

sooner than in three months. If the wife sued by a creditor of the community before the expiration of these delays, chooses, she may, by a dilatory exception, obtain from the court a stay of proceedings until their expiration, upon which expiration, the Plaintiff creditor may force her to declare her option. Should she neglect to do either, she will be deemed to be *commune*; nevertheless, she may renounce at any time during the suit, because such renunciation can do no positive injury to the creditors.

When the wife accepts the community the division is made thus:—

If, by the contract of marriage, part only of the moveables of one of the conjuncts have entered into the community, the surplus is a *propre* to such conjunct.

After the deduction of all such sums and other moveables as would have formed part of the community, had they not been excluded by special covenant, (which are technically called *propres de communauté*.) the debts are paid, and if the dissolution of the community have been occasioned by the death of one of the conjuncts, the residue is divided equally between the survivor and the heirs or other representatives of the deceased; if the dissolution have been occasioned by a judgment of separation of person, or of separation of both person and property, the residue is divided equally between the conjuncts.

The wife, if the community be dissolved by the death of the husband, re-enters into the possession and administration of her immoveable property. If any immoveable of either of the conjuncts, have been sold during the marriage, or some of the *rentes* (*foncières or constituées*) with which any immoveable of such conjunct was encumbered, have been paid off out of the funds of the community, that conjunct to whom such sold immoveable belonged, or his representative will be re-imbursed the amount of the sum produced by the sale, with interest from the day of the dissolution; and on the contrary, the conjunct whose *rentes* were so paid off, or his or her representatives will be bound to re-imburse to the community the sum borrowed from it for such purpose.

When the property of one of the conjuncts has been alienated, during the marriage, subject to a life annuity, the indemnity is only