

Goodman @ 10/10/75

2 Jan 75 ✓

Levasseur, Portion Disponible (1805)

As a jurisprudential illustration of the confusion caused by the succession of laws during the Revolution and the Code concerning disposable portion of an estate, Levasseur explains the laws and shows how they work. The main question is réduction of donations, to see whether the q.d. has been exceeded. The entire masse of the heritage must therefore be calculated.

At the end, in a "Dissertation sur l'époque à laquelle les lois commencent à devenir obligatoires," the distance of cities ~~of~~ from Paris, and the days delay before a law becomes effective, are ~~xxxxxx~~ given in order to determine whether certain donations were made before or after new regulations took place. In 1805 there were still lots of cases of pre-1790, let alone pre-Code donations which should not be judged retroactively.

The end of the treatise, pp. 241-362, has an extract of the séances of the Conseil d'état during which the portion disponible was discussed (Jan 1803ff). The rights of creditors plays a big role in the discussion. Napoleon frequently presides at the séances. [All this section xeroxed, as well as the opening pages¹⁻⁶ explaining the essential differences between the réserve & légitime, old and new, north and south.