

with those which he has contracted from motives of pure liberality, or which he has incurred from the mal-administration of affairs in which he has been employed as agent, or with the guarantee which he owes to any one to whom he has sold any of the *propres* of his children.

The continued community is not responsible for the debts contracted by any of the children, as they cannot bind it, and have not the administration of it. If the survivor have paid the funeral expenses of the deceased, and the legacies by him made, the children must indemnify him, because these are the private debts of the deceased.

Exclusive of the debts, the continued community is also charged with the expense of the maintenance of the survivor and the children; but those who have not lived at the expense of the partnership, cannot demand any indemnity,

The survivor is the chief of the continued community, and may dispose of all the property belonging to it, provided it be not gratuitously. If the survivor re-marry, (1.) the community continues between the three parties; that is, the children collectively have one share, and the husband and wife each one share, and this is (2.) called the *tri-partite* community; and in that case the husband becomes the head of the community, and he may dispose of the effects of the continued community as he thinks fit, as far as the wife is concerned; but the children on the contrary must be indemnified for any property given away by him. (3)

If both parties had minor children of a preceding marriage, and each is in a state of continued community with them, the aggregate of these two continued communities will be carried on for the interest of four parties, viz: the two conjuncts, and the two batches of children, each of these parties having an interest of one fourth.

The moveables which by the first marriage contract have been stipulated *propres*, in favor of the survivor, do not form part of the *tri-partite* community; but are held in common by the husband and wife; neither do the moveables stipulated *propres* on behalf of the deceased conjunct enter into the continued community, as

(1) Poth. Com. No. 853. (2) Poth. Com. 907. (3) Ib. No. 929.