

were subject to the command of the Dukes, or Governors of Provinces, and the Counts, or Governors of Towns, who were officers of the King's appointment; and the duty of personal service was considered so sacred, that they were prohibited from entering into holy orders, unless they had obtained the consent of the Sovereign. (1)

At their first incursions, the Barbarians, like the aborigines of Gaul, were governed by traditional customs. Their manners were uncivilized; war and hunting, were the only subjects of pursuit in estimation, and, as they had no fixed habitations, no other property than cattle, their common disputes arose either from personal quarrels or acts of depredation. These were usually decided in public meetings of the people, held annually, at the close of winter, in general upon the information of witnesses, but, in doubtful cases, by the ordeal of fire or water, or by combat. (2)

The polished minds of Romans, found nothing worthy of imitation in such conquerors—but the conquerors, savages as they were, perceived much in the Romans, which they could not but admire. They particularly viewed a written Code of Laws as a novelty possessed of many advantages, and, not only permitted the Roman Jurisprudence to survive the destruction of the Roman Government, but, in imitation of what they approved, reduced their own usages to writing, particularly the Salique Law, which was the peculiar Law of the Franks. (3) The Theodosian Code, and the Laws, Customs and usages of the Barbarians, became, therefore, equally the Laws of France, (4) and as all Laws were held to be purely personal, and were not, for this reason, confined in their operation to any certain District, the Barbarian was tried by the Law of his Tribe.—The Roman by the Roman Code, the children followed the Law of their Father, the wife that of her husband, the widow came back to that to which she was originally subject, and the freedman was governed by the Law of his Patron. (5) Yet, notwithstanding these general provisions, every Individual was permitted to make election of the Law by which he

(1) Capitular's Liber, 1st sec, 114.

(2) Fleury, p. 12 & 13.

(3) Fleury, p. 21.

(4) Esprit des Loix, Liber, 28, cap. 4, vol. 2d. p. 240.

(5) Esprit des Loix, Liber, 28, cap. 2.