to inherit, or even to take by donation or legacy. They were treated as composed of uncertain persons, who could not perform the acts of volition and personality involved in the acceptance of a succession. The disability was removed by the Emperor Adrain in regard to donations and legacies, and, soon, legacies ad ornatum civitatis and ad honorem civitatis became frequent. Legacies for the relief of the poor, aged, and helpless, and for the education of children, were ranked of the latter class. This capacity was enlarged by the Christian emperors, and after the time of Justinian there was no impediment. Donations for charitable uses were then favored, and this favorable legislation was diffused over Europe by the canon law; so that it became the common law of Christendom. When the power of the clergy began to arouse the jealousy of the temporal authority, and it became a policy to check their influence and wealth—they being for the most part the managers of property thus appropriated—limitations, upon the capacity of donors to make such gifts, were first imposed. These commenced in England in the time of Henry III; but the learned authors of the history of the corporations of that realm affirm, that cities were not included in them—"perhaps upon the ground that the grants were for the public good;" and although "the same effect was produced by the grant in perpetuity to the inhabitants," "the same practical inconvenience did not arise for it, nor was it at the time considered a mortmain.—Mereweth. & Steph., Hist. Corp., 489, 702.

A century later there was a direct inhibition upon grants to cities, borough, and others which have a perpetual commonalty, and others "which have offices perpetual," and therefore "be as perpetual as people of religion." The English statutes of mortmain forfeit to the king or superior lord the estates granted, which right is to be exerted by entry; a license therefore from the king severs the forfeiture. The legal history of the continent on this subject does not materially vary from that of England. The same alternations of favor, encouragement, jealousy, restraint, and prohibition are discernible. The code Napoleon, maintaining the spirit of the ordinances of the monarchy in

1731, 1749, 1762, provides "that donations during life or by will for the benefit of hospitals, of the poor of a commune, or of establishments of public utility, shall not take effect, except so far as they shall be authorized by an ordinance of the Government."

The learned Savigny, writing for Germany, says—"If modern legislation, for reasons of policy or political economy, have restrained conveyances in mortmain, that those restrictions formed no part of the common law." The laws of Spain contain no material change of the Roman and Ecclesiastical laws upon this subject. The reports of the Supreme Court of Louisiana (in which State these laws were long in force) attest their favor to such donations.—Pontalba *vs.* New Orleans, 3 Ann., 660.

This legislation of Europe was directed to check the wealth and influence of juridical persons who had existed for centuries there, some of whom had outlived the necessities which had led to their organization and endowment. Political reasons entered largely into the motives for this legislation—reasons which never have extended their influence to this continent, and consequently it has not been introduced into our systems of jurisprudence.—2 Kent's Comm., 282-'3.—Whicker *vs.* Hume, 14 Beav., 509.

The precise result of the legislation is, that corporations there, with the capacity of acquiring property, must derive their capacity from the sovereign authority, and the practice is to limit that general capacity within narrow limits, or to subject each acquisition to the revisal of the sovereign. We have examined the legislation of the European States, so as better to appreciate that of Louisiana. No corporation can exist in Louisiana—have a public character—appear in courts of justice—exercise rights as a political body, except by legislative authority; and each may be dissolved when deemed necessary or convenient to the public interest. Corporations created by law are permitted to possess an estate, receive donations and legacies, make valid obligations and contracts, and manage their own business.—Civ. Cod., tit. 10, ch. 1, 2, 3, art. 418, et seq.