

rather than to encourage the conveyance of real estate. Hence the numerous distinctions of property and the different rules of law to which Persons were subject in respect of each kind of Thing. Hence too, the old rule "*Traditionibus non nudis pactis dominia rerum transferuntur*," and similar maxims. Hence also the facilities afforded for getting back alienated property by means of *retrails*, *rémérés*, and *restitutions*.

On the other hand, in modern society the frequency and multiplicity of transactions have become so great that real property now changes hands as rapidly as moveables did formerly. Agreements and promises are practically dealt with as representing the objects to which they relate. The tendency of the age is to make Things subservient to Persons, and to bring immoveables as well as all other things under complete subjection to the will of man, without any other restriction than a due regard for the rights and interests of others.

In order to adapt the old law to the new state of society the Code has introduced a number of new provisions. Some of these are intended to facilitate the free exercise of man's dominion over property. Some, by rendering contracts and other expressions of man's will definitive and reliable, are calculated to furnish elements of stability, for which formerly the nature of immoveable property was relied upon. Others tend to protect the rights of third parties; while some again are merely intended to remedy deficiencies or defects in previous laws.

II.

Taking these different categories in the order in which they have just been mentioned, the changes to be first noticed are those which relate to the FREE DISPOSAL OF PROPERTY.

These may be enumerated as follows:

Under the *Edit des secondes nocés*, in force here, a widower, having children and intending to remarry, could not settle by gift, upon the wife he was about to take, any more than a very limited portion of his property. He might however, subject to a comparatively slight restriction, give away his property to a