

The dissolution of the continued community, by the execution of an Inventory, does not prevent a community to exist between the conjuncts themselves, unless an exclusion of community be stipulated by the contract of marriage.

The community continued between the surviving conjunct and the children is composed of all the moveables belonging to the first community, and those which the survivor acquires during the continuation, and of those immovables acquired by the survivor, (otherwise than indirect line or by inheritance in the collateral line,) as well as of the revenues of the immovables belonging to the deceased, as well as of the *conquêts* of the community. These *conquêts* cannot be alienated by the survivor, but are the property of the children of the marriage.

It is otherwise with the children, the fruits and revenues of the property they have acquired from the deceased, and their moveables only, enter into the community; but that which they have otherwise received and all which they acquire, under whatever title during the continuation, do not enter into the community, neither do the revenues arising therefrom, (1.) even if they had acquired the same with monies received from the continuation, unless they had acquired the same in the name and on the account of the continued partnership.

The charges upon the continuation are:—

1st. The moveable debts of the first community, in which are included the indemnity due to the representatives of the deceased conjoint and the *préciput* of the survivor.

2d. The arrears of constituted *rentes* whether they be due by the first community, or if they were due separately by either of the conjoints, which become payable during the continuation.

3rd. All the debts which the survivor contracts during the continuation, provided, nevertheless, that they can be presumed to have been contracted for the affairs of the continued community; because the survivor is not the master, as the husband is of the community, but is only the administrator. Hence it follows that the combined community, is not chargeable with the debts or penalties arising from any criminal act committed by the survivor,

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(1) Poth. Com. 829.