, not only the buildings and other works which he may have constructed upon the property, whether they have or have not foundation in the soil, but all other movable things which he may have attached to it permanently.

Nevertheless, he or his heirs may take away the looking glasses, pictures, statues and other ornaments, which he may have placed there, and which are fastened by plaster, lime or cement, but under the obligation of reestablishing the premises in their former situation.

RCC—464, 469, 508, 568, 569, 576, 577, 595.

RCC 1870, Art. 594.

Same as above.

(Same as Art. 594 of Proposed Revision of 1869)

CC 1825, Art. 589.

(Projet, p. 60. Amendment adopted; no comment)

At the expiration of the usufruct, the usufructuary has no right to claim any compensation for the improvements

L'usufruitier ne peut, à l'expiration de l'usufruit, réclamer aucune indemnité pour les améliorations qu'il pré-

which he contends he has made, although the value of the thing may have been increased by such improvements.

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

CC 1808, p. 118, Art. 43.

At the expiration of the usufruct, the usufructuary has no right to claim any compensation for the improvements which he contends he has made, although the value of the thing may have been increased by said improvement.

Nevertheless, he himself or his heirs may take away the looking glasses, pictures and other ornaments which he may have placed there, but under the obligation of re-establishing the premises in their former situation.

CN 1804, Art. 599, pars. 2, 3.

At the expiration of the usufruct, the usufructuary, on his part, has no right to claim any compensation for the improvements which he contends he has made, although the value of the thing may have been increased by said improvement.

Par. 3 same as par. 2, above.

ART. 595. The usufructuary may set off against the damages which have been caused to the property of which he has the usufruct, the improvements which he has been obliged to abandon to the owner, provided the latter be of the description of those which by law he was authorized to make.

RCC—559, 568, 570 *et seq.*, 594, 2209.

RCC 1870, Art. 595.

Same as above.

CC 1825, Art. 590.

Same as above.

(Projet, p. 60. Addition adopted; no comment)

L'usufruitier peut compenser les dégradations qui ont été commises sur l'héritage dont il a l'usufruit, avec les améliorations qu'il est obligé d'abandonner au propriétaire, si elles sont du nombre de celles qu'il lui était permis de faire d'après la loi.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

tendrait avoir faites, encore que la valeur des choses en fût augmentée.

En conséquence, l'usufruitier est tenu de laisser à la fin de l'usufruit, et sans indemnité, non seulement tous les édifices et autres ouvrages qu'il aurait construits sur l'héritage sujet à l'usufruit, soit qu'ils aient, ou non, des fondations dans le sol, mais encore toutes les choses mobilières qu'il y aurait attachées à perpétuelle demeure.

Il peut cependant, lui ou ses héritiers, enlever les glaces, tableaux, statues et autres ornemens qu'il y aurait placés et fait sceller en plâtre, chaux et ciment, mais à la charge de rétablir les lieux dans leur premier état.

-p. 119, Art. 43.

L'usufruitier ne peut, à la cessation de l'usufruit, réclamer aucune indemnité pour les améliorations qu'il prétendrait avoir faites, encore que la valeur des choses en fût augmentée.

Il peut cependant ou ses héritiers enlever les glaces, tableaux et autres ornemens qu'il aura fait placer, mais à la charge de rétablir les lieux dans leur premier état.

De son côté, l'usufruitier ne peut, à la cessation de l'usufruit, réclamer aucune indemnité pour les améliorations qu'il prétendrait avoir faites, encore que la valeur de la chose en fût augmentée.

Par. 3 same as par. 2, above; but comma (,) after "cependant."

ART. 596. The undertaker or workman who has made, at the instance of the usufructuary, any building, work or improvement on the property, and who is unpaid at the expiration of the usufruct, preserves his privilege on the same, and can enforce it against the owner under the modifications prescribed in the following articles.

RCC—597, 598, 2772, 3217. Acts 1926, No. 298 (as am. by 1938, No. 323).

RCC 1870, Art. 596.

Same as above.

CC 1825, Art. 591.

Same as above.

(Projet, p. 60. Addition adopted; no comment)

L'entrepreneur ou ouvrier, auquel l'usufruitier a fait faire quelque édifice, ouvrage ou autre amélioration, et à qui le prix en est dû à l'expiration de l'usufruit, conserve son privilège sur le fonds, et peut l'exercer contre le propriétaire, sous les modifications prescrites dans les articles suivans.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 597. If the works consisted in repairs, which the usufructuary was bound to make, or in buildings which he was authorized by law to make, the owner shall be obliged to pay what remains due to the workman, reserving always his recourse against the usufructuary or his heirs.

If, on the contrary, the works consisted of extraordinary repairs, which the owner was bound to make, he is obliged to pay the price to the workman, without any recourse against the usufructuary or his heirs.

RCC—571, 572, 596, 598. Acts 1926, No. 298 (as am. by 1938, No. 323).

RCC 1870, Art. 597.

Same as above.

CC 1825, Art. 592.

Same as above.

(Projet, p. 60. Addition adopted; no comment)

Si ces ouvrages consistent en réparations, dont l'usufruitier était tenu, ou en constructions qu'il était autorisé à faire d'après la loi, le propriétaire sera obligé de payer ce qui en restera dû à l'ouvrier, sauf son recours contre l'usufruitier ou ses héritiers.

Si, au contraire, ces ouvrages consistent en grosses réparations, dont le propriétaire était tenu, il sera obligé d'en payer le prix à l'ouvrier, sans aucune espèce de recours contre l'usufruitier ni ses héritiers.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 598. If the works performed, were not of the description of those which the usufructuary was authorized by law to make, the owner may retain them on paying the price of them to the workman, or he may oblige the usufructuary, or his heirs to remove them at

their expense, and in that case the workman will have recourse only against the usufructuary and his heirs, for the payment of the price of his work.

RCC—508, 568, 569, 596, 597. Acts 1926, No. 298 (as am. by 1938, No. 323).

RCC 1870, Art. 598.

Same as above.

CC 1825, Art. 593.

Same as above.

(Projet, p. 61. Addition † adopted; no comment)

Si les ouvrages, qui sont dus à l'ouvrier, ne sont pas du nombre de ceux que l'usufruitier était autorisé à faire d'après la loi, le propriétaire aura le droit de les retenir en payant leur prix à l'ouvrier, ou d'obliger l'usufruitier ou ses héritiers à les enlever à leurs frais, et alors l'ouvrier n'aura de recours que contre l'usufruitier ou ses héritiers, pour le payement du prix de ces ouvrages.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

Section 4—OF THE OBLIGATIONS OF THE OWNER

ART. 599. The owner of the thing subject to the usufruct is bound to deliver it to the usufructuary, or to suffer him to take possession of the same.

RCC 1870, Art. 599.

Same as above.

CC 1825, Art. 594.

Same as above.

(No reference in Projet)

Le propriétaire de la chose grevée d'usufruit, est tenu de délivrer cette chose à l'usufruitier, ou de souffrir qu'il s'en mette en possession.

CC 1808, p. 120, Art. 44.

The owner of the thing subject to the usufruct, is bound to deliver said thing to the usufructuary or to let him take possession of the same.

CN 1804. No corresponding article.

-p. 121, Art. 44.

Same as above.

ART. 600. He must neither interrupt nor in any way impede the usufructuary in the enjoyment of the usufruct, or in any manner impair his rights.

RCC—577, 601 *et seq.*, 730.

RCC 1870, Art. 600.

Same as above.

CC 1825, Art. 595.

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

(No reference in Projet)

Il ne doit apporter aucun trouble, aucun obstacle à la jouissance de l'usufruitier, ni nuire par son fait, ni de quelque manière que ce soit, à ses droits.

CC 1808, p. 120, Art. 45.

He is bound neither to occasion any trouble or any obstacle to the enjoy-

-p. 121, Art. 45.

Same as above.

Art. 601

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ment of the usufructuary, nor to impair the rights of the usufructuary either by his own deed, or in any manner whatever.

CN 1804, Art. 599, par. 1.

The owner may not, either by his own deed, or in any manner whatever, impair the rights of the usufructuary.

Le propriétaire ne peut, par son fait, ni de quelque manière que ce soit, nuire aux droits de l'usufruitier.

ART. 601. He is not at liberty, either before or after the delivery of the thing, to make any alteration on the premises of [or] things subject to the usufruct, whereby the condition of the usufructuary may become worse, although the estate itself may be bettered by them.

Hence he can not raise an existing building, nor cause one to be erected in a place where there was none, unless it be with the consent of the usufructuary. He may still less cut down any trees of a wood, demolish a building, or make any other alteration to the injury of the usufructuary; and if he does, he shall be bound to make good the losses and damages which may result.

RCC—551, 577.

RCC 1870, Art. 601.

(Same as Art. 601 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 596.

(No reference in Projet)

Same as above; but "premises of" correctly spelled "premises or."

