

1323. An heir under benefit of inventory cannot sell the moveable property of the succession without observing the formalities required for the sale of moveables under execution.

1324. The heir, under benefit of inventory, cannot sell the immoveables without the consent of all the creditors and legatees of the deceased.

(Additional article suggested in amendment.)

1325. In cases where the beneficiary heir has any claims to exercise against the succession he must cause a curator to be named, the same formalities being observed as are prescribed for the appointment of curators to vacant successions.

CHAPTER FOURTH.

PROVISIONAL POSSESSION.

1326. Provisional possession, whenever it may be demanded, must be applied for by petition to the Superior Court in the district in which the absentee or deceased person had his last domicile, or, if he had no domicile in Lower Canada, in the district in which the property is situate.

1327. The petition in the case of absentees must be accompanied with an act of notoriety, duly sworn to by three witnesses, and establishing the facts upon which the petition is based, and also with such other proof as the court may deem necessary.

(Additional article suggested in amendment.)

1328. Provisional possession cannot be granted until after notice has been given and published, in the manner required for the summoning of absentees, calling upon all persons who may have any rights against the succession or the property in question to bring their claims before the court.

(Additional article suggested in amendment.)

1329. The proceedings upon such claims are the same as upon ordinary interventions.

CHAPTER FIFTH.

OF VACANT SUCCESSIONS.

1330. If the natural or testamentary heir renounces the succession, and no person comes forward to accept it within the delays allowed for making an inventory and deliberating; or if there is no known heir, the succession is deemed vacant.

1331. When a succession is deemed vacant, any creditor or legatee, or the heir who has renounced, may demand the appointment of a curator to such vacant succession.

1332. The judge proceeds to such appointment after taking the advice of the relations and creditors of the deceased, convened in the manner prescribed by such judge.

1333. The curator is bound:

1. To make oath that he will faithfully and to the best of his ability administer the property of the succession and render an account thereof;

2. To give notice of his appointment in the same manner as curators to the property of dissolved corporations;

3. To cause an inventory to be made, observing the same formalities as in ordinary successions;

4. To cause the moveables to be sold, observing the same formalities as in the case of successions in which minors are concerned.