

131. — The owner of the servient property cannot alter the servitude or make its exercise more difficult. However if for any reason the servitude becomes more injurious, or hinders or prevents necessary repairs to his immovable, he can substitute a place not less convenient for the exercise of the servitude.

F. 701. G. 1023. M. 151(3). S. 737, 742.

*Illustration : — A servitude for watering cattle has been established by the Government on a pond situated on A's land to the benefit of the estates situated within a radius of ten sen from the pond and the owners of which are B, C and D. The latter use to lead their cattle to the pond by a gate of the enclosure of A's estate, through which the way from their places to the pond is the shortest. A cannot compel B, C and D to lead their cattle to another pond also situated on his land, nor can he compel them to use another gate of the enclosure and to make a much longer way to come to the pond. However, if the gate used by B, C and D is on such part of A's land as is the most convenient for the erection of a house and A would be injured if compelled to build a house elsewhere on account of B, C and D's right of way. A can require them to use another gate. But, if the use of such other gate would entail B, C and D making an exceedingly long way. A could not require them not to use the original gate.*

132. — servitude is transferred together with the ownership of the immovable as its appurtenance.

J. 281, 286. S. 781.

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132.—A servitude is transferred together with the ownership of the immovable as its appurtenance.

J. 281, 286. S. 781.