Il ne peut, avant ou après la délivrance, faire aucun changement dans les lieux ou aux choses sujettes à l'usufruit, par où il empire la condition de l'usufruitier, quoique ce fût pour y faire des améliorations.

Ainsi, il ne peut hausser un bâtiment, ni en faire un nouveau dans un fonds où il n'y en avait point, si ce n'est du consentement de l'usufruitier. Il peut encore moins dégrader un bois, démolir un édifice, ni faire d'autres changemens qui nuisent à l'usufruitier; et s'il le fait, il sera tenu des dommages-intérêts qu'il aura causés.

CC 1808, p. 120, Art. 46.

He is not at liberty either before or after the delivery of the thing, to make any alteration on premises or things subject to the usufruct, whereby the condition of the usufructuary may become worse, although the estate itself may be bettered by them. Hence he cannot raise the buildings nor cause any other to be erected in a place where there was none, unless it be with the consent of the usufructuary. He may still less cut down any trees of a wood, demolish a building, or make any other alteration to the injury of the usufructuary. And if he does, he shall be bound to make good the losses and damages which may result.

-p. 121, Art. 46.

Same as above; but no punctuation after "peut" in par. 1, or after "Ainsi"; period (.) after "à l'usufruitier."

CN 1804. No corresponding article.

ART. 602. The owner of an estate subject to the usufruct, can not create any new servitude thereon, unless it be done in such a manner as to be of no injury to the usufructuary.

RCC—600, 601, 730.

RCC 1870, Art. 602. (Same as Art. 602 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 597. (No reference in Projet)

<p>The owner of an estate subject to the usufruct, cannot create any new servitude thereon, unless it be done in such a manner as to be no injury to the usufructuary.</p>	<p>Le propriétaire du fonds grevé d'usufruit, ne peut y imposer de servitude, à moins qu'il ne le fasse de manière à ne pas nuire à l'usufruitier.</p>
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CC 1808, p. 120, Art. 47. -p. 121, Art. 47.

<p>The owner of an estate subject to the usufruct, cannot lay said estate under any service, unless it be done in such a manner, as to be no injury to the usufructuary.</p>	<p>Same as above.</p>
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CN 1804. No corresponding article.

ART. 603. If the usufructuary can not have the enjoyment, because of some obstacle which the owner is bound to remove, the latter shall make good the losses and damages, which are sustained by the non-enjoyment, as if there be an eviction or any other disturbance against which the owner is bound to warrant, or if he refuses the usufructuary any necessary servitude, which he is bound to let him enjoy.

RCC—533, 600, 601.

RCC 1870, Art. 603. (Same as Art. 603 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 598. (No reference in Projet)

<p>If the usufructuary cannot have the enjoyment, because of some obstacle which the proprietor is bound to remove, the latter shall make good the losses and damages, which are sustained by the non enjoyment, as if there be an eviction or any other disturbance against which the proprietor is bound to warrant, or if he refuses the usufructuary any necessary servitude, which he is bound to let him enjoy.</p>	<p>Si l'usufruitier ne pouvait jouir par un obstacle que le propriétaire dût faire cesser, il sera tenu des dommages-intérêts de la non-jouissance, comme s'il y avait quelqu'éviction ou autre trouble dont il fût garant, ou s'il refusait à l'usufruitier quelque servitude nécessaire qu'il dût lui donner.</p>
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CC 1808, p. 120, Art. 48. -p. 121, Art. 48.

<p>If the usufructuary cannot have the enjoyment because of some obstacle which the proprietor is bound to remove, the latter shall make good the losses and damages which are sustained by the non enjoyment, as if there be an eviction or any other disturbance against which the proprietor is bound to warrant, or if he refuses the usufructuary any necessary services which he is bound to render him.</p>	<p>Same as above.</p>
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CN 1804. No corresponding article.

ART. 604. The owner is not bound to rebuild or repair that which happens to be demolished or damaged at the time that the usufruct is acquired, unless it happened by his fraud, or unless he was obliged by the title of the usufruct to put the property in good order.

RCC—577, 601 *et seq.*

RCC 1870, Art. 604. (Same as Art. 604 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 599. (No reference in Projet)

The proprietor is not bound to rebuild or repair that which happens to be demolished or damaged at the time that the usufruct is acquired, unless it happened by his fraud, or unless he was obliged by the title of the usufruct to put the property in good order.

Le propriétaire n'est pas tenu de remettre en bon état ce qui se trouve ou démolé ou endommagé au temps où l'usufruit est acquis, si ce n'est que ce fût par son dol ou qu'il fût chargé par le titre de remettre les choses en bon état.

CC 1808, p. 120, Art. 49.

The proprietor is not bound to rebuild or restore to good condition that which happens to be demolished or damaged at the time that the usufruct is acquired, unless it happened by a fraud of his, or unless he was obliged by the title to put the things in a good condition.

-p. 121, Art. 49.

Le propriétaire n'est pas tenu de remettre en bon état, ce qui se trouve ou démolé ou endommagé au temps que l'usufruit est acquis, si ce n'est que ce fût pour son dol, ou qu'il fût chargé par le titre, de remettre les choses en bon état.

CN 1804. No corresponding article.

ART. 605. The owner may mortgage, sell or alienate the thing subject to the usufruct, without the consent of the usufructuary, but he is prohibited from doing it in such circumstances, and under such conditions as may be injurious to the enjoyment of the usufructuary.

RCC—584, 585, 601 *et seq.*, 617, 643.

RCC 1870, Art. 605.
Same as above.

CC 1825, Art. 600. (Projet, p. 61. Amendment adopted; no comment)
Same as above.

Le propriétaire peut hypothéquer, vendre ou aliéner la chose sujette à l'usufruit, sans le consentement de l'usufruitier, mais il ne lui est pas permis de le faire dans des circonstances ou sous des clauses qui préjudicient à celui-ci.

CC 1808, p. 120, Art. 50.

The proprietor may mortgage or sell his estate, without the consent of the usufructuary, but he is prohibited from doing it in such circumstances and under such conditions as may be injurious to the enjoyment of the usufructuary.

-p. 121, Art. 50.

Le propriétaire peut hypothéquer ou vendre son bien, sans le consentement de l'usufruitier, mais il ne lui est pas permis de le faire dans des circonstances, ou sous des clauses qui préjudicient à la jouissance de celui-ci.

CN 1804. No corresponding article.

Section 5—HOW USUFRUCT EXPIRES

ART. 606. The right of the usufruct expires at the death of the usufructuary.

RCC—223, 607 *et seq.*, 612, 613 *et seq.*, 618 *et seq.*, 758, 783, 916, 2730.

RCC 1870, Art. 606.

Same as above.

CC 1825, Art. 601.

(No reference in Projet)

Same as above.

Le droit de l'usufruit finit par la mort de l'usufruitier.

CC 1808, p. 120, Art. 51.

The right of the usufruct expires by the death of the usufructuary.

-p. 121, Art. 51.

Same as above.

CN 1804, Art. 617, pars. 1, 2.

Usufruct becomes extinguished, By the natural or civil death of the usufructuary;

L'usufruit s'éteint, Par la mort naturelle et par la mort civile de l'usufruitier;

ART. 607. The legacy made to any one of the revenues of a property, is a kind of usufruct, which also ceases and becomes extinguished by the death of the legatee, if the contrary has not been expressly stipulated.

It is the same with all annual legacies as pensions of alimony and the like.

RCC—230, 1522, 1631, 1713, 2793 *et seq.*

RCC 1870, Art. 607.

Same as above.

CC 1825, Art. 602.

(Projet, p. 61. Addition adopted; comment by redactors)

Same as above.

Le legs fait à quelqu'un des revenus d'un bien, est une espèce d'usufruit, qui cesse également et s'éteint par la mort du donataire, si le contraire n'a été expressément stipulé.

Il en est de même de tous les legs annuels, comme pensions alimentaires et autres de la même espèce.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 608. If the title of the usufruct has limited the right to it to commence or determine at a certain time, or in the event of a certain condition, the right does not commence or determine till the condition happens or the time elapses.

RCC—542, 609 *et seq.*, 2043.

RCC 1870, Art. 608.

Same as above.

CC 1825, Art. 603.

(No reference in Projet)

Same as above; but comma (,) after "not commence or determine."

Si le titre de l'usufruitier en borne le droit pour commencer et finir à un

certain tems, ou à l'événement d'une certaine condition, le droit ne commencera ou ne cessera que lorsque la condition sera arrivée, ou le temps expiré.

CC 1808, p. 120, Art. 52.

If the title of the usufruct has limited the right to it to commence or determine at a certain time, or in the event of a certain condition, the right will not commence or determine till the condition shall have happened or the time shall be elapsed.

-p. 121, Art. 52.

Same as above; but comma (,) after "borne le droit"; no punctuation after "arrivée", or after "tems."

CN 1804, Art. 617, pars. 1, 3.

