

they only mingled with the funds of the original community, subject to their resumption by the children of the deceased with the survivor. The *conquêts* also of the continuation, acquired by the survivor in the interval between the death of the deceased and the subsequent marriage, do not enter it as they are in common between the survivor and the children of the former marriage; (1) but the revenues of all the *conquêts* do unless they were mobilised by the first contract of marriage. No property which does not form part of the first or the continued community, can enter into the *tri-partite*. The *conquêts* immovables which the second wife mobilises by the second contract of marriage, form part of it, because they enter into the two communities as the survivor acquires them for the community existing between himself and the children. (2) The revenues of all the property which the wife has or may have; and all the property which the survivor acquires since the second marriage, and which enter into the two communities, form part of the *tri-partite* community, as well as all the moveables which the survivor is or becomes possessed of.

If a child having a share in the continued community, dies leaving children, they would represent the parent and have the same interest in the continued community.

The marriage of the children during the continuation does not dissolve the community; and if a donation be made to them, they will be obliged to account for it when the division is made; if the property given was more than the share coming to the children, the surplus will be charged to the survivor, because he had no right to give what did not belong to him.

The children, whether they be minors or of age, who have part in the continuation, may either accept it or refuse it, and abide by the community in the state in which it was upon the death of the deceased parent; they have, in that case, the right to verify the quantity, amount and quality of the property, as well by titles as by witnesses, and by common report; they even have, if the mother be the parent deceased, the right to renounce the first community.

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(1) Poth. Com. No. 910. (2) Ib.