

123. — A possessor in good faith acquires the profits and interests of the thing possessed. In case of his being deprived of possession, he is bound to return such profits and interests calculated from the moment he ceases to be in good faith only.

If the possessor was in bad faith, he is bound to return the profits and interests of the thing possessed, and to pay compensation for those which have not been collected.

Can. 431. F. 519. G. 955, 993. I. 703. J. 189, 190. S. 938, 940. Cf. Obligations s. 114, 115.

*Illustration : — A was the possessor of a plantation of coco-nut trees since the 1st. of April 2458. During the year 2458 he failed to pluck off the coco-nuts. Afterwards he secured the coco-nuts every year. On the 30th. of June 2461 B produces to A conclusive evidence of his right of ownership but A remains in possession until the 3rd. of May 2462.*

*If A was in good faith he is not responsible towards B for the missed crops of the year 2458 nor for the coconuts collected until the 30th. of June 2461. From that time, as I could no more pretend that he was in good faith, he must return to B the coco-nuts collected until the 3rd. of May 2462 or pay their value.*

*If A was originally in bad faith he would be responsible towards B for the value of the coco-nuts collected during the years 2459 to 2462 and also for the value of the coco-nuts which he failed to collect during the year 2458.*

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