Usufruct becomes extinguished, By the expiration of the time for which it had been given;

L'usufruit s'éteint, Par l'expiration du temps pour lequel il a été accordé;

ART. 609. If the usufructuary is charged to restore the usufruct to another person, his right to the usufruct expires whenever the time for making such restitution arrives.

RCC—542, 608, 1519, 1520.

RCC 1870, Art. 609.

Same as above.

CC 1825, Art. 604.

(No reference in Projet)

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

Si l'usufruitier est chargé de rendre l'usufruit à une autre personne, son usufruit finit lorsque cette restitution devra être faite.

CC 1808, p. 120, Art. 53.

If the usufructuary is charged to restore the usufruct to another person, his right to the usufruct will determine, whenever the time for making said restitution arrives.

-p. 121, Art. 53.

Si l'usufruitier est chargé de rendre l'usufruit à une autre personne, son usufruit finira lorsque cette restitution devra être faite.

CN 1804. No corresponding article.

ART. 610. The usufruct granted until a third person shall arrive at a certain age, lasts until that time, although the third person should die before the age fixed on.

RCC—542, 608, 1519.

RCC 1870, Art. 610.

Same as above.

CC 1825, Art. 605.

(No reference in Projet)

Same as above.

L'usufruit accordé jusqu'à ce qu'un tiers ait atteint un âge fixé, dure jusqu'à cette époque, encore que le tiers soit mort avant l'âge fixé.

CC 1808, p. 120, Art. 54.

Same as above.

-p. 121, Art. 54.

Same as above.

CN 1804, Art. 620.

Same as above.

Same as above.

ART. 611. The usufruct left to a surviving wife, until her dowry be refunded, continues until the whole of it, capital and interest, is paid, unless the default of payment proceeds from her act.

If there be several heirs of the husband and one of them has paid what he owes of the dowry, the usufruct terminates for his portion.

RCC—542, 608, 2337.

RCC 1870, Art. 611.

Same as above.

CC 1825, Art. 606.

Same as above.

(Projet, p. 61. Addition adopted; no comment)

L'usufruit laissé à une femme, jusqu'à ce qu'elle soit remplie de sa dot, dure jusqu'à ce qu'elle soit entièrement satisfaite, tant en capital qu'intérêts, à moins que le défaut de paiement ne provienne de son fait.

S'il y a plusieurs héritiers du mari, et que l'un d'eux ait payé ce qu'il doit de la dot, l'usufruit finit pour sa part.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 612. The usufruct which is granted to corporations, congregations or other companies, which are deemed perpetual, lasts only thirty years.

If these corporations, congregations or other companies are suppressed, abolished or terminate in any other manner, the usufruct ceases and becomes united with the ownership.

RCC—427 *et seq.*, 447, 606.

RCC 1870, Art. 612.

Same as above.

CC 1825, Art. 607.

Same as above.

(Projet, p. 62. Amendment adopted; comment by redactors)

L'usufruit qui est accordé à des corporations, congrégations ou autres associations qui sont censées perpétuelles, ne dure que trente ans.

Si ces corporations, congrégations ou autres associations, viennent à être supprimées, abolies, ou à cesser d'exister de toute autre manière, l'usufruit cesse et se réunit à la propriété.

CC 1808, p. 122, Art. 55.

The usufruct which is granted to corporations, or other companies which do not die, lasts only thirty years.

-p. 123, Art. 55.

L'usufruit qui est accordé à des corporations ou autres associations qui ne meurent pas, ne dure que trente ans.

CN 1804, Art. 619.

The usufruct which is not granted to individuals lasts only thirty years.

L'usufruit qui n'est pas accordé à des particuliers, ne dure que trente ans.

ART. 613. The usufruct expires before the death of the usufructuary, by the loss, extinction or destruction of the thing subject to the usufruct.

Thus, the usufruct, which is established upon a building, expires, if the building is destroyed by fire or any other accident, or if it falls down through the decay of years.

In this case the usufructuary would not even have the usufruct of the materials of the building, nor of the place in which it stood;

for the usufruct is to be restrained to what is specified in the title. But if the usufruct be assigned upon an estate of which the building is a part, the usufructuary shall enjoy both the soil and the materials.

RCC—592, 593, 606 *et seq.*, 614, 615, 628, 1643, 1700.

RCC 1870, Art. 613.

Same as above.

CC 1825, Art. 608.

(Projet, p. 62. Amendment adopted; comment by redactors)

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

L'usufruit finit avant la mort de l'usufruitier, par la perte, l'extinction ou la destruction de la chose qui y est sujette.

Ainsi, l'usufruit qui n'est établi que sur un bâtiment, finit, si ce bâtiment vient à être détruit par un incendie ou autre accident, ou à s'écrouler de vétusté.

En ce cas, l'usufruitier n'aura pas même d'usufruit sur les matériaux de ce bâtiment, ni sur le terrain où il était situé; son usufruit devant être restreint (restraint) à ce qui se trouve spécialement énoncé dans son titre.

Mais si l'usufruit était établi sur un domaine dont le bâtiment faisait partie, l'usufruitier jouira du sol et des matériaux.

CC 1808, p. 122, Art. 56.

The usufruct expires before the death of the usufructuary, by the extinction of the thing subject to the usufruct.

Thus the usufruct which is assigned upon a building, expires, if the building is destroyed by fire or any other accident, or if it falls down through the decay of years.

Par. 3 same as par. 3, above; but period (.) after "stood."

-p. 123, Art. 56.

L'usufruit finit avant la mort de l'usufruitier, par l'extinction de la chose qui y est sujette.

Pars. 2-4 same as pars. 2-4, above; but "restraint" correctly spelled "restraint"; no punctuation after "Ainsi", or after "finit."

CN 1804, Art. 617, pars. 1, 6.

Usufruct becomes extinguished,

By the total loss of the thing on which the usufruct is established.

L'usufruit s'éteint,

Par la perte total de la chose sur laquelle l'usufruit est établi.

-Art. 624.

If the usufruct is established on a building only, and this building be destroyed by fire or any other accident, or fall down through the decay of years, the usufructuary would not have the right to enjoy either the soil or the materials.

If the usufruct be established upon an estate of which the building is a part, the usufructuary would enjoy both the soil and the materials.

Si l'usufruit n'est établi que sur un bâtiment, et que ce bâtiment soit détruit par un incendie ou autre accident, ou qu'il s'écroule de vétusté, l'usufruitier n'aura le droit de jouir ni du sol ni des matériaux.

Si l'usufruit était établi sur un domaine dont le bâtiment faisait partie, l'usufruitier jouirait du sol et des matériaux.

ART. 614. If it happens that a part of the house be destroyed and that another part of it remains, the usufruct will be preserved of that part of the house which remains and of the place on which the part of the house which is destroyed, stood, for such place makes a part of the house and is an accessory to the part of it that remains.

RCC—592, 613, 1643, 1700.

RCC 1870, Art. 614.

Same as above.

CC 1825, Art. 609.

(No reference in Projet)

Same as above; but comma (,) after "which remains", after last "house", and after "destroyed."

S'il arrive qu'une partie d'une maison vienne à être détruite, et qu'il en reste une autre partie, l'usufruit se conserve sur ce qui reste, et sur la place où était ce qui a été détruit; car cette place faisait partie de la maison, et est un accessoire de la portion qui en reste.

CC 1808, p. 122, Art. 57.

If it happens that a part of the house be destroyed and that there remains another part of it, the usufruct will be preserved of that part of the house which remains, and of the place on which stood the part of the house which is destroyed, for the said place makes part of the said house and is an accessory to the part of it that remains.

-p. 123, Art. 57.

Same as above; but no punctuation after "la maison."

CN 1804, Art. 623.

If a part only of the thing subject to the usufruct is destroyed, the usufruct will be preserved on that which remains.

Si une partie seulement de la chose soumise à l'usufruit est détruite, l'usufruit se conserve sur ce qui reste.

ART. 615. The thing subject to the usufruct is considered as lost, when it undergoes from accident, such a change in its form that it can no longer be applied to the use for which it was originally destined. Therefore the usufruct of a field or lot is extinguished, if one or the other be so covered with water by inundation that it becomes changed into a pond or swamp. But the usufruct revives if the inundation ceases, and the waters, on retiring, leave the land uncovered and in its former condition.

RCC—613.

RCC 1870, Art. 615.

Same as above.

CC 1825, Art. 610.

(Projet, p. 62. Addition adopted; comment by redactors)

Sentence 1 same as sentence 1, above; but comma (,) after "usufruit", and after "form."

La chose sujette à l'usufruit est regardée comme périe, lorsqu'elle éprouve, par quelque accident, un changement dans sa forme, tel qu'on ne puisse plus s'en servir à l'usage auquel elle était originairement destinée.

Therefore the usufruct of a field or lot is extinguished, if one or the other be so covered with water by an inundation that is [it] becomes changed into a pond or swamp.

En conséquence, l'usufruit qu'on a d'un champ ou d'un terrain, s'éteint, si ce champ est tellement couvert d'eau dans une inondation qu'il soit changé en étang ou en marais.

