

**70.** The rule declared in the last preceding article applies also if one seller of an immoveable have left several heirs; each of the coheirs can exercise the right of redemption for the part only which he has in the succession of the seller.

Dumoulin, Pothier, Tropl. *locis citatis*.---C. N. 1669.

**71.** In the case stated in the two last preceding articles the buyer may, if he think fit, compel the co-vendor or the coheir to take back the whole of the property sold with the right of redemption, and in default of his so doing, he may cause the suit of such co-vendor or coheir for a part of the property to be dismissed.

Dum. Poth. Tropl. *locis cit.*---C. N. 1670.

**72.** If the sale of an immoveable belonging to several owners be made not conjointly of the whole property together, but by each of them of his part only, they may exercise their right of redemption separately, each for the portion which belonged to him, and the buyer cannot oblige him to take back the whole.

Poth. v. 396.---Tropl. v. 754, 755.---6 Marc. p. 306 and authors cited by him.---C. N. 1671.

**73.** If an immoveable have been sold to several buyers, or to one buyer who leaves several heirs, the right of redemption can be exercised against each of the buyers or coheirs for his part only; but if there have been a partition of the property among the coheirs, the right may be exercised for the whole property against any one of them to whom it has fallen.

Dum : Pothier, *loc. cit.*---2 Troplong, *Vente*, 756 *et seq.* and Dum : & Tiraqueau, as there cited.---C. N. 1672.

## SECTION II.

### OF THE ANNULLING OF SALE FOR CAUSE OF LESION.

**74.** The rules relating to the avoiding of contracts for cause of lesion are declared in the title *Of Obligations*.

C. *Oblig.* art. 31, and suggested amendment.---C. N. 1674.

## CHAPTER SEVENTH.

### OF SALE BY LICITATION.

**75.** If a thing held in common by several proprietors cannot be partitioned conveniently and without loss, or if in a voluntary partition of a property held in common there be a part which none of the coproprietors is able or willing to take, a public sale of it is made to the highest bidder, and the price is divided among them.

Strangers are admitted to bid at such sale.

Pothier, *Vente*, 515.---C. S. L. C. c. 48, ss. 3, 5.---C. *Minorité*, art. 59.---C. N. 1686.

**77.** The manner and formalities of proceeding in sales by licitation are declared in the *Codé of Civil Procedure*.

C. N. 1688.

## CHAPTER EIGHTH.

### OF SALE BY AUCTION.

**78.** Sales by auction or public outcry are either forced or voluntary.

The rules relating to forced sales are declared in chapters seven and eleven of this title, and in the *Code of Civil Procedure*.

**79.** The voluntary sale by auction of goods, wares, merchandize or effects, cannot be made by any person other than a licensed auctioneer, subject to the following exceptions :

1. The sale of goods or effects belonging to the crown, or seized by a public officer under judgment or process of any court, or as being forfeited;