

ART. 316.—Nobody can be heir who does not choose. (See the following Art. and 307.)

ART. 317.—And if any person takes the property of a deceased person, or any part of it whatever, without having any other quality or right to take the said property or any part of it, he makes an act of heirship, and by so doing he obliges himself to pay the debts of the deceased. And supposing there is anything due him by the deceased he ought to ask for it, and prosecute for the recovery of the same; otherwise if he takes it of his own authority, he makes an act of heirship. (See Arts. 6 and 105.)

ART. 318.—At the moment of the death the nearest heir who is capable of succeeding, is in possession. (See Arts. 109, 256 and 258.)

ART. 319.—In the direct line representation takes place *ad infinitum* in every degree whatsoever. (See Arts. 308, 311, 315 and 324.)

ART. 320.—In the collateral line representation takes place when the nephews or nieces come to the succession of their uncle or aunts, with the brothers and sisters of the deceased; and in case of such representation the representatives succeed by roots *per stirpes*, and not share and share alike *per capita*. (See Arts. 323, 326 and 328.)

ART. 321.—But if the nephews in like degree take in their own right and not by representation, they succeed *per capita* and not *per stirpes*, so that the one does not take more than the other. (See Arts. 322, 327, 228, 332 and 339.)

ART. 322.—But the males coming from a daughter and succeeding as aforesaid by representation do not take any thing in the fiefs left by the uncle and aunt at their decease, more than the mother would have done, coming to the succession with her brothers. (See the preceding Art. and Arts. 25 and 326.)

ART. 323.—And if in the said collateral succession there are *fiefs*, the children of the brothers do not exclude their aunts, sisters of the deceased, but the aunts succeed in their own right as being the nearest with the children of the brothers, and if there are many children of the brothers, they succeed only as one head with their aunts. (See Art. 25, and 320 and 335.)

ART. 324.—The children of the eldest son, males or females, surviving their father, and coming to the succession of their grandfather or grandmother, represent their father in right of seniority, and if there are only daughters, they represent their father altogether under one head in the right of seniority, and without right of seniority between themselves. (See Arts. 31, 13 and 19.)

ART. 325.—In the collateral line, the nearest relation of the child deceased without heirs succeed him with respect to the moveables and *acquêts* immoveable, without excluding the brothers and sisters coming by representation as aforesaid. (See the following Art. and Arts. 320 and 338.)

ART. 326.—And with respect to *propres* estates, the relations who are the nearest of the side and line from whom the said estates have come to the deceased succeed to him, although they are not the nearest relations of the said deceased, except in fiefs, wherein the males exclude the females in equal degree without