Sentence 3 same as sentence 3, above.

Mais l'usufruit renaît, si l'inondation cesse, et que les eaux, en se retirant, laissent le champ à découvert et dans son premier état.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 616. The changes made by the testator in the thing, the usufruct of which he has bequeathed, after having so disposed of it, do not produce the extinction of the usufruct, unless the legacy by which the usufruct is established, is considered as revoked, according to the rules prescribed on this subject, in the title: *Of donations inter vivos and mortis causa.*

RCC—1559 *et seq.*, 1600 *et seq.*, 1695, 1710.

RCC 1870, Art. 616.

Same as above.

CC 1825, Art. 611.

(Projet, p. 62. Addition † adopted; comment by redactors)

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

Les changemens que le testateur fait dans la chose dont il a légué l'usufruit, après en avoir ainsi disposé, ne produisent l'extinction de l'usufruit, qu'autant que le legs lui-même, par lequel il est constitué, est censé révoqué par ces changemens, suivant les règles qui sont prescrites sur cette matière, au titre *des testamens.*

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 617. Although the thing subject to the usufruct may be sold by the owner, or by his creditors upon an order of seizure, this sale makes no alteration in the right of the usufructuary, who continues to enjoy the same, unless he has formally renounced it. But if the thing subject to the usufruct was mortgaged by the person who granted such usufruct, before he granted it, the usufructuary may be evicted of his right in consequence of the claim of the mortgage creditors; but, in that case, the usufructuary has his action against the proprietor of the thing upon which the usufruct was assigned, as is provided in the third section of the present title. In the same manner the usufructuary may be deprived of his usufruct by the seizure and sale which may be made of the same by his own creditors.

RCC—557 *et seq.*, 605, 1638, 3347.

RCC 1870, Art. 617.

(Same as Art. 617 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 612.

(No reference in Projet)

Although the thing subject to the usufruct may be sold by the proprietor, or by his creditors upon an order of seizure, this sale makes no alteration in the right of the usufructuary, who continues to enjoy the same, unless he has formally renounced it; but if the thing subject to the usufruct was mortgaged by the person who granted such usufruct, before he granted it, the usufructuary may be evicted of his right in consequence of the claim of the mortgage creditors; but in that case, the usufructuary has his action against the proprietor of the thing upon which the usufruct was assigned, as is provided in the third section of the present

Quoique la chose sujette à l'usufruit puisse être vendue par le propriétaire ou par ses créanciers, sur saisie, cette vente n'apporte aucun changement au droit de l'usufruitier qui continue à jouir de son usufruit, s'il n'y a pas formellement renoncé.

Mais si la chose sujette à l'usufruit, a été hypothéquée par celui qui a constitué cet usufruit, antérieurement à cette constitution, l'usufruitier peut se trouver évincé de son droit par l'effet des poursuites des créanciers hypothécaires, sauf son recours contre le propriétaire de la chose sujette à l'usufruit, comme il a été dit dans la section troisième du présent titre.

title. In the same manner the usufructuary may be deprived of his usufruct by the seizure and sale which may be made of the same by his own creditors.

CC 1808, p. 122, Art. 58.

Although the thing subject to the usufruct may be sold by the proprietor, or by his creditors upon an order of seizure, this sale makes no alteration in the right of the usufructuary, who continues to enjoy the same, unless he has formally renounced it. But if the thing subject to the usufruct, was mortgaged by the person who granted such usufruct, before he granted it, the usufructuary may be evicted of his right in consequence of the claim of the mortgage creditors; but in that case the usufructuary has his action against the proprietor of the thing upon which the usufruct was assigned, as has been said in the third section of the present title.

Sentence 3 same as sentence 2, above.

CN 1804, Art. 621.

The sale of the thing subject to usufruct effects no alteration in the right of the usufructuary; he continues to enjoy his usufruct unless he has formally renounced it.

ART. 618. The usufruct may be forfeited likewise by the non-usage of this right by the usufructuary or by any person in his name, during ten years, whether the usufruct be constituted on an entire estate, or only on a divided or undivided part of an estate.

RCC—590, 606, 628, 639, 789, 3546.

RCC 1870, Art. 618. (Same as Art. 618 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 613. (Projet, p. 62. Amendment † adopted; comment by redactors)

The usufruct may be forfeited likewise by the non-usage of this right by the usufructuary or any person in his name, during ten years, if the parties be present, and twenty years if they be absent, whether the usufruct be constituted on an entire estate, or only a divided or individual* part of an estate.

CC 1808, p. 122, Art. 59.

The usufruct may be forfeited likewise by the non enjoyment of this right by the usufructuary during thirty years.

CN 1804, Art. 617, pars. 1, 5.

Usufruct becomes extinguished,
By non-exercise of the right for thirty years;

De même l'usufruitier peut être privé de son usufruit par la saisie et vente qu'en peuvent faire ses propres créanciers.

-p. 123, Art. 58.

Quoique la chose sujette à l'usufruit, puisse être vendue par le propriétaire ou par ses créanciers, sur saisie, cette vente n'apporte aucun changement dans le droit de l'usufruitier qui continue à jouir de son usufruit, s'il n'y a pas formellement renoncé.

Mais si la chose sujette à l'usufruit, a été hypothéquée par celui qui a constitué cet usufruit, antérieurement à cette constitution, l'usufruitier peut se trouver évincé de son droit par l'effet des poursuites des créanciers hypothécaires, sauf son recours contre le propriétaire de la chose affectée à l'usufruit, comme il a été dit dans la section 3^{ème}. du présent titre.

Par. 3 same as par. 3, above; but comma (,) after "usufruit."

La vente de la chose sujette à usufruit ne fait aucun changement dans le droit de l'usufruitier; il continue de jouir de son usufruit s'il n'y a pas formellement renoncé.

L'usufruit se perd encore par le défaut de jouissance de ce droit de la part de l'usufruitier, ou d'aucune personne en son nom, pendant dix ans entre présents et vingt ans entre absents, soit que cet usufruit soit constitué sur un fonds entier, ou qu'il le soit seulement sur une partie divisée ou indivisée* d'un fonds.

-p. 123, Art. 59.

L'usufruit se perd encore par le défaut de jouissance de ce droit de la part de l'usufruitier pendant trente ans.

L'usufruit s'éteint,
Par le non-usage du droit pendant trente ans;

*Note error in English translation of French text; "individual" should be "undivided."

ART. 619. The usufruct is extinguished by the usufruct and the ownership being vested in one and the same person, that is, when the owner acquires the usufruct, or when the usufructuary acquires the naked ownership. The reason is that no servitudes can be due by a thing to the owner of such thing.

RCC—533, 620, 625, 628, 2217.

RCC 1870, Art. 619. (Same as Art. 619 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 614. (Projet, p. 63. Amendment adopted; comment by redactors)

The usufruct is extinguished by the usufruct and the ownership being vested in one and the same person, that is, when the owner acquires the usufruct, or when the usufructuary acquires the naked ownership. The reason is that no services can be due by a thing to the owner of such thing.

Il s'éteint aussi par la consolidation à la propriété, c'est-à-dire, quand le propriétaire acquiert l'usufruit, ou quand l'usufruitier acquiert la nue propriété; la raison est qu'une chose ne peut devoir une servitude à celui à qui elle appartient.

CC 1808, p. 122, Art. 60.

The usufruct is again extinguished by the circumstance of the usufruct and property being vested in one and the same person. The reason is that no stipulated services can be due by a thing to the owner of said thing.

-p. 123, Art. 60.

Il s'éteint aussi par la consolidation à la propriété, c'est-à-dire quand l'usufruit et la propriété concourent en la même personne; la raison est qu'une chose ne peut devoir une servitude à celui à qui elle appartient.

CN 1804, Art. 617, pars. 1, 4.

Usufruct becomes extinguished,
By the consolidation or union in the same person of the two capacities of usufructuary and owner;

L'usufruit s'éteint,
Par la consolidation ou la réunion sur la même tête, des deux qualités d'usufruitier et de propriétaire;

ART. 620. If the usufructuary acquires the naked ownership, the usufruct is thereby so extinguished, that if afterwards he loses the ownership, the entire ownership is lost to him, and the usufruct does not revive, unless the title, by which he acquired the ownership be annulled for some previously existing defect or some vice inherent in the act; for in that case the usufructuary never having been the owner, no consolidation has taken place, and the usufruct continues.

RCC—619.

RCC 1870, Art. 620.

Same as above.

CC 1825, Art. 615. (Projet, p. 63. Addition adopted; comment by redactors)

Same as above; but comma (,) after "acquired the ownership."

