

*froncières*) partake of its quality, and are therefore, immoveable and form no part of the community.

*Propres* are those which are acquired by inheritance, direct or collateral, or by donation in direct line. *Acquêts* are immoveables acquired in any other manner, and are of two kinds, viz: *acquêts* properly so called, and *conquêts*. *Acquêts*, properly so called, are immoveables acquired by unmarried persons or by married persons not in a state of community of property, (*communauté de biens*.) *Conquêts* on the contrary, are that species of *acquêts* which are acquired by married persons who are *communs en biens*.

A *propre* of the *communauté* is that property which belongs to one of the conjuncts, and is, either by its nature or by express stipulation, excluded from the community.

#### MARRIAGE.

A contract of marriage, like any other contract, may be vitiated by error, violence, fraud, the incapacity of the contracting parties, or by the inobservance of the formalities required by law.

As the error respecting the person married prevents consent, it is plain that it renders the marriage null; but the error which regards only the quality of the person cannot vitiate it.

As nothing is more contrary to a consent than acquiescence produced by violence, it also renders the marriage voidable; hence the Ordinance of 1639 declares, that the party ravished is incapable of contracting a marriage with her ravisher, until she shall have been released.

The incapacity of the contracting parties is either absolute or relative to one of the parties. Those who are absolutely incapable are: 1st. Madmen and idiots. 2d. Males under the age of 14, and girls under the age of 12. 3d. Impotents who from physical defects are incapable of copulation. 4th. Those who are already married; all these are absolutely incapable of contracting marriage.

Relative incapacity arises from too close relationship, and is indicated, in the closer degrees, by the law of nature, which makes us regard with horror, a marriage between lineal relations.

The Roman Catholic church prohibits the marriage not only of cousin-germans, but even of the children of cousin-germans; but a dispensation may be obtained from the Bishop.

Natural relationship produced by concubinage and the affinity