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Can. 2200. F. 2235. G. 943, 944. J. 187.

Illustration : — A was for three years the possessor of a silver bowl. He transfers it to B. After two years more C claims back the silver bowl which he had lost originally. B can, at his own option, set up his own possession during two years, or his possession together with that of A (totalling five years). In the latter case B can claim that usucapion is completed in his favour. However if A had not possessed the silver bowl on his own account, or if he possessed it clandestinely, the defect in the possession of A can be set up against B so that usucapion shall not be completed in favour of B.

TITLE III.

Recovery of Possession.

116. — An action for recovery of a specific or identified thing from a possessor who has no title of acquisition or has acquired the thing from a person who has no right to dispose of it, can be maintained by the owner.

The action for recovery can be maintained against the representative as well as against the possessor.

F. 2279. I. 708. J. 193. S. 932.

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Illustration.—I. Possessor without title. A is the owner of a piece of land but does not look after it from the 15th. September 2457. B takes possession of it on the

20th. May 2461. *B* is without title. *A* may exercise against *B* the right of action for recovery of his piece of land until the 20th. May 2471 when *B* has become owner of it by way of usucapion.

II. — Possession transferred by a person who had no title to dispose of the thing. *A* has lost his golden watch on the 3rd of April 2458. *B* found it and sold it to *c* on the 30th of May 2458. *C* has acquired the thing from a person who had no title to dispose of it. *A* may exercise against the right of action for recovery until the 30th of May 2463 when *C* has acquired the ownership of the watch by way of usucapion.

117. — When, on account of the action for recovery, a possessor or representative is deprived of the thing he has only a right to claim compensation from his transferor.

F. 2279. I. 708.

Illustrations: — I. — *A* is the owner of a golden watch which is stolen from him by *B*. *B* has no title of acquisition. *B* sells the watch to *C*. *A* may exercise against *C* the right of action for recovery, as long as *C* has not completed usucapion. When, on account of such action, *C* is compelled to return the watch to *A*, *C* has only the right to claim compensation from *B*.

II. — In the same occasion, *B* pledges the golden watch to *C*. *B* has been possessor, as a matter of fact, and *C* is his representative. *A* may exercise against *C* the right of action for recovery in the same conditions as herein before and *C*, if compelled to return the watch to

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