Si c'est l'usufruitier qui acquiert la nue propriété, l'usufruit est tellement éteint que si postérieurement il perd la propriété, c'est la pleine propriété qu'il perd, et l'usufruit ne revit point, à moins que le titre d'acquisition ne soit résolu par une cause ancienne, ou en raison d'un vice inhérent à l'acte; car alors, l'usufruitier se trouvant n'avoir jamais été propriétaire, il n'y a pas eu de consolidation, et l'usufruit continue.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 621. The usufruct may cease by the abuse which the usufructuary makes in his enjoyment, either in committing waste on the estate, or in suffering it to go to decay, for want of repairs, or in abusing in any other manner, the things subject to the usufruct.

In such cases, the judge may, according to the circumstances, decree the absolute extinction of the usufruct, or order that the owner shall reënter into the enjoyment of the property subject to the usufruct, on condition that he shall pay annually to the usufructuary or his representatives, until the usufruct expires, a sum which shall be fixed on by the judge in proportion to the value of the property subject to the usufruct.

RCC—558 *et seq.*, 571, 591, 606 *et seq.*, 622 *et seq.*

RCC 1870, Art. 621. (Same as Art. 621 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 616. (Projet, p. 63. Amendment adopted; comment by redactors)

Par. 1 same as par. 1, above.

L'usufruit peut cesser par l'abus que l'usufruitier fait de sa jouissance, soit en commettant des dégradations sur le fonds, soit en le laissant dépérir faute d'entretien, soit en abusant de toute autre manière, des choses sujettes à l'usufruit.

In such cases, the judge may, according to circumstances, decree the absolute extinction of the usufruct, or order that the owner shall re-enter into the enjoyment of the property subject to the usufruct, on condition that he shall pay annually to the usufructuary or his representatives, until the usufruct expires, a sum which shall be fixed on by the judge in proportion to the value of the property subject to the usufruct.

Dans ces divers cas, le juge peut, suivant la gravité des circonstances, ou prononcer l'extinction absolue de l'usufruit, ou n'ordonner la rentrée du propriétaire dans la jouissance de l'objet qui est grevé d'usufruit, qu'à la charge de payer annuellement à l'usufruitier ou à ses ayant-cause, jusqu'à l'expiration de l'usufruit, une somme qui sera déterminée par le juge, en proportion de la valeur des choses soumises à ce droit.

CC 1808, p. 122, Art. 61.

In fine the usufruct may cease by the abuse which the usufructuary makes in his enjoyment either in committing waste on the estate or in suffering it to go to decay, for want of repairs. In such case the judge may according to circumstances, order that the proprietor shall re-enter into the enjoyment of the property subject to the usufruct, on condition that he shall pay annually to the usufructuary or his representatives, a sum which shall be fixed on by the judge in proportion to the importance of the usufruct, until the time when the usufruct was to expire.

-p. 123, Art. 61.

Enfin l'usufruit peut cesser par l'abus que l'usufruitier fait de sa jouissance, soit en commettant des dégradations sur le fonds, soit en le laissant dépérir faute d'entretien.

Dans ces divers cas, le juge peut, suivant la gravité des circonstances, ordonner la rentrée du propriétaire dans la jouissance de l'objet qui est grevé d'usufruit à la charge de payer annuellement à l'usufruitier ou à ses ayans cause, une somme qui sera déterminée par le juge, en proportion de l'importance de l'usufruit et jusqu'à l'instant où l'usufruit devra cesser.

CN 1804, Art. 618, pars. 1, 3.

The usufruct may also cease by the abuse which the usufructuary makes in his enjoyment, either in committing waste on the estate, or in suffering it to go to decay for want of repairs.

L'usufruit peut aussi cesser par l'abus que l'usufruitier fait de sa jouissance, soit en commettant des dégradations sur le fonds, soit en le laissant dépérir faute d'entretien.

The judges may, according to circumstances, decree the absolute extinction of the usufruct, or order that the owner shall reënter into the enjoyment of the property subject to it, on condition that he shall pay annually to the usufructuary or his representatives, a fixed sum, until the time when the usufruct should have expired.

Les juges peuvent, suivant la gravité des circonstances, ou prononcer l'extinction absolue de l'usufruit, ou n'ordonner la rentrée du propriétaire dans la jouissance de l'objet qui en est grevé, que sous la charge de payer annuellement à l'usufruitier, ou à ses ayant-cause, une somme déterminée, jusqu'à l'instant où l'usufruit aurait dû cesser.

ART. 622. The usufructuary may prevent the reëntry of the owner in case of damage committed by the former on the property subject to the usufruct, by offering to make the necessary repairs, and giving a sufficient security that he will make them within a certain fixed time.

RCC—558, 559, 621, 623 *et seq.*

RCC 1870, Art. 622. (Same as Art. 622 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 617. (Projet, p. 64. Addition adopted; no comment)

The usufructuary may prevent the re-ëntry of the owner in case of damage committed by the former on the property subject to the usufruct, by offering to make the necessary repairs, and giving a sufficient security that he will make them which he is bound to make, within a certain fixed time.*

L'usufruitier pourra éviter la rentrée du propriétaire, en cas de dégradations, commises sur le fonds sujet à l'usufruit, en offrant de faire les réparations nécessaires, et en donnant une sureté suffisante pour l'exécution de cette obligation, qu'il devra remplir dans un délai fixé.*

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*Note inaccuracy of English translation of French text; "that he will make them which he is bound to make, within a certain fixed time" should be "that he will perform this obligation, which he is bound to fulfill within a certain fixed time."

ART. 623. The creditors of the usufructuary may* intervene in all suits which arise between him and the owner on this subject, for the preservation of their rights, and may prevent the expulsion of the usufructuary by offering to repair the damages committed, and give security for the future.

RCC—558 *et seq.*, 571, 591, 622, 624. CP—389 *et seq.*

RCC 1870, Art. 623. (Same as Art. 623 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 618. (Projet, p. 64. Addition adopted; no comment)

The creditors of the usufructuary may* intervene in all suits which arise between him and the owner on this subject, for the preservation of their rights, and may prevent the expulsion of the usufructuary by offering to repair the damages committed, and to give security for the future.

Les créanciers de l'usufruitier peuvent également* intervenir dans les contestations qui s'élèvent à cet égard, entre l'usufruitier et le propriétaire, pour la conservation de leurs droits et empêcher l'expulsion de l'usufruitier, en offrant la réparation des dégradations commises, et des garanties pour l'avenir.

CC 1808. No corresponding article.

CN 1804, Art. 618, par. 2.

The creditors of the usufructuary may intervene in all suits, for the preservation of their rights; they may offer to repair the damages committed, and to give security for the future.

Les créanciers de l'usufruitier peuvent intervenir dans les contestations, pour la conservation de leurs droits; ils peuvent offrir la réparation des dégradations commises, et des garanties pour l'avenir.

*English translation of French text incomplete; should include "likewise."

ART. 624. The creditors of the usufructuary can cause to be annulled any renunciation which he may have made of his right to their prejudice, whether it be accompanied with fraud or not, and they are permitted to exercise all the rights of their debtor in this respect.

In all cases the renunciation of the usufructuary can not be inferred from circumstances; it must be express.

RCC—621, 623, 1021, 1968, 1990, 2421.

RCC 1870, Art. 624.

Same as above.

CC 1825, Art. 619.

(Projet, p. 64. Addition adopted; comment by redactors)

Same as above.

Les créanciers de l'usufruitier peuvent faire annuler toute renonciation que l'usufruitier aurait faite de son droit, à leur préjudice, soit que cette renonciation ait été accompagnée de fraude ou non, et ils sont admis à exercer tous les droits de leur débiteur à cet égard.

Dans tous les cas, la renonciation de l'usufruitier ne peut s'induire d'aucune circonstance, il faut qu'elle soit expresse.

CC 1808. No corresponding article.

CN 1804, Art. 622.

The creditors of the usufructuary can cause to be annulled the renunciation which he may have made to their prejudice.

Les créanciers de l'usufruitier peuvent faire annuler la renonciation qu'il aurait faite à leur préjudice.

ART. 625. When the usufruct has expired it returns to and becomes again incorporated with the ownership; and from that time the person who had only the naked ownership, begins to enter into a full and entire ownership of the thing.

Nevertheless, the usufructuary or his heirs have the right to retain possession of the thing subject to the usufruct, until they have been fully repaid for all expenses and advances for which they have, by law, recourse against the owner or his heirs.

RCC—576, 579, 585, 587, 619.

RCC 1870, Art. 625.

(Same as Art. 625 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 620.

(Projet, p. 64. Amendment adopted; no comment)

When the usufruct has expired, the thing which was subject to it, returns to and becomes again incorporated with the ownership, and from that time the person who had only the bare ownership, begins to enter into a full and entire ownership of the thing.

Quand l'usufruit est expiré, la chose qui y était sujette, retourne et se réunit à la propriété, et dès lors, celui qui n'avait que la propriété nue, commence à entrer dans une pleine et entière propriété de la chose.

Par. 2 same as par. 2, above.

Néanmoins, l'usufruitier ou ses héritiers, ont droit de retenir la possession des choses sujettes à l'usufruit, jusqu'à ce qu'ils soient pleinement remboursés de toutes les dépenses ou avances dont ils ont la répétition, d'après la loi, contre le propriétaire ou ses héritiers.

