

It thus becomes in a degree assimilated to the stipulated right of redemption, and its nature and precise extent may be known, instead of being as under the rule of the existing law an unapparent right to be exercised against innocent holders at any time, according to the will of the seller and the default of the buyer, until extinguished by the prescription of thirty years from the expiration of the last term of payment. The inconvenience of such a rule especially where immovable property changes hands so frequently as in this country is obvious,—and the Commissioners have therefore prepared a series of articles based upon the proposition that the right of dissolution for non-payment of the price exists only when it has been specially stipulated. The first three only of these are a departure from the ancient law; the first contains the general proposition; the second extends to this right the rules established by articles to be hereafter noticed, relating to sales with the right of redemption, and also establishes the rule, that whatever may be the term stipulated for the exercise of the right of dissolution, it is extinguished by the expiration of ten years from the date of sale; the third deprives the courts of authority to grant delay for the payment of the price, and is consistent with the principle of maintaining the integrity of contracts, observed throughout by the Commissioners in the course of their work.

Arts. 60a, 60b,
60c.

Art. 60d.

Art. 60e.

6 Marcadé, pp.
289, 290.—16
Duranton, no.
380.—2 Delvin-
court, on art.
1654.

Articles 60a, 60b, 60c involve no change of the existing law. With respect to the rule declared in article 60d, there is less certainty, but it has been adopted as settling a doubt in the manner most consistent with reason and equity. Article 60e expresses the general rule, founded upon the maxim of law and the article of the Custom of Paris, that moveables "*n'ont pas de suite*." The authorities cited under the article and those noted in the margin, all accord upon the point that the right of dissolution of the sale of a moveable does not follow it into the hands of third persons, possessors in good faith.—The right of revendication and privilege secured by the articles 176, 177 of the Custom of Paris, falls within a different category treated in the title *Of Privileges and Hypothecs*.

Art. 61.

Article 61 expresses the law as laid down by Pothier. An article is submitted adopting the new rules contained in 1657, C. N., but modifying and extending the wording of that article so as to include the signification put upon it by the commentators. It is in conformity with the spirit of the rules relating to delivery contained in the title *Of Obligations* and is not strange to the common law of France, as some of the customs there have provisions analogous to it.

Auxerre, 141.—
Sens, 256.—
Eau, 259.—
Laon, 278.—
Chalons, 218;
cited by Tro-
plong, *vente*,
no. 678.

The article might perhaps have been put as existing law, but, in the uncertainty, the Commissioners have submitted it as an amendment.—There can be no doubt that the rules contained in it are more in accordance with the wants and usages now existing among us than those which formerly obtained, rendering necessary the delay and cost of an application to judicial authority.

Chap. 6. Of the
dissolution and
of the annulling
of the contract
of sale.

Art. 62.

Art. 74.

This chapter consists of two sections, the subjects of which are indicated by article 62 which specifies two special causes of dissolution of the contract of sale, the one the right of redemption by the seller, the other lesion.—An article in amendment is submitted leaving out the mention of lesion, as the provisions concerning it are contained in the title *Of Obligations*, chap. 1, sec. 2, to which reference is made in article 74. The report on that title contains an exposition of the views of the Commissioners on the subject and it is not deemed necessary to dwell upon it here.

Sec. 1. Of the
right of re-
demption.

Art. 63.

Of the articles of which this section consists a few only require special explanation.

The first of these articles, 63, is composed of article 1659 and part of article 1673, C. N., and expresses our law, as does