

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 Customs of whole Provinces; and treatises of Practitioners, or the words of Able Men, composed for the benefit and Instruction of others. These original Records were the Stan upon which the French Customs were afterwards more solemnly Reduced in Writing: for being either too old or too precisely, 'twas thought advisable, to make a more Exact and formal Digestion of the Customs. The Project was laid in the Reign of Charles 7 who by the 123 Articles of his Edict dated at Montils Lestours 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 Confirmed by the Great Council and Parliament; and that the Customs so Written should be observed as Law, and no others Liked. Dumoulin says, the Design was to Jumble 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 something Certain to depend upon, Whilst the General was read upon the stocks. The Customs were so long a Digesting, that it was not finished in above 100 Year after Charles they Died. The Number of the principal Customs of France amount to no more than Sixty, Most of them differing from one another.

Louis 9 called Saint Louis, and the Kings after him in the third Race having Enacted several new Laws by their Ordinances or Edicts. The Parliaments and other Courts (which Jurisdiction is sovereign because the Prince is 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, saving the Useless privilege to go &c. of Remonstrating afterwards.

It cannot be Denied, but that in Most of the Matters treated of both in the Customs and the Ordinances, there are great steps of the Roman Law to be observed, and many Articles borrowed from it, and that without a perfect Knowledge thereof Neither of these can be rightly Understood

stood. Therefore, and because of the peculiar Exactness 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 obtained thro' Special favour of their Kings, a Liberty of following the Roman Law in Matters not Determined by the Ordinances. It is true many Customs somewhat different from the Roman Law, have been introduced among them: but none of these provinces have any other Common Law but the Roman, and such Customs are observed only in those places where they were introduced. The Customary Country is the Province Governed by their own particular usages or Customs as their Common Law, now Reduced into Writing by the 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.