CC 1808, p. 122, Art. 62.

When the whole of the usufruct has expired the thing which was subject to it returns to and becomes again incorporated with the property, and from that time the person who had only the bare property, begins to enter into a full and entire property of the thing.

CN 1804. No corresponding article.

-p. 123, Art. 62.

Quand tout l'usufruit est fini, la chose qui y était sujette, retourne et se réunit à la propriété, et dès lors celui qui n'avait que la propriété nue, commence à entrer dans une pleine et entière propriété de la chose.

Chapter 2—OF USE AND HABITATION

ART. 626. Use is the right given to any one to make a gratuitous use of a thing belonging to another, or to exact such a portion of the fruit it produces, as is necessary for his personal wants and those of his family.

RCC—533, 628, 631, 635, 638 et seq., 641, 642.

RCC 1870, Art. 626.

Same as above.

CC 1825, Art. 621.

(Projet, p. 64. Amendment adopted; comment by redactors)

Same as above; but "gratuitous" spelled "gratuistous."

L'usage est le droit qui est accordé à quelqu'un, de se servir de la chose d'autrui, ou d'exiger telle portion des fruits qu'elle produit qui est nécessaire pour ses besoins personnels et ceux de sa famille.

CC 1808, p. 124, Art. 63.

Use may be defined [as] the right of enjoying gratuitously for one's daily wants a thing or the fruits of a thing belonging to another, without any prejudice to his right of property.

-p. 125, Art. 63.

L'usage peut se définir le droit de se servir gratuitement pour ses besoins particuliers, d'une chose, ou des fruits d'une chose qui appartient à autrui, sans porter préjudice à son droit de propriété.

CN 1804. No corresponding article.

ART. 627. The right of habitation is the right of dwelling gratuitously in a house the property of another person.

RCC—628, 632 et seq., 641, 643, 3556(12).

RCC 1870, Art. 627.

Same as above.

CC 1825, Art. 622.

(No reference in Projet)

Same as above.

L'habitation est le droit d'habiter gratuitement dans la maison d'autrui.

CC 1808, p. 124, Art. 64

Habitation is the right of dwelling gratuitously in a house the property of another person.

-p. 125, Art. 64.

Same as above.

CN 1804. No corresponding article.

ART. 628. The rights of use and habitation are established and extinguished in the same manner as usufruct.

RCC—540 et seq., 606 et seq., 613 et seq., 618, 619, 631, 1884.

RCC 1870, Art. 628. (Same as Art. 628 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 623. (No reference in Projet)
The right of use and habitation is* established and extinguished in the same manner as the usufruct. Les droits d'usage et d'habitation s'établissent* et se perdent de la même manière que l'usufruit.

CC 1808, p. 124, Art. 65. -p. 125, Art. 65.
The right to use and habitation is* established and extinguished in the same manner as the usufruct. Same as above.

CN 1804, Art. 625.
Same as RCC 1870, Art. 628, above. Same as above.

*Note error in English translation of French text; "right of use and habitation is" should be "rights of use and of habitation are."

ART. 629. The person having the use, if he be in possession of the thing affected with his right, as is said hereafter, and he who enjoys the right of habitation, are bound to furnish security and to make an inventory, in the same manner as the usufructuary, and under the rules, exceptions, and restrictions established on this subject in the chapter: *Of Usufruct.*

RCC—558 *et seq.*, 630, 3064.

RCC 1870, Art. 629.
Same as above.

CC 1825, Art. 624. (Projet, p. 65. Amendment adopted; comment by redactors)
Same as above; but comma (,) after "security"; no punctuation after "exceptions", or after "chapter." L'usager qui a la possession des choses affectées à son droit, ainsi qu'il est dit ci-après, et celui qui jouit du droit d'habitation, doivent fournir caution et faire inventaire de la même manière que l'usufruitier, et d'après les mêmes règles, exceptions et restrictions qui sont établies à cet égard au chapitre de l'usufruit.

CC 1808, p. 124, Art. 66. -p. 125, Art. 66.
Those who have such rights are bound to give security to the amount of the value of such objects as are subject to such rights, for the accomplishment on their part, of such obligations as are prescribed to them, by law or by the title upon which such their rights may be grounded, unless their giving security has been dispensed with by this very title. But at all events it is the duty of said persons to cause to be made an inventory with the estimated value of the objects upon which their right to use and habitation are assigned, as the usufructuary is bound to do, in the presence of the owner, or after he shall have been summoned to attend: and said inventory shall be made by a notary public duly authorised to that effect by the parish judge and in the presence of two witnesses. Ceux qui ont ces droits sont assujettis à donner caution de la valeur des objets qui y sont soumis, pour sûreté de l'accomplissement des obligations qui leur sont prescrites par la loi ou par le titre constitutif de ces droits, à moins qu'ils n'ayent été dispensés de donner cette caution par le titre constitutif; mais dans tous les cas, ces personnes doivent faire un inventaire estimatif des objets sur lesquels leur droit d'usage et d'habitation sont assis, de même que l'usufruitier, en présence du propriétaire ou lui dûment appelé: et cet inventaire sera fait par un notaire dûment autorisé par le juge de paroisse à cet effet et en présence de deux témoins.

CN 1804, Art. 626.

As in the case of usufruct, a person can not enjoy the rights of use and of habitation, unless he has previously given security and drawn up schedules and inventories.

On ne peut en jouir, comme dans le cas de l'usufruit, sans donner préalablement caution, et sans faire des états et inventaires.

Projet du Gouvernement (1800), Book II, Title III, Art. 47.

Those who have such rights are bound to give security, and to make a schedule and inventory of the estate, as the usufructuary is bound to do.

Ceux qui ont ces droits sont assujétis à donner caution, et à l'état et inventaire des biens, de même que l'usufruitier.

ART. 630. But the person having the use is not bound to give security nor to make an inventory, if the thing remains in the possession of the owner, and his right is confined to exacting out of the fruits produced by the thing what is necessary for his personal wants and those of his family; for in relation to these fruits he is not bound to make any restitution.

RCC—559, 629, 642, 1908.

RCC 1870, Art. 630.

Same as above.

CC 1825, Art. 625.

(Projet, p. 65. Addition adopted; comment by redactors)

Same as above; but comma (,) after "use", and after "these fruits."

Mais l'usager ne sera pas tenu de donner caution, ni de faire inventaire, si la chose reste entre les mains du propriétaire, et que son droit se borne à exiger, sur les fruits produits par cette chose, ce qui est nécessaire pour ses besoins personnels et ceux de sa famille; car relativement à ces fruits, il n'est tenu à aucune restitution.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 631. The rights to use and habitation are regulated by the title which has established them, and receive accordingly a more or less extensive sense; it being well understood that these conventions do not exceed the limits of the laws on use and habitation, for if they do, they create other rights.

Thus a right to receive the fruits of a property and to sell and dispose of them freely,* would be a right of usufruct, and all the laws concerning usufruct would be applicable to it.

RCC—533 *et seq.*, 626, 632, 1901.

RCC 1870, Art. 631.

(Same as Art. 631 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 626.

(Projet, p. 65. Amendment adopted; no comment)

The rights to use and habitation are regulated by the title which has established them, and receive accordingly a more or less extensive sense, it being well understood that these conventions do not exceed the limits of the laws on use and habitation; if they do, they create other rights.

Les droits d'usage et d'habitation se règlent par le titre qui les a établis, et reçoivent par ses dispositions, plus ou moins d'étendue; bien entendu que ces dispositions ou conventions, n'excèdent pas les bornes des droits d'usage et d'habitation, car si elles en sortent, ce sera un autre droit.

Par. 2 same par. 2, above; but comma (,) after "concerning usufruct."

Ainsi on aurait vainement qualifié de droit d'usage, celui de prendre tous les fruits d'un fonds, même pour en vendre et disposer librement, parce que* ce serait alors un droit d'usufruit, et qu'il faudrait lui en appliquer toutes les règles.

CC 1808, p. 124, Art. 67.

The rights to use and habitation are regulated by the title which has established them and receive accordingly a more or less extensive sense.

-p. 125, Art. 67.

Les droits d'usage et d'habitation se règlent par le titre qui les a établis et reçoivent par ses dispositions, plus ou moins d'étendue.

CN 1804, Art. 628.

Same as above.

Les droits d'usage et d'habitation se règlent par le titre qui les a établis, et reçoivent, d'après ses dispositions, plus ou moins d'étendue.

*Note error in English translation of French text; "a right to receive the fruits of a property and to dispose of them freely" should be "it would be futile to designate as a right of use the right to receive all the fruits of a property and even to sell and dispose of them freely, because."

ART. 632. If the title be silent with respect to the extent of the right, the rights to use and habitation shall be determined by the following rules.

RCC—631, 633 *et seq.*

RCC 1870, Art. 632.

Same as above.

