

notify A on or before the 31st. of August 2456 whether he buys the plantation or not.

Notwithstanding that contract A remains the present owner of the plantation ; he can therefore still mortgage it while B could not yet do the same. If a contract of sale is executed before the proper official say on the 16th. August 2456 B can, from that date, mortgage the plantation while, from the same date, A can no more mortgage it.

719. — A person whose right of ownership over a property is subject to a condition, can mortgage the property only subject to the same condition.

ILLUSTRATION. — I. — A has given to B a rice—mill on the condition that B will have been able to enter the Government services within six months. B may, in the meanwhile, mortgage the rice—mill to C, but such mortgage is subject to the same condition : that is to say if B does not enter the Government services within the fixed delay the rice—mill does not become the property of B, and C has no right of mortgage over it; if B enters the Government services within the fixed delay the rice—mill becomes the property of B, and the mortgage is good.

II. — A has given his house to B on the condition that the ownership of the house will reverse to A if B has not a child within five years. B may, in the meanwhile, mortgage the house to C, but such mortgage is subject to the same condition : that is to say, if B has a child within five years, the mortgage is good ; but if B has no child within five years, the house is retransferred to A and C has no right of mortgage over it.

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