

TITLE FOURTH.

OF REAL SERVITUDES.

RESOLVED :—

56. That article 16 be struck out and the following inserted instead thereof :

16a. Every coproprietor may build against a common wall and place therein joists or beams, to within four inches of the whole thickness of the wall, without prejudice to the right which the neighbour has to force him to reduce the beam to the half thickness of the wall in case he should himself desire to put beams in the same place or to build a chimney against it.

57. That after article 22a the following be inserted :

23. When the different stories of a house belong to different proprietors, if their titles do not regulate the mode of repairing and rebuilding, it must be done as follows :

All the proprietors contribute to the main walls and the roof, each in proportion to the value of the story which belongs to him ;

The proprietor of each story makes the floor under him ;

The proprietor of the first story makes the stairs which lead to it ; the proprietor of the second story makes the stairs which lead from the first to his, and so on.

58. That article 34 be struck out and the following inserted instead thereof :

34a. The following provisions are established for incorporated cities and towns :

1. He who wishes to have a well near the common wall or that belonging to his neighbour, must make a counter-wall of masonry one foot thick ;

2. He who wishes to have a privy near such walls must make a counter-wall of the same kind fifteen inches thick ;

If however there be a well opposite on the neighbouring property the thickness must be twenty-one inches ;

3. When the well or privy is at the distance from the wall determined by municipal regulations and by established and recognized usage, such counter-wall is no longer required. If there be no such regulations or usage the distance is three feet ;

4. He who wishes to have a chimney, hearth or stable, or a store for salt or other corrosive material, near the common wall or the wall belonging to his neighbour, or to raise the ground or heap rubbish against it, is obliged to make a counter-wall or other work, the sufficiency of which is determined by municipal regulations, by established and recognized usage, and, in default of any such, by the courts in each case ;

5. He who wishes to have an oven, forge or furnace, must leave a vacant space of six inches between his own wall and the common wall or that of his neighbour.