

PART IV. DISAPPEARANCE.

53. – If a person has left his domicile or residence without having appointed an agent with general authority and it is uncertain whether he is living or dead, the Court may, on the application of any interested person or of the Public Prosecutor, order such provisional measures to be taken as may be necessary for the management of property of such person.

The Court may appoint a manager of the property after one year has elapsed from the day when he has left his domicile or residence if no news of him has ever been received, or from the day when he has last been seen or heard of.

(old text 64; J. 25; Br. 463; G. 1911; Fr. 112. 114).

54. – The foregoing section applies if an agent with general authority has been appointed by the absent person but his authority comes to an end, or it appears that his management is likely to cause injury to the absent person.

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(old text 65; J. 25).

55. – The Court may on the application of any interested person or of the Public

prosecutor, order an inventory of the property to be made by the agent with general authority.

(J. 27 par. 2).

56. – If it is necessary for the agent with general authority to do any act beyond the scope of his authority, he may do so on obtaining permission of the Court.

(old text 66; J. 28).

57. – The manager appointed by the Court must make an inventory of the property of the absent person at the time when he assumes the management; such inventory shall be made in the presence of, and signed by two witnesses.

(old text 67; J. 27 par. 1).

58. – The manager has the powers of an agent with general authority. For acts beyond the scope of his authority he must obtain the previous permission of the Court.

(old text 68; J. 28).

59. – If the absent person has appointed an agent with special authority, the manager cannot interfere with such special agency,

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59. – If the absent person has appointed an agent with special authority, the manager cannot interfere with such special agency

but he can apply to the Court for an order removing the agent if it appears that his management is likely to cause injury to the absent person.

(old text 69; plan I No. 625).

60. – The court may, at any time, of its own motion or on the application of any interested person or of the public prosecutor:

- (1) Require the manager to give security for the management and return of the property entrusted to him;
- (2) Require him to give information as to the condition of the property;
- (3) Remove him for reasonable cause and appoint another manager in his stead.

(old text 70; J. 29 par. 1.).

61. – The court may order that the manager shall receive a remuneration to be paid out of the property of the absent person.

(old text 71; J. 29 par. 2).

62. The authority of the manager comes to an end:

- (1) Upon the return of the absent person;
- (2) Upon proof of certainty of the life or death of the absent person;

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62. – The authority of the manager comes to an end:

- (1) Upon the return of the absent person;
- (2) Upon proof of certainty of the life or death of the absent person;

- (3) Upon the resignation or the death of the manager;
- (4) Upon the adjudication of disappearance;
- (5) Upon removal of the manager by the Court.

(Plan I No. 636; old text 72).

63. – In so far as it is not contrary to or inconsistent with his Part, the Title XV of Book III concerning Agency applies to the management of the property of the absent person.

(old text 73).

64. If a person has left his domicile or residence and it has been uncertain for seven years whether he is living or dead, the court may, on the application of any interested person or of the Public Prosecutor, adjudge that such person has disappeared.

The same applies to a person who has gone to the seat of a war, or has been on a ship which was lost, or has come into any other peril of his life, if it is uncertain whether he is living or dead for three years after the war has come to an end, the ship has been lost or the other peril has passed.

(old text 74; J. 30).

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(old text 74, J. 30).