

modern French law, which is not only more simple and uniform, but more in harmony with the nature of the marriage contract. Article **1297** declares that, without authorization, a wife cannot obligate herself, nor bind the property of the community, even for the purpose of releasing her husband from prison, or of establishing their common children. These two cases were formerly exceptions to the general rule requiring that the wife should be authorized; but as a judicial authorization can always be obtained, even when that of the husband cannot be had, and as there seems to be no reason for dispensing with it, the Code simplifies the law by applying the same rule in every case. Article **1312**, in order to remedy a deficiency in the former law, as well as for the sake of uniformity, requires that the inventory made by a wife, after the death of her husband, to enable her to renounce the community, shall be judicially closed, in the same manner as that prescribed by article 1324 for preventing the continuation of the community between a surviving consort and the children issue of the marriage. The old law required this judicial closing of the inventory in the one case, but omitted to do so in the other, although the same reason called for it in both cases. Article **1380** allows the widow, who renounces the community, to retain out of it the wearing apparel and linen in use for her person, and also her wedding presents. The old law allowed her but one suit of wearing apparel. The change here adopted by the Code renders the rule more consonant with present notions of propriety, without going as far as the French Code, which allows the wife to retain all jewelry whatever. Under this last rule serious injustice might, in many instances, be done to the creditors of the community. Article **1389** requires that in the case of any moveable property being excluded from the community, by a clause of *realization* in the contract of marriage, such property must be established either by an inventory or by some equivalent title. It improves the old law in this, that in default of such inventory or title, which the husband must see to, the latter forfeits his right to take back after the dissolution of the community, such moveable property as accrued to him after marriage, and the wife is allowed to prove, either by titles or by witnesses, or even by common rumor, whatever property of the same kind accrued to her subsequently to the same period.

In the title *Of Sale*, article **1501** declares that when an im-