

TITLE XV.—SUMMARY.

Art. 299, Institution of heirs. 300, None can be heir and legatee together. 301, But may be donee and heir. 302, Mode of inheriting. 303, No preference. 304, Of the Rapport. 305, Its form. 306, 307, do. 308, Succession of ancestors. 309, Fruits. 310, Of the share of the one who renounces. 311, Ascendants. 312, Proper estates do not ascend. 313, Ascendants succeed to the gifts by them made. 314, Reversion. 315, Ancestors, how succeed. 316, Acceptation of succession is free. 317, Act of heirship. 318, Seizin. 319, representation in the direct line. 320, Do. in the collateral. Idem to the 227, and 328, 329 how reputed of the line. 330, Failing one line the other comes in. 331, No right of birthright in the collateral line. 332, Succeed and pay debts equally. 333, Holders of mortgaged property pay the whole; how? 334, Exceptions. 335 and 336, Succession of ecclesiastics. 337, Of Ditto, Regulars. 338, Uncle, nephew and cousin germain. 339, Uncle and nephews. 340, Brothers and sisters of one side. 341, Other collaterals of one side. 342, The heir simple excludes the beneficiary heir. 343, If the minor can exclude him. 344, Of the Curator to vacant property.

SUCCESSIONS.

ART. 299.—Institution of the heir does not take place, that is to say, that it is not requisite and necessary for the validity of the will, but the disposition is valid to the amount of the property which the testator can lawfully dispose of by the custom. (See Arts. 292 and 294.)

ART. 300.—No person can be both heir and legatee. (See Art. 301.)

ART. 301.—But can always be donee and heir in the collateral line. (See the preceding Art. and Art. 257.)

ART. 302.—The children being heirs of a deceased, come equally to the succession of the said deceased, save and except the estates held in fief or nobly, according to the limitation mentioned in the title of fiefs. (See Arts. 13, 15, 16, 17, 18 and 68.)

ART. 303.—Father and mother cannot by donation made *entre vifs* by will or ordinance of last will, or otherwise in any manner whatever, give their children coming to the succession, the one more than the other. (See Art. 307.) (1)

ART. 304.—The children coming to the succession of the father or mother, ought to return what has been given to them to be put with the other property of the said succession, to be divided between them, or take less. (See Arts. 246, 278 and 306.)

ART. 305.—If the donee at the time of the division has the estates given to him in his possession, he is bound to restore them, or take less in other estates of the same succession of equal value and goodness; and in making the said restoration in kind, he ought to be reimbursed by the coheirs for the useful and necessary expenses, and if the coheirs will not reimburse the said expense, in that case the

(1) See note preceding page.