

If B is still the owner of the house and is solvent A will get the house back ;

If B has transferred the house to C and is solvent, A cannot get the house back but will receive full compensation;

If, in any case, B is bankrupt A will get only a part compensation pro rata in competition with the other creditors of B.

DIVISION IV.

SERVITUDES.

TITLE I.

General Provisions.

126. — A servitude is an encumbrance on an immovable created for the benefit of another immovable or of particular persons.

The owner of an immovable subject to the servitude is bound to suffer some specific acts to be done on his property for the benefit of the other immovable or persons, or to refrain from exercising certain rights inherent to his ownership.

F.637, 638. G.1018, 1019. J.280. M.108. S.730. Tunis 1. 1st. July 1885, s.153.

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Illustration:—I.—A agrees with B that a canal will be dug on A's land to let the excess of water of an

artesian well, bored by B on his land, flow off into the Klong bordering A's land. This is a servitude created for an indefinite period of time and binding A to allow B to do a specified act on A's land to the benefit of B's land.

II. — A agrees with B that no building will be erected on A's land for fifty years in order not to conceal the sight of the landscape from the windows of the house to be built by B on his own land. This a servitude created for a limited period of time and binding A to refrain from doing a specified act on his own land to the benefit of B's land.

III. — A is the owner of a house which is let and the annual rent of which is 3000 baht. A may create for the benefit of B a servitude upon the annual profit of his house : so that B be paid an annual sum of 1200 baht from the rent. This is a servitude created for the benefit of a particular person.

127. — When a servitude established by law conflicts with a servitude created by contract or will, the former overrules the latter.

F. 639, 686. J. 280. M. 109. T. 154.

Illustration. — A has agreed with B to give to B a conventional right to dig a canal on A's land. C, the owner of another land adjoining A's property, claims in accordance with section 142 a right of way of A's land. Neither A nor B can object to the right of way although the said right of way will cut the line of the canal which A has allowed B to build on A's land.

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