

## CONTINUATION OF THE COMMUNITY.

The continued community is nothing else than a penalty imposed upon the survivor of one of the conjuncts, by the Custom of Paris, for his neglect to make an inventory upon the death of the deceased conjunct.

There can be no continued community in the following cases : —1st. When by the contract of marriage an exclusion of community was stipulated. 2nd. When a judgment of separation has been obtained. 3rd. When by the contract of marriage a stated sum is granted to the wife in lieu of a share in the community. 4th. When the children, heirs of their mother deceased, have renounced to the community ; for in all these cases the heirs of the deceased cannot complain of the survivor's neglect to make an inventory.

If one of the conjuncts die and leave one or more minor children issue of his or her marriage with the survivor, and the latter omit to make an Inventory of the community, the Custom of Paris (1) allows the children to demand a continuation of the community. If the deceased conjunct have left children by a former marriage, they have, through the children of the second marriage, a part in the continuation as they had in the community, in the quality of heirs of the deceased conjunct.

It is sufficient that there should be one minor child to enable those in majority to demand and participate in this continuation ; who have thus, by means of the minor, that which they could not have in their own right. (2)

According to some authors if the minor were to renounce his right to the continued community, this would not affect those who were of age, because they could not be deprived of their vested right, (3) but it is now held that those who were of age, and the children of a subsequent marriage can participate in the continuation, only in the event of the continuation being demanded (4) by the minor.

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(1) C. P. Art. 240. (2) C. P. Art. 241.

(3) Renusson p. 3 c. 2 No. 2. (4) Duplessis Com. l. 3 c. 5. (5) C. P. Art. 243.