him. If he leaves two children he can only dispose of one-third. If he leaves three or more he can only dispose of a quarter.'

The Code of Louisiana, sections 1493, 4, 5, has an almost identical provision; nor does it allow gifts *inter vivos* or *mortis causa* to exceed two-thirds of the property, if the donor, having no children, leave a father, or mother or both. The modern German law is similar. As already stated certain expressly defined grounds will justify disinherison. These in the modern system, as in the old Roman, are such as assaulting the parent or attempting his life; or wilful failure of duty as to the testator's maintenance; or leading an immoral life, Hunter's Roman Law, 4th ed., p. 263; Schuster's Principles of German Civil Law, p. 632.

The next point which I wish to refer to is our persistent refusal to admit the legitimation of children by the subsequent marriage of their parent. Legitimation *per subsequens matrimonium* was always the rule of the Roman law. We have not advanced one whit beyond the position of the Barons of England who, in the Statute of Merton of 1236, pronounced their famous—or should we rather say, infamous—dictum on this very point, "*nolumus leges Angliæ mutari.*" In other words, they rejected it apparently mainly because it was foreign law: Sherman *op. cit.* sec. 493. It is otherwise in France, Italy, Spain, Japan, Louisiana, Scotland, and Germany, while in the United States one-fourth of the States have abrogated the common law rule, and turned by statute to the just and merciful rule of Roman law; namely, New York, Ohio, Pennsylvania, Massachusetts, Alabama, Indiana, Kentucky, Texas, Vermont and Virginia. If you refuse to legitimate children by the subsequent marriage of their parents, you visit the sins of the father upon the children, and take away from the father the chief inducement to do the only thing he can to atone for the wrong he has done by making the mother an honest woman.

I will now proceed to a different field, and I would like to make this preliminary remark. If a special interest attaches to autochthonous systems of law, as I think it does, in this that they indicate deep seated racial characteristics, the common law seems to indicate one British characteristic to be a tendency to run