

stipulated that an immoveable is to be treated as a moveable for the benefit of the community, and thus becomes, to use the French law term *ameubli*, mobilised.

Those things which, if considered *per se* are moveable, will become immoveable on account of their destination; whilst, on the other hand, things which so long as they are attached to, and form part of immoveable property are immoveable, will, when separated from it, become moveable. Again, although they may be detached from the immoveable property, yet if they are preserved for the purpose of being again placed there, they will retain their quality of immoveable. Neither the bulk nor the value of the thing, but its connection with, and its being part of, or its permanent separation from, immoveable property, form the criterion of classing it under the one species or the other. (1)

The materials of a house which has fallen down, or been burnt, if they are preserved for the purpose of being used in rebuilding it, retain, according to the constitution of the *coutume*, the quality of the building, and are therefore immoveable property; but if such intention had been abandoned, they are personal. (2)

Constituted rents (*rents constituées*) (3) are considered immoveable, until they are re-purchased. If such rents due to minors are redeemed during their minority, the proceeds of the redemption and the interests on the same, are reputed immoveable as the rents were.

Immoveables are of two kinds, those which are actually so and those which being moveable in their nature, become immoveable by the force of Law. Immoveables *quod* the source of their acquisition, are divided into two sorts: *Propres* and *acquets*. Rents charged on and payable out of real estate (*rentes*

(1) Burge 337. Pothier Com. No. 27.

(2) Pothier Com. No. 62 and seq.

(3) A *rente constituée* is the interest of a capital which the debtor can never be obliged to repay, but which he may at any time repay, and thus absolve himself from the payment of the *rente*. It is analogous to dividend in English Funds; Story puts on this point the very sensible distinction, that whether *rentes* are to be deemed personal, or real, depends upon whether they are charged on real property or not. 1 Burge 342.