

should be deemed to include not only legal and customary dower, but stipulated (*prefix*) or conventional dower.

Wherever the property of which the customary dower would consist, is covenanted by the contract of marriage as dower, such dower is called customary and conventional dower. Such covenant, however, would be superfluous, as the law grants the customary dower, unless it be expressly excluded in the contract of marriage. Upon the death of the husband, the wife, if she survive, or the children if she do not, become entitled to the dower. In the former case, the wife enjoys the property during her life, time only, after which it devolves upon the representations of her husband.

The conventional dower is paid out of the husband's assets only and not out of the property of the community. (1)

Dower does not attach on estates held by the husband, subject to a substitution which is to take effect after his death, because it is not in his power to charge such an estate; but if the party who created the substitution were the father or mother of the husband, and there be no other property, the dower would attach. (2) It attaches on property subrogated for that which was originally subject to dower, and accessions to it. (3) If the husband's property in the estate, terminates from a cause which preceded his marriage, the wife cannot claim her dower; she can derive no title when the husband himself had none.

An estate subject to dower, if it be sold by the husband, without the wife's consent, continues liable to her claim, into whatever hands it may have passed. (4)

If the conjuncts have entered into a *don mutuel*, the wife who has a conventional dower, will have, after the death of the husband, the usufruct of all the moveables and *conquêts* of the community, and takes her dower upon the other property of the husband. (5) This although enacted by the article of the *coutume*, is deducible from the principle above-mentioned, that the dower is independent of the community.

(1) C. P. Art. 260. (2) Pothier, Dower No. 69. 1 Burge 383. (3) *Ib.*
(4) Poth. Dower No. 84. 1 Burge 384. (5) C. P. Art. 263.