

course, that the other conjunct survives the conjunct so re-marrying. So entirely does the law contemplate the interest of the children, that the deceased husband cannot release his widow from the restriction as to advantages by the contract of marriage. The *coutume* has made an important addition to the latter provision of the edict. 1st. It prohibits any disposition, by the wife to the second husband, of the *conquêts* of her preceding marriage, to the prejudice of the children of that marriage; and, 2ndly, it prohibits her from making such a disposition to any other person. Her disposition to a second husband of a *conquêt* is null *in toto*, and not merely as to the share which the child would have taken therein. The children of the second, as well as of the first marriage, can set it aside; but the disposition made by the wife in favor of any other person is void only in respect of the shares of the children of the first marriage. Thus, if the wife had two children by the first, and three by a second marriage, the disposition in the latter case would be void only for two-fifths, and would be valid as to the other three-fifths. (1) Although the article of the *coutume* speaks only of the wife, it has been decided that the restriction on the disposition of the *conquêts* in favor of a second husband applies to the husband who may take another wife. (2)

DIVORCE.

In the earliest age of the monarchy of France, it seems divorces *a vinculo* were permitted. But that kingdom adopted the prevailing opinion of the Roman Catholic Church, that the marriage was indissoluble, and admitted only a divorce *a mensa et thoro*, or as it is called *la separation d'habitation*. This species of divorce is granted at the instance of the wife, when the husband has falsely accused her of a capital crime, or has treated her cruelly, not only by offering her personal violence, or withholding from her the necessary means of subsistence, but by habitually treating her before the visitors of the house, the domestics, and children with contempt. (3)

(1) Poth. Mar. No. 641. 1 Burge 405. (2) Ib. p. 406. (3) 1 Burge, p. 644.