

Art. 63a. also 63a which is taken from the latter clause of 1673, C. N. and, as a better arrangement, is made into a separate article.

Art. 64. Article 64 declares the time and mode of exercising the right of redemption according to the existing law. The Commissioners think that the change made by the Code Napoleon in the rules upon the subject greatly simplifies them and makes them altogether more convenient in their application and effect.—They have therefore adopted four articles from that code which they submit as amendments to the ancient law. They are marked 64a, 64b, 64c, 64d. They limit the exercise of the right to ten years and hold the parties strictly to the terms of the stipulations, without allowing the courts to extend them or requiring a judgment to declare the right extinct.

Art. 64a, 64b,
64c, 64d.

These articles apply equally to the case of dissolution of sale for non-payment of the price and harmonize with the system of adhering to contracts and preventing the modification and enlargement of them by the courts.

Arts. 65, 66, 67,
68, 69, 70, 71,
72, 73.

The remaining articles of the chapter, 65, 66, 67, 68, 69, 70, 71, 72, 73, require no observation, with the exception of 68—of which it is to be noticed that it relates to the effect of sale by licitation upon the right of redemption, and that the words “if not purged” have been inserted in it as being made necessary by the provisions of the statute cited under it. Some verbal changes have been made in the other articles in order to render the exposition of the rules more complete or to remove ambiguities of meaning pointed out by the commentators.

Chap. 7. Of sale
by Licitation.
Arts. 75, 76.

There are but two articles in this chapter; the one, article 75, declaring the causes for which sale by licitation is made, and the other, article 76, referring to the Code of Civil Procedure for the rules and formalities to be observed in relation to such sales.

Chap. 8. Of sale
by auction.

Arts. 78, 79, 80.

Arts. 81, 82.

No chapter corresponding with this is to be found in the Code Napoleon.—In France at this day sales by auction are subjected to official supervision and to certain regulations, partly of police and partly fiscal, which are wholly inapplicable in this country.—There are five articles submitted under this chapter, the first, 78, is merely introductory, and the second, 79, is a transcript from the statute. It is followed by 80 which the Commissioners deem necessary in order to confine the operation of the preceding one to the object and effect which without doubt the legislature had in view. The two others, 81 and 82, are founded upon the universal usage among us derived substantially from the principles of the ancient law and confirmed by the decision of our courts.

Chap. 9. Of the
sale of registered
vessels.
Arts. 84, 85,
86.

Of the four articles contained in this chapter, 83 relates to sales of British, and 84 to sales of Colonial shipping; the other two, 85 and 86, apply to both.—They are all intended to announce the general rules which must be observed in sales of property of the description mentioned. This is done in very general terms, as these rules are established from time to time by particular statutes, and the object of the articles is rather to indicate the sources of the law than to declare it in detail. The reasons for abstaining from an attempt to do the latter are obvious;—The legislation concerning shipping is of an arbitrary nature founded upon considerations of national policy; it is in a great measure found in an imperial statute, and if the provisions of that statute could be safely reduced by the Commissioners to a series of articles, the law is liable to be changed from year to year by an authority paramount to that of our legislature; the work therefore has not been attempted, as it could be of no permanent practical utility.

Chap. 10. Of
the sale of debts
and other in-
corporeal
things.

Article 87, the first in this section, expresses the existing law;—the article in amendment, corresponding substantially with article 1689, C. N., is submitted as necessary for harmonizing the rule of delivery with the principle that the execution