

persons unless they are included in some exemption established by this code, or unless it is absolutely impossible for them in law or in fact to act by themselves or to be represented by others."—C. c. 2232. The excepted persons, such as the Sovereign, minors, etc., need not be enumerated. In special reference to municipal corporations, art 2220 C. c. makes provision that the sites of roads and streets cannot be acquired by prescription, and there toleration of encroachment and this is followed by art. 2221, in which it is stated that:

"Any other property belonging to municipalities or corporations, the prescription of which is not otherwise determined by this code, is subject, even when held in mortmain, to the same prescriptions as the property of private persons."

"So much as regards persons against whom prescription runs. As regards the things or objects, the law has been designedly made as wide as possible, thus: "All things, rights and actions, the prescription of which is not otherwise regulated by law, are prescribed by thirty years."—C. c., 2242.

"In view of these prescriptions of the code and of the nature of the statutory right above explained, it is safe to conclude that if the right in question is not to be regarded as a servitude liable to extinction by non-user during thirty years, as contemplated by article 562 C. c., then it is one of the "things, rights and actions" mentioned in art. 2242 and liable to extinction in the same way.

"It has been, however, argued for the appellant that the only prescription which would run would be an acquisitive prescription which could only commence in respect of a building or structure erected in disregard of the line from the time of such erection.