

stranger, or will it away entirely, without any restriction whatever, even to his second wife. This anomaly is removed for the future by article **761**, which abolishes the provisions of the Edict, and has the further advantage of favoring marriage.

Hitherto gifts made in favor of an ascendant, who had been tutor or curator to the donor, were null if the ascendant had remarried, or they became so if he afterwards married before the death of the donor. This double restriction, upon the disposal of property and upon second marriages, is removed by article **767**.

Gifts could not legally be made in favor of persons with whom the donor had lived in concubinage, nor in favor of the donor's incestuous or adulterine children; and illegitimate children, not incestuous or adulterine, could only receive from their parents to a very limited extent. These restrictions are in a great measure removed by article **768**, which places illegitimate children, not incestuous or adulterine, upon the same footing, as regards gifts, as other persons, and allows concubinaries to make gifts in favor of each other when they are contracting marriage; a provision which certainly appears to be more consistent with morality than the former rule.

Gifts made in favor of the spiritual, medical, or legal advisers of the donor, were liable to be reduced or set aside, upon the presumption of their having been obtained by undue influence. This presumption has no longer any foundation, and as, even in the matter of wills, where there might sometimes be cause for it, it is no longer recognized, it is properly abolished by article **769**. Under this article, undue influence, in these as in all other cases, must be proved.

According to the ancient law, children were entitled, notwithstanding any previous disposals by will or by gift, to one half of the share they would have had in the succession of their parents, had no will or gift been made. All gifts and legacies were liable to contribute to this legitim, and were therefore in so far subject to be annulled. The statute of 1801 removed this reservation with regard to legacies, and some were of opinion that its provisions extended by implication to gifts likewise. All uncertainty upon this point is removed by article **775**, which abolishes legitim.

Gifts of moveables, not immediately delivered, were not valid