CC 1825, Art. 627.

Same as above.

(Projet, p. 66. Amendment adopted; comment by redactors)

Si le titre ne s'explique pas sur cette étendue, les droits d'usage et d'habitation seront déterminés par les règles [règles] qui suivent.

CC 1808, p. 124, Art. 68.

If the title be silent respecting the extent of the right, and if it speaks only of the use in general, without any precise determination, the rights to use shall be determined by the following rules.

-p. 125, Art. 68.

Si le titre ne s'explique pas sur cette étendue et qu'il parle seulement de l'usage général, sans rien préciser, les droits d'usage seront déterminés par les règles qui suivent.

CN 1804, Art. 629.

If the title be silent respecting the extent of these rights, they are regulated as follows.

Si le titre ne s'explique pas sur l'étendue de ces droits, ils sont réglés ainsi qu'il suit.

Projet du Gouvernement (1800), Book II, Title III, Art. 50.

If the title establishing it be silent respecting the extent of the right, and if it speaks only of the use in general without any precise determination, the rights to use shall be determined by the following rules.

Si le titre qui les constitue ne s'explique point sur cette étendue, et qu'il parle seulement de l'usage on [en] général sans rien préciser, les droits de l'usage seront déterminés par les règles qui suivent.

ART. 633. That which distinguishes the usufruct of a property from the use of it, is this, that the enjoyment of the usufructuary is not confined to what is necessary for his consumption, but he takes all the fruits, and can dispose of them as he pleases.

The person, on the other hand, who has only the use of an estate, has a right only to such fruits as may be necessary for his daily wants and those of his family.

But he may claim so much of those fruits as may be necessary to supply the wants of the woman he has married, and of his children born since the use has been granted to him.

RCC—533, 544 *et seq.*, 626, 638, 640, 641 *et seq.*, 3556(12).

RCC 1870, Art. 633.

Same as above.

CC 1825, Art. 628.

Same as above.

(Projet, p. 66. Amendment † adopted; no comment)

Ce qui distingue essentiellement l'usufruit d'un fonds d'avec son usage, est que la jouissance de l'usufruitier n'est pas bornée à la simple consommation, et qu'il peut prendre tous les fruits et en disposer à son profit.

Celui au contraire, qui n'a que l'usage d'un fonds, ne peut exiger des fruits de ce fonds qu'autant qu'il en faut pour ses besoins journaliers et ceux de sa famille.

Mais l'usager peut exiger de ces fruits pour les besoins même de la femme qu'il a épousée, et des enfans qui lui sont survenus depuis la concession de l'usage.

CC 1808, p. 124, Art. 69.

The person who has the use of an estate or of the fruits of an estate, has a right only to such fruits as may be necessary for his daily wants and those of his family.

He may indeed claim so much of said fruits as may be necessary to supply the wants of the woman he has married and of his children born since the use has been granted to him.

-p. 125, Art. 69.

Celui qui a l'usage d'un fonds ou des fruits d'un fonds, ne peut exiger des fruits de ce fonds, qu'autant qu'il lui en faut pour ses besoins journaliers et ceux de sa famille.

L'usager peut exiger de ces fruits, pour les besoins même de la femme qu'il a épousée et des enfans qui lui sont survenus depuis la concession de l'usage.

CN 1804, Art. 630.

The person who has the use of the fruits of an estate has a right only to so much of them as may be necessary for his wants and those of his family.

He may claim so much of them as may be necessary to supply the wants of his children born since the use has been granted to him.

Celui qui a l'usage des fruits d'un fonds, ne peut en exiger qu'autant qu'il lui en faut pour ses besoins et ceux de sa famille.

Il peut en exiger pour les besoins même des enfans qui lui sont survenus depuis la concession de l'usage.

ART 634. He who has the use of the fruits of an estate can not go upon the estate to exercise his rights, still less is he permitted to live there, unless he have thereon a right of habitation; he has only an action against the owner to obtain from him such of the fruits as may be necessary for his daily wants and those of his family.

He who has the use may, therefore, cause to be fixed by the judge, from time to time, the proportion of fruits which he has a right to exact from the owner of the property; and this must be determined according to the condition of him who has the use, and the fortune of

him who conferred the right, if the title be not explicit on this subject, and according to the increase or diminution of the family of him who has the use.

RCC—626, 627, 631, 632, 642.

RCC 1870, Art. 634.

Same as above.

CC 1825, Art. 629.

(Projet, p. 66. Amendment † adopted; comment by redactors)

Same as above; but no punctuation after “may”, after “therefore”, or after “judge.”

Celui qui a l'usage des fruits d'un fonds, ne peut aller sur ce fonds, à l'effet d'user de son droit, et encore moins y demeurer, s'il ne lui a pas été accordé un droit d'habitation sur ce fonds, il a seulement une action contre le propriétaire pour exiger de lui les fruits qui lui sont nécessaires pour ses besoins journaliers et ceux de sa famille.

En conséquence, l'usager pourra faire fixer par le juge, de temps à autre, la quotité des fruits qu'il a ainsi le droit d'exiger du propriétaire du fonds; et cette quotité sera fixée suivant l'état de l'usager et la fortune de celui qui a concédé le droit, si le titre ne s'en est pas expliqué, et suivant les accroissements ou diminutions qui surviennent dans la famille de l'usager.

CC 1808, p. 124, Art. 71.

He who has the use of the fruits of an estate, is at liberty to go thither in order to enjoy his right, and he may even live on the estate, *provided* it be without any injury to the owner of the estate, and *provided* likewise he lay under no impediment those who cultivate the same.

-p. 125, Art. 71.

Celui qui a l'usage des fruits d'un fonds, a la liberté d'y aller pour user de son droit et même d'y demeurer, *pourvu* qu'il ne soit pas incommode au propriétaire du fonds et qu'il n'apporte aucun empêchement à ceux qui le cultivent.

CN 1804. No corresponding article.

ART. 635. The right of use of a house and that of habitation being alike, are subject to the same rules.

RCC—548, 626, 627, 631, 632, 643.

RCC 1870, Art. 635.

Same as above.

CC 1825, Art. 630.

(Projet, p. 67. Addition adopted; no comment)

Same as above.

Le droit d'usage d'une maison et celui d'habitation étant entièrement semblables, sont soumis aux mêmes règles.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 636. He who has the use of a herd of cattle can not make any other use of the same than by taking the milk necessary for his daily use and that of his family.

RCC—631, 632.

RCC 1870, Art. 636.

Same as above.

CC 1825, Art. 632.

Same as above.

(No reference in Projet)

Celui qui a l'usage d'un troupeau ne peut pas s'en servir autrement que pour en prendre le lait nécessaire à ses besoins journaliers et à ceux de sa famille.

CC 1808, p. 124, Art. 73.

He who has the use of a herd of cattle, cannot make any other use of the same than by taking the milk necessary for his daily wants and those of his family.

-p. 125, Art. 73.

Same as above.

CN 1804. No corresponding article.

ART. 637. He who has the use of such things as can not be used without being expended or consumed, as money, provisions, or liquors, has a right to use such things as the usufructuary may, and on the same terms.

Movables which, although not consumed entirely, are gradually worn out by use, such as linen, furniture, ships, or boats, are governed by the same rule.

RCC—549, 631, 632, 644.

RCC 1870, Art. 637.

Same as above.

CC 1825, Art. 633.

Same as above; but no punctuation after "provisions", or after "ships."

(No reference in Projet)

Celui qui a l'usage des choses dont on ne peut se servir qu'en les consommant, comme l'argent, les denrées, les liqueurs, a le droit de s'en servir comme l'usufruitier, et aux mêmes charges et conditions.

Il en est de même des choses mobilières, qui, sans se consommer de suite, se détériorent peu-à-peu par l'usage, comme le linge, les meubles meublans, un vaisseau, un bateau.

CC 1808, p. 124, Art. 74.

He who has the use of such things as cannot be used without being expended, as money, provisions, liquors, has a right to use such things as the usufructuary, and on the same terms.

The same holds likewise with respect to moveables which although not consumed immediately, are injured by degrees, wear and tare [tear], such as linen, furniture, a ship or a boat.

-p. 125, Art. 74.

Same as above; but no punctuation after "l'usufruitier", after "mobilières", or after "mobilières qui."

CN 1804. No corresponding article.

ART. 638. There is this difference between the person who has the use and the usufructuary, that the person who has the use can neither transfer, let, nor give his right to another.

RCC—555, 605, 631, 632, 633, 643, 1884.

RCC 1870, Art. 638.

Same as above.

CC 1825, Art. 634. (No reference in Projet)

Same as above; but comma (,) after "that the person", and after second "use." L'usager ne peut céder ni louer, ni donner son droit à un autre, à la différence de l'usufruitier.

CC 1808, p. 126, Art. 75.

There is this difference between the person who has the use and the usufructuary, that the person who has the use can neither transfer, let, nor give his right to any one else.

-p. 127, Art. 75.

