

112. — As regards things obtained through an offence, usucapion is not completed in favour of the offender or of the transferee in bad faith until the penal action is extinguished by prescription.

J.162. Cf. Penal Code, Sect. 96.

Illustration: — A has, through robbery committed by night, wrongfully taken possession of a golden watch. The penal action is extinguished by prescription after fifteen years only. Usucapion, which in the ordinary course of things, would be completed after 5 years, shall not be completed in favour of A or of A's transferee in bad faith until fifteen years have elapsed from the offence, or from the last act interrupting the prescription of the penal action.

113. — Usucapion is interrupted when possessory rights are extinguished. It is not deemed to be interrupted :

- (1) when possession is exercised through a representative,
- (2) when the possessor having been unvoluntarily **[involuntarily]** and temporarily dispossessed of the thing recovers possession of it.

Can.2196. F.2232, 2244. G.856 (2), 940. J.164, S.921.

Illustrations : — I. A was the possessor of a golden watch. A sells and delivers it to B, or it is attached and sold by auction to C. A's possession is extinguished and usucapion does no more run in his favour. If some time afterwards A finds the same watch or otherwise takes pos-

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