

Charles the VII conceived the idea of digesting the several customs into one general code for all France, and to this end, by the 125th article of the ordinance of 1453, (1) usually called the ordinance of *Montils le Tour*, he directed the several customs and usages of each Jurisdiction to be written, but nothing further was done, until the year 1495, when the custom of Ponthieu was reduced to writing under Charles the eighth. His successor, Louis XI, is represented, by the Historian, Philip de Commines, and by Dumoulin, to have been very desirous of having "*one custom, one weight, and one measure, throughout his Kingdom, and that every Law should be fairly enregistered in the French language;*" (2) yet it does not appear that any of the customs were compiled during his administration of the Government, but in the reigns of the succeeding monarchs, particularly Louis XII, Francis the I, and Henry the II, many were finished, and the whole, comprehending sixty collections of general customs, in force in the several Provinces, and about three hundred local customs, in force in the different Cities and Bailiwicks of the Kingdom, were completed under Charles the IX, after the expiration of the century from the commencement of the design. (3)

In the execution of the edict of Charles VII, the States General of each Province, consisting of the deputies of the nobles, the ecclesiastics and the representatives of the commons, were convoked by the royal letters patent, issued for that purpose. By them, when assembled, an order was directed to all the Judges and other Royal Law Officers of the Province, requiring them to transmit to the States General, reports of all the customs and usages practised in their respective Jurisdictions, from time immemorial. These reports were referred to a special committee of the States General, by whom they were reduced to abstract maxims, arranged in order, and so returned to the States General by whom they were examined, confronted with the original reports, discussed and accepted or rejected. (4) Those which were accepted, being confirmed by the King, enregistered and published in the sovereign Court of the Jurisdiction to which they related, (5) became the Law of that Jurisdiction, binding upon its inhabitants, but in no way affecting the rights or prerogatives of the Crown, (6) and subject, at all times, to any alteration which the King might think proper to make by a royal ordinance. (7)

The redaction of the Custom of Paris was among the first. In 1510, Louis the XII published a general edict, in which, after reciting, that

(1) Ordonnances de Neron, vol. 1st. p. 43.

(2) Dictionnaire de Jurispr. vol. 3d. p. 47. Fleury, p. 68.

(3) Fleury's Hist. du Droit François, p. 69. Reper. verbo "Coutumes," vol. 16, p. 390.

(4) Fleury's Hist. du Droit François, p. 70.

(5) Loyseau des Seigneuries, ch. 3. sec. 11. Ferrière, pet. Com. v. 1 p. 5.

(6) Bacquet Droit de justice, ch. 10, No. 8. Droit d'Aubaine, ch. 29, no. 2. Droits de Francs Fiefs, ch. 11. No. 5. Som. Seule.—Brodeau sur Paris—Tronçon sur Paris, art. 75.—Galland, Traité de Franc alevu, ch. 8—Ferrière gd. Com. v. 1, p. 9, sec. 10—D'Aguesseau, vol. 7. p. 302 & 363, & vol. 8, p. 152, & 153. Case of Rex and the Duke and Dutchess de Vanquinnon, decided 5th August, 1762, and reported in Ferrière. D. D. verbo "Coutumes," vol 1, p. 424, edit. of 1771 & in the Dict. des Domaines, vol. 2. p. 479.

(7) Brodeau sur Louet, letter D. ch. 25—Ferrière, D. D. vol. 1st, p. 542, verbo "Droits Coutumiers."