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

CN 1804, Art. 631.

The person who has the use can neither transfer nor let his right to another.

L'usager ne peut céder ni louer son droit à un autre.

ART. 639. The right of the person who has the use, is not only for one or more years, but it lasts during the life of such person, if the title upon which this right is grounded does not otherwise provide.

RCC—631, 632, 789, 943.

RCC 1870, Art. 639.

Same as above.

CC 1825, Art. 635.

(No reference in Projet)

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

Le droit de l'usager n'est pas seulement pour une ou plusieurs années; mais il s'étendra à la vie de l'usager, si le titre de ce droit ne le règle pas autrement.

CC 1808, p. 126, Art. 76.

The right of the person who has the use is not only for one or more years, but it lasts during the life of said person, if the title upon which this right is grounded does not regulate it otherwise.

-p. 127, Art. 76.

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

CN 1804. No corresponding article.

ART. 640. He who has a right to habitation in a house may reside there with his family, though he may not have been married at the time this right was granted to him.

RCC—631, 632, 633, 641, 642, 644.

RCC 1870, Art. 640.

Same as above.

CC 1825, Art. 636.

(Projet, p. 67. Addition † adopted; no comment)

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

Celui qui a un droit d'habitation dans une maison, peut y demeurer avec sa famille, quand même il n'aurait pas été marié à l'époque où ce droit lui a été accordé.

CC 1808. No corresponding article.

CN 1804, Art. 632.

Same as CC 1825, Art. 636, above.

Celui qui a un droit d'habitation dans une maison, peut y demeurer avec sa famille, quand même il n'aurait pas été marié à l'époque où ce droit lui a été donné.

ART. 641. The right of habitation is confined to what is necessary for the habitation of the person and of the family of the person* to whom the right of use or habitation** is granted.

But nothing prevents him, who enjoys the right of habitation, from receiving in the house, or the part of it which has been assigned to him, friends, guests, or even boarders, provided he inhabits it himself.

RCC—626, 627, 631 *et seq.*, 640, 642, 643.

RCC 1870, Art. 641.

Same as above.

CC 1825, Art. 637.

(Projet, p. 67. Amendment adopted; comment by redactors)

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

Le droit d'habitation se restreint à ce qui est nécessaire pour l'habitation de celui* à qui ce droit** est accordé.

Mais rien n'empêche que celui qui jouit du droit d'habitation, ne reçoive dans la maison ou la partie de la maison qui lui est assignée, des amis, des hôtes et même des pensionnaires, pourvu qu'il y habite lui-même.

CC 1808, p. 126, Art. 77.

The right of habitation is confined to what is necessary for the habitation of the person and of the family of the person to whom this right is granted.

-p. 127, Art. 77.

Le droit d'habitation se restreint à ce qui est nécessaire pour l'habitation de celui à qui ce droit est concédé et de sa famille.

CN 1804, Art. 633.

Same as above.

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

*"And of the family of the person" has no counterpart in French text.

**Note error in English translation of French text; "the right of use or habitation" should be "this right."

ART. 642. The word *family*, made use of in this chapter, is to be understood of the wife, children and servants of the person to whom the right of use or habitation is granted.

RCC—40, 626, 630, 633, 634, 640, 641, 3556(12).

RCC 1870, Art. 642.

Same as above.

CC 1825, Art. 638.

Same as above.

(No reference in Projet)

Le mot de *famille*, employé dans ce chapitre, doit s'entendre de la femme, des enfans et des domestiques de celui à qui le droit d'usage ou d'habitation est accordé.

CC 1808, p. 126, Art. 78.

The word *family* made use of in this section, is to be understood of the wife, children and servants of the person to whom the right of use or habitation is granted.

-p. 127, Art. 78.

Le mot de *famille* employé dans cette section, doit s'entendre de la femme, des enfans et des domestiques de celui à qui le droit d'usage ou d'habitation est accordé.

CN 1804. No corresponding article.

ART. 643. The right of habitation can neither be transferred, let,* nor given to any one else; it is, as well as the use, exclusively a personal right.

RCC—555, 561 *et seq.*, 605, 627, 631 *et seq.*, 635, 638, 943.

RCC 1870, Art. 643.

Same as above.

CC 1825, Art. 639.

(Projet, p. 67. Amendment adopted; comment by redactors)

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

Le droit d'habitation ne peut être ni cédé,* ni donné à autrui. C'est, comme l'usage, un droit exclusivement personnel.

CC 1808, p. 126, Art. 79.

The right to habitation can neither be transferred, let, nor given to any one else; it is as well as the use, a personal right.

-p. 127, Art. 79.

Le droit d'habitation ne peut être ni cédé, ni loué, ni donné à autrui. C'est comme l'usage un droit personnel.

CN 1804, Art. 634.

The right of habitation may be neither transferred nor let.

Le droit d'habitation ne peut être ni cédé ni loué.

*"Let" has no counterpart in French text.

ART. 644. He who has the use, and he to whom the right of habitation has been granted, are bound to use those things of which they have the possession and enjoyment, as prudent administrators would do, and to restore them to the owners at the expiration of their terms in the condition they received them, and not injured by their neglect or fraud.

RCC—567, 631, 632, 637.

RCC 1870, Art. 644.

Same as above.

CC 1825, Art. 640.

(Projet, p. 67. Addition adopted; comment by redactors)

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

L'usager et celui à qui le droit d'habitation a été accordé, doivent jouir en bons pères de famille, des choses dont ils ont la possession et la jouissance, et les remettre au propriétaire à l'expiration de la durée de leurs droits, dans l'état où ils les ont reçues, et non détériorées par leur dol ou leur négligence.

CC 1808. No corresponding article.

CN 1804, Art. 627.

He who has the use, and he to whom a right of habitation has been granted, are bound to enjoy these rights as prudent administrators would do.

L'usager, et celui qui a un droit d'habitation, doivent jouir en bons pères de famille.

ART. 645. If the person who has the use, consumes all the fruits of the estate for his wants, or if he occupies the whole house, he is bound to defray the expenses of cultivation and plantation work; he is liable to the ordinary repairs, to the payment of taxes, and to the other annual charges in the same manner as the usufructuary is.

But if he receives only a part of the fruits of the estate, or if he occupies only a part of the house, he contributes his share of said expenses in proportion to what he enjoys.

RCC—571 *et seq.*, 578, 580 *et seq.*, 631, 632, 637.

RCC 1870, Art. 645.

Same as above.

CC 1825, Art. 641.

(No reference in *Projet*)

Same as above; but colon (:) after "work"; comma (,) after "said expenses."

Si l'usager absorbe tous les fruits du fonds pour ses besoins, ou s'il occupe la totalité de la maison, il est assujetti aux frais de culture et d'exploitation, aux réparations d'entretien, au payement des contributions et aux autres charges annuelles, comme l'est l'usufruitier.

Mais s'il ne prend qu'une partie des fruits du fonds, ou s'il n'occupe qu'une partie de la maison, il contribue à tous ces frais, au prorata de ce dont il jouit.

CC 1808, p. 126, Art. 80.

If the person who has the use consumes all the fruits of the estate for his wants, or if he occupies the whole house, he is bound to defray the expenses of cultivation and plantation work: he is liable to the individual* repairs, to the payment of taxes, and to the other annual charges no less than the usufructuary.

Par. 2 same as par. 2, above.

-p. 127, Art. 80.

Si l'usager absorbe tous les fruits du fonds pour ses besoins, ou s'il occupe la totalité de la maison, il est assujetti aux frais de culture et d'exploitation, aux réparations d'entretien,* au payement des contributions et autres charges annuelles, comme l'est l'usufruitier.

Par. 2 same as par. 2, above.

CN 1804, Art. 635.

If the person who has the use consumes all the fruits of the estate, or if he occupies the whole house, he is bound to defray the expenses of cultivation; he is liable to the ordinary repairs, to the payment of taxes, in the same manner as the usufructuary.

If he receives only a part of the fruits, or if he occupies only a part of the house, he contributes in proportion to what he enjoys.

Si l'usager absorbe tous les fruits du fonds, ou s'il occupe la totalité de la maison, il est assujetti aux frais de culture, aux réparations d'entretien, et au paiement des contributions, comme l'usufruitier.

S'il ne prend qu'une partie des fruits, ou s'il n'occupe qu'une partie de la maison, il contribue au prorata de ce dont il jouit.

*Note error in English translation of French text; "individual" should be "ordinary."

TITLE IV—OF PREDIAL SERVITUDES OR SERVITUDES OF LAND

Chapter 1—GENERAL PRINCIPLES

ART. 646. All servitudes which affect lands may be divided into two kinds, personal and real.

Personal servitudes are those attached to the person for whose benefit they are established, and terminate with his life. This kind of servitude is of three sorts: usufruct, use and habitation.

Real servitudes, which are also called *predial or landed servitudes*, are those which the owner of an estate enjoys on a neighboring estate for the benefit of his own estate.