is not obliged to intervene at the time in order to retain this right of *retrait*; and the purchaser can himself resell, (and this resale with the knowledge of the co-heirs,) followed by one or more other sales, without such abstention from acting being a ground of forfeiting, either individually or collectively, their right to exercise the *retrait* of the share so sold and by the first sale be put outside the family ranks. All the sub-assignees, like their immediate *auteur*, are presumed and considered as knowing the right or faculty of the co-heirs of their *auteur* and the risks of eviction. It is a blemish on the title of each one of them to the property which the partition alone will wipe off.

"It follows, from what we consider the right of *retrait réel en partie*, (says Dunod, treatise on *retraits*), that the co-heir has the right, when the *heritage* has been alienated by the purchaser within the year of the *retrait*, to exercise it against the purchaser or against the actual holder, at his option. This has been decided by our *Coutume*, even when the property may have passed through several hands and the actual possessor holds it under an onerous title." What the author here limits to one year for the *retrait lignager* applies to *retrait successoral* until a partition has taken place.

I will, in a moment, cite other authorities in the same sense. That the respondent had a right of action in the present instance does not admit of doubt, and has not, in fact, been questioned. It is not contested that the appellant was *non successible* and that respondent's two brothers, Charles and Henry, who sold him their undivided shares in the succession of their father in which the respondent wishes to be subrogated, were co-heirs (*successibles*). That the sale by Charles (or his curator) to the appellant was an onerous contract and a cession of all his rights also in the succession (*droits à la succession*) is incontestable. That the sale by Henry to the appellant was likewise a sale of all or an aliquot portion of his rights in the said succession which can give rise to *retrait* is a point that has been contested by appellant, but after examining the evidence and the documents produced, (for it is a question of fact rather than of law), we do not think there can be the slightest doubt as to the correctness of the conclusion, on this point, arrived at by the Court *a quo* adversely to the appellant. I will confine myself to referring on that point to the authorities cited in Sirey, Code Annoté, under Art. 891, No. 41, Fuzier Herm., Code Annoté, under Art. 841, Nos. 21,