

Cases, are Considered only as Private Rules and Regulations. The Capitularies were published first by M. Baluze in the Year 1677 with Learned Remarks, in the same order of writing and time, as they were Drawn up in each Assembly.

Under the Kings of the first Race, called the Merovingians from Merovee the first of them, the Franks observed the Salick law; the Burgundians the Gombotto; the Goths who settled in Great Numbers on the other Side of the Rhine, followed the Gothic law; and all the Rest, with the Church Many observed the Roman law. So which other also were found to have Respects in Many cases where their own Law was Deficient.

The second Race of the Kings of France, was called the Carolingian, from Charles Martel, or from Charlemain, Charles the Great, son of Pepin the first of that Race. Charles the Great having United all the Conquests of the Franks, Burgundians, Goths and Lombards, under his Empire, suffered each Nation to Enjoy their own Laws, and had them all Revised. In short, the same Law was in use under the Kings of the second Race, as under those of the first with the Addition of the Capitulars.

The Troubles that happened in the tenth Century, so Confounded all those Ancient Laws, that in the beginning of the third Race of the French Kings, called the Capetians, from Hugh Capet the first of it, there was no other Law in France, but a Very Uncertain Usage. While the Royal power Continued in its full Majesty, the King was sole Lord, and all Judges administered in his Name, or of those put in Authority under him. But in these times of Anarchy and General Confusion every powerful Man took upon him the prerogative of Judging, as well as of Making War, and Raising Taxes upon the People. The Nobles nominated Justice either in person, or by officers chosen out of their own domesticks; their stewards were Mayors, Seneschals, their Intendants and Receivers Bailiffs and Provosts, and their footmen sergeants. And to those times of Disorder were justly ascribed the source of certain fantastical Customs, and the greatest part of those services due from a tenant to his Lord, which are believed were settled by Agreement, or Usurpation. The same cause

which brought forth the Customs, gave them a Different form in each Province, and the state of Liberty those Countries had in, did not a little contribute thereto.

After published Lectures were read upon Justinian Law by Anselm at Bologna in Italy, from thence Abundance of Lawyers dispersed themselves all over Europe. The Civil Law came to be publicly professed and taught at Paris, Montpellier, and Toulouse. Where not only the Laity followed it, but Most of the Ecclesiastics left the study of Divinity and the Canon Law, that they might the better Qualify themselves with the Civil Law or Physick. So put a stop to this, Pope Honorius 3 Declared, that such Ecclesiastical persons as studied Law or Physick, should stand Excommunicated c. 10 x. No Clerici vel Monachi Lec. Negot. And prohibited the study of the Civil Law in the City of Paris, and adjacent places c. 25 x. de Priv. & Except. With a View to Ecclesiastical persons only. But this Papal Decree was never observed, nor put in Execution with Respect to the Laity; and the Civil Law, not with standing thereof, was always publicly taught in the University of Paris.

The 66 Article of the Ordinance of Blois published in May, 1579 upon the foundation of Honorius Decretal afore said, forbid the Regent Doctors of the faculty of Law at Paris, to read or confer Degrees in the Civil Law. But this Prohibition being Unreasonable, was never obeyed; and upon a Representation of the Inconveniences attending it, was Repealed by Lewis 14 who by his Edict of April 1679 Orders that for the future, the public Schools of the Civil Law, jointly with those of the Canon Law, should be Revised and Established in the City of Paris.

The study of the Roman Law introduced Great Alterations in the French. For it greatly improved and softened the Rigour of the Customs; and Established five Maxims by Arguing from one thing to another. The Diversity of Customs proved very troublesome, after the provinces were United under the King, and Appeals to the Parliament became frequent. So soon as the troubles which had Occasioned an Uncertainty in the Customs were over, and time had somewhat fixed them; about the End of the Eleventh Century, writing the Customs was undertaken as