Justice either in person or by officers chosen out of their own domesticks; their Stewards were made Seneschals, their Intendants and Receivers Bailiffs and Provosts, and their Footmen Sergeants, And to those Times of disorder are justly ascribed the source of certain fantastical Customs, and the greatest part of those services dies from a Grant to his Lord; which Lis Bolished were settled by Agreement or usurpation. The same Causes which brought forth the Customs gave them a different Form in each province; and the State of Nobility those Countries lived in did not a little contribute thereto.

After publick Lectures were read upon Justinians Law by Irnerius at Bologna, in Italy, from thence Abundance of Lawyers dispersed themselves all over Europe. The civil Law came to be publickly professed and taught at Paris, Montpellier, and Thoulouse. Where not only the Laity followed it, but most of the Ecclesiasticks left the study of Divinity and the Canon Law, that they might the better qualify themselves with the civil Law and physick. To put a stop to this, Pope Honorius 3 declared that such Ecclesiastical persons as studied Law or physick should stand excommunicated, C. 10 X. Ne Clerici vel Monachi, sec. negot. and prohibited the study of the civil Law in the City of Paris, and adjacent places C. 28 X. De verb. et Excess. with a view to ecclesiastical persons only. But this papal decree was neither observed, nor put in execution with respect to the Laity; and the civil Law, notwithstanding thereof, was always publickly taught in the University of Paris. The by Article of the ordinance of Blois published in May 1579, upon the foundation of Honorius decretal aforesaid, forbids 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prohibition being unreasonable, was neither obeyed; and upon Representation of the Inconveniencies attending it was repealed by Lewis 14, who by his Edict in April 1679 orders that, for the future, the publick Lectures of the civil Law, jointly with those of the Canon Law, should be revived and re-established in the City of Paris.

The study of the Roman Law introduced great Alterations in the French ~~Constitutions~~ Not it greatly improved and Corrected the Rigour of the Customs, and established sure Maxims, by arguing from one thing to another. The diversity of Customs proceed by Troubles from after the provinces were united under the King, and Appeals to the parliament became frequent. So soon as the Troubles which had occasion'd an uncertainty in the Customs were over, and Time had somewhat fix'd them; about the end of the Sixteenth Century, writing the Customs was undertaken, as the only Means of fixing them to some Certainty. Which Writings were of three sorts; viz. the particular Charters of Towns which were the originals of their Customs; the Customaires of whole provinces; and Treatises of practitioners, or the Works of publick Men composed for the Benefit and Instruction of others. These original Records were the plan upon which the French Customs were afterwards more solemnly reduced in Writing: For being either too old or too succinct twas thought advisable, to make a more ^exact^ and formal digestion of the Customs. The project

project was laid in the Reign of Charles 7 who by the 123 Article of his Edict dated at Montil-les-Tours 1453 declared, that all the customs of the Kingdom should thence forward be put into Writing, and agreed to by the practitioners of each place; then examined and confirm'd by the great Council and parliament; and that the customs so written should be observ'd as Law, and no others quoted. Du Moulin says the design was to [illegible] all the Customs together, in order to extract one general Law; and that the writing each particular Custom was only, that the people might have some thing certain to depend upon, whilst the general Work was upon the Stocks. The Customs were so long a digesting, that it was not finished in above two years after Charles the Seventh died. The number of those principal Customs of France amount to no more than sixty, most of them differing from one another.

Lewis 9 called Saint Lewis, and the Kings after him in the third Race have enacted several New Laws by their ordinances or edicts. The parliaments and other Courts (who for Jurisdiction is Soveraign because the princes (supposed to be present) had once a Right to examine the edicts directed to them, and to remonstrate against them, if they thought proper, before they were published: But this is now quite out of use, and they are obliged to Register and publish what ever the King sends them, taking his absolute priviledge of remonstrating afterwards.

It cannot be denied but in most of the Matters treated of both in the Customs and the ordinances, there are Resolutions of the Roman Law to be observed, and many Articles borrowed from it, and that without a perfect Knowledge thereof Neither of those can be rightly understood. Therefore, and because of the peculiar Excellence of the Roman Law principles, all their Lawyers have filled their Commentaries with it, to support their own opinions, and discover the true sense of their Customs and ordinances.

France is divided into two provinces, some of which are called the Country of the written Law, and others that of the customary Law. Those of the written Law are such as being in the Neighbourhood of Italy, had no other but the Roman Law at the Time they were subdued by the French, and retained, into a special Favour of their Kings, a Liberty of following the Roman Law in Matters not determined by the ordinances. Yet is true many Customs Some that Borrow't from the Roman Law have been introduced among them: But none of those provinces have any other Common Law but the Roman, and such Customs are observ'd only in those places where they were introduced. The customary Country, is the provinces governed by their own particular usages or customs as their Common Law, now reduced into Writing by Royal Authority. Where the Roman Law is not received as Law, but considered only as written Reason, to which they have Recourse when their own Customs, and the ordinances are silent, or for interpreting these.