

1310. In the case mentioned in article 1308, the judge may order the exclusion of any of the parties when it is manifest that they have no right; or else he may order that proceedings shall be taken provisionally in their name, subject to the respective protestations of the parties and to their right to obtain a decision upon their pretensions after the inventory is completed.

1311. With the consent of all the parties the sale may be proceeded with at once, as the inventory is being made; and in such case no valuation of the effects by appraisers is necessary.

1312. The surviving consort or other person who is bound to have the inventory made, is entitled to the custody of the inventoried effects in preference to any one else; unless, upon being referred to, the judge, for some important reason, orders otherwise.

1313. The forms and proceedings prescribed by the present section apply to all other cases in which an inventory is required.

SECTION II.

OF THE SALE.

1314. When the sale of the moveables is demanded by any of the heirs, pursuant to article 697 of the Civil Code, or by any other copartitioner, it takes place upon a day fixed, of which public notice must have been given.

1315. The sale takes place wherever the effects are situated, and for cash, unless it is otherwise agreed or ordered.

1316. The sale is effected by a bailiff or a public crier, or by any person agreed upon by the parties, and the moneys are received by the person thus employed.

1317. The sale may take place either in the presence or in the absence of the persons interested, after they have received due notice of it.

1318. Minutes of the sale are drawn up, stating who of the persons interested were present, what notice was given to those who were absent, and specifying each object put up for sale, the price for which it was sold and the name of the purchaser.

1319. If any of the coheirs or copartitioners are minors, the notice of sale must also be published and posted up, in the same manner as in cases of sale of moveables under execution.

CHAPTER THIRD.

OF BENEFIT OF INVENTORY.

1320. Benefit of inventory can only be granted upon petition to the court or judge, stating that an inventory of the property of the succession will be or has been made, that the petitioner has not acted as heir, and that he believes it his interest not to confound his rights with the obligations of the succession.

(Additional article suggested in amendment.)

1321. The beneficiary heir is bound to give notice of his character as such, by an advertisement, as mentioned in article 1006.

1322. Benefit of inventory is only granted on condition of security being given to the amount and in the manner fixed by the court or judge, that the petitioner will render an account and pay to such person as may be entitled thereto whatever moneys he may receive.