

under the Roman Law was a universal successor to the entire property and personalty of the testator, (1) while, under the Common Law of England, public bodies do not, legally speaking, have heirs, but successors. It is, therefore, an erroneous use of the term from a legal point of view.

And again, according to authorities (2) on the subject lands could not be given by testament; it must be by will; only personal property could be given by testament; yet Shakespeare says:

"For all the temporal lands, which men devout
By testament have given to the Church,
Would they strip from us." (3)

This shows an extremely loose use of the term; such use that one with any knowledge of legal phraseology would not have made.

"Mine eye and heart are at a mortal war,
How to divide the conquest of my sight;
"Mine eye, my heart, thy picture's sight would bar,
"Mine heart, mine eye, the freedom of that right.
"My heart doth plead that thou in him dost lie
"(A closet never pierced by crystal eyes),
"But the defendant doth that plea deny,
"And says of him thy fair appearance lies.
"To 'cide this title is impannelléd
"A quest of thoughts, all tenants to the heart;
"And by their verdict is determinéd
"The clear eye's moiety and the dear heart's part:
"And thus; mine eye's due is thine outward part,
"And mine heart's right thine inward love of heart." (4)

This is in effect an action before a jury to try title to a lady, with the gentleman's heart as plaintiff and his

(1) "Gall Institutionum Juris Civilis Commentarii Quattnor"
(Poste), 215.

(2) "IV. Burns' Ecclesiastical Law," p. 44.

(3) "King Henry V.," Act I., Scene 1.

(4) Sonnets XLVI.