

## French Civil Code

### BOOK II. Of Property, and the Different Modifications of Property

Decreed 25th of January, 1804. Promulgated February 4th.

#### TITLE I.

##### *Of the Distinction of Property.*

516. All property is moveable or immoveable.

#### CHAPTER I.

##### *Of Immoveable Property.*

517. Property is immoveable either by its nature, or by its destination, or by the objects to which it is applied.

518. The soil of the earth and buildings are immoveable by their nature.

519. Wind or watermills, fixed on pillars and forming part of a building, are also immoveable by their nature.

520. Crops hanging by the roots, and fruits not yet gathered from the trees, are in like manner immoveable.

As soon as grain is cut and the fruits plucked, although not carried away, they become moveable.

If one part only of the crop is cut, such part alone is moveable.

521. The cuttings of underwood of the ordinary kind, or forest trees made up in regular faggots, only become moveable in proportion as the trees are felled.

522. The live stock which the proprietor of a farm gives up to his tenant, or farmer, for the purposes of cultivation, whether valued or not, are regarded as immoveable as long as they continue attached to the farm in pursuance of the agreement.

Such as may be given in cheptel to others than the farmer or cultivator are moveable.

523. Pipes which serve to conduct water in a house, or other possession, are immoveable, and form part of the estate to which they are attached.

524. Articles which the proprietor of a farm has placed thereon, for the service and management of such a farm, are immoveable by destination.

Thus immoveables by destination, having been placed by the proprietor for the use and management of his farm, are,

Beasts required for agricultural purposes;

Implements of husbandry;

Seeds given to farmers or other cultivators;

Pigeons belonging to dove-houses;

Rabbits in warrens;

Bee-hives;

Fish in ponds;

Presses, coppers, stills, vats, and tubs;

Implements necessary for the working of forges, paper-mills, and other machinery;

Straw and manure.

Immoveable also by destination are, all moveable effects which a proprietor has

attached to a farm to continue so for ever.

525. A proprietor is considered to have attached moveable effects to his estate for ever, when they are fastened thereto by plaster, lime, or cement, or when they cannot be separated without being broken and damaged, or without breaking or injuring that part of the estate to which they are attached.

The mirrors of an apartment are considered as fixed for perpetual continuance, when the frame-work on which they are fastened forms part of the body of the wainscot. It is the same with respect to pictures and other ornaments.

As regards statues, they are immoveable when they are placed in a niche formed expressly to receive them, although they may be capable of removal without breaking or damage.

526. Immoveable in respect of the object to which they are applied are,

The usufruct of immoveable things;

Servitudes or agricultural services;

Actions whose object is the recovery of immoveable property.

## CHAPTER II.

### *Of Moveables.*

527. Property is moveable in its nature, or by the determination of the law.

528. Moveables in their nature are bodies which may be transported from place to place, whether they move themselves like animals, or whether like inanimate things, they are incapable of changing their place, without the application of extrinsic force.

529. Moveables by determination of law are, bonds and actions relating to sums demandable or personal effects, actions and interests in companies for objects of finance, commerce, or industry, although immoveables depending on such undertakings belong to the companies. These actions or interests are reputed moveable with respect to each individual member, as long as the society exists. Moveable also by determination of law are perpetual or life annuities, whether granted by the republic or by private persons.

### **Article decreed 21st of March, 1804. Promulgated the 31st of March.**

530. Every annuity granted in perpetuity as the price of the sale of immoveable property, or as the condition of ceding an immoveable fund by free or chargeable title, is in its nature redeemable.

It is nevertheless allowed to the creditor to regulate the provisions and conditions of redemption.

It is also permitted him to stipulate that such annuity shall not be redeemed until after a certain term, which shall in no case exceed thirty years; every stipulation to the contrary is void.

531. Boats, ferry-boats, vessels, mills, and floating-baths, and generally all machinery not fixed on piles and not forming part of the mansion, are moveable: the seizure of some articles of this kind may nevertheless, on account of their importance, be subject to particular forms, as shall be explained in the code of civil procedure.

532. The materials arising from the demolition of an edifice, and those collected for the construction of a new one, are moveable until they are employed by the artificer in building.

533. The word "*moveables*" employed alone in the regulations of law or an individual, without other addition or designation, does not comprehend ready money, jewels,

credits, books, medals, instruments of science, art, and trade, body linen, horses, equipages, arms, grain, wine, hay, and other commodities; in like manner, it does not comprehend objects of commerce.

534. The words "*goods moveable*," only comprehend moveables destined for the use and ornament of apartments, as tapestries, beds, seats, mirrors, clocks, tables, china, and other objects of that nature.

Pictures and statues which form part of the furniture of an apartment are also comprised therein, but not collections of pictures which may be in galleries or private rooms.

It is the same with respect to pieces of porcelain: such only as form part of the decoration of an apartment are comprised under the denomination of "*goods moveable*."

535. The expression "*moveable goods*," that of "*personalty*," or of "*personal property*;" comprehend generally all that is deemed "*moveable*," according to the rules heretofore established.

The sale or gift of a furnished house only comprehends the "*moveable goods*."

536. The sale or gift of a house, with all therein contained, does not comprehend cash, nor credits, and other rights of which the titles may be deposited within the house; all other personal effects are contained therein.

### CHAPTER III.

#### *Of Property, with Reference to those who are in the possession of it.*

537. Private persons have the free disposition of the property belonging to them, subject to the modifications established by the laws.

Property not belonging to private persons is administered, and cannot be alienated except in the forms and in pursuance of the regulations peculiar to it.

538. Highways, roads and streets at the national charge, rivers and streams which will carry floats, shores, ebb and flow of the sea, ports, harbors, roads for ships, and generally all portions of the national territory, which are not susceptible of private proprietorship, are considered as dependencies on the public domain.

539. All property unclaimed and without owner, and that of persons who die without heirs, or of which the succession is abandoned, belongs to the nation.

540. Gates, moats, ramparts of places of war, and fortresses, form also part of the national domain.

541. It is the same with respect to soils, fortifications, and ramparts of places which are no longer places of war; they belong to the nation unless they have been validly alienated, or unless their proprietorship has been barred by prescription.

542. Common property is that to the ownership or produce of which the inhabitants of one or more communes have an acquired right.

543. One may have over property either a right of ownership, or a simple right of enjoyment, or only claims for ground-services.