

nevertheless be favorably received, as an attempt to elucidate a subject which, in Lower-Canada, cannot be thought to be uninteresting.

THE conquest of Gaul by the Roman power—the entire subversion of the Roman Government by the Franks—the nearly total annihilation of the power of the Crown at the close of the eleventh century, and the subsequent re-establishment of that power, are the events which more immediately affected the Laws of France, and occasioned their successive mutations. To these events, therefore, and to the greater effects which they have respectively produced in her legal polity, our inquiries will at present be confined.

OF the state of Gaul before the Roman conquest, (which was effected under the immediate command of Cæsar, about fifty years before the birth of our Saviour,) but little can be said with any degree of certainty. The inhabitants were then governed by a few unwritten customs and usages, peculiar to themselves, barbarous in the extreme and not meriting the appellation of Laws. Their manners were simple, and produced but few causes of contention, and such controversies as arose, were decided by their Druids, who, as among the ancient Britons, were both Priests and Judges (1).

A consequence of the Roman conquest was, the introduction of the Roman Law, and for five entire centuries, during which Gaul remained a Province of the Empire, her people were wholly governed by that system (2). The Roman Law, however, of that day was not the Justinian Code, for that was compiled near a hundred years after the expulsion of the Romans (3). It consisted of the several Constitutions of the preceding Emperors, and of the writings of certain Civilians. The Constitutions had been collected in three Codes—the Gregorian, Hermoginian, and Theodosian, but the latter, published by the Emperor Theodosius, confirmed and adopted the two former, and as the writings of the Civilians consisted of such only as were sanctioned by the Code of Theodosius, there is reason to believe that it was the Theodosian Code only which was called the Roman Law (4).

(1) Cæsar de Bello Gal : Liber. 5 & 6.

(2) Histoire du Droit François, by l'Abbé Fleury, p. 9 & 10. Vide also, at the beginning

of 1st vol. of Henry's, a learned Dissertation, by Brénonnier, which establishes this fact.

(3) Fleury, p. 10.

(4) Fleury, p. 12.