

Article **871** contains an amendment which is but a corollary of that contained in the title *Of Obligations* on the subject of defaults (art. 1067). It provides that in cases where, under the old law, fruits and interest arising from a thing bequeathed would not have accrued until after a judicial demand, they may now date from the time when the debtor of the legacy is put in default. Article **878** declares that universal legatees and legatees by general title, after they have accepted, are personally liable for the debts and legacies imposed upon them by law or by the will, unless they have obtained benefit of inventory; and assimilates their position in other respects to that of the heir. This article, however, is rather an interpretation of the old law than the introduction of a change, and is in harmony with a subsequent article (891) which, in the matter of seizin and all the consequent rights and actions, places legatees, by whatever title, in the same position as heirs. Articles **881** and **882** relate to the presumptions resulting from the legacy of a thing which does not belong to the testator. Under the old law such legacies were valid if the testator was aware that the thing did not belong to him, or if the thing belonged to the heir or legatee charged with the payment of it; the presumption being, in either case, that he intended the thing to be procured or the value of it to be paid in fulfilment of the legacy. As wills, however, are now drawn in ordinary language, and the testator has every facility for giving a clear expression of his intentions, no reason exists for maintaining these presumptions, and according to the two articles just mentioned they are no longer recognized. If, however, the testator, after bequeathing the property of another, should become owner of it, article **883** provides that the legacy will be valid as regards any portion of it remaining in his succession; but any alienation of it by the testator destroys the legacy, even though, by reason of the nullity of such alienation, the property should have returned into his succession. Article **889**, reversing the rule of the old law, declares that, if property bequeathed is hypothecated for a debt due by the testator, the hypothec is borne by the particular legatee. No reason indeed could be given for the former presumption that the testator intended it to be chargeable to his heir or his universal legatee. Article **897** provides that any alienation whatever by the testator, of property by him bequeathed, except when it is both