

or on tablets affixed to which, were inscribed the names of the creditors of the proprietor, and the sums due to each; sureties were also exacted in all transactions concerning landed property, and severe penalties imposed by law on those who should be guilty of fraudulent concealments, in such transactions—among these were “infamy,” and condemnation to labor in the mines.

The common law of France before the revolution, with the exception of some provinces in which imperfect systems of registration existed, was exceedingly deficient in provisions for the security of investments on real property—the want of which was not only severely felt by capitalists and landed proprietors themselves, but also regretted and lamented by the wisest and most enlightened of her authors and statesmen.—Loyseau, a celebrated legal writer, who flourished in the sixteenth century, thus raises his voice against the hardships and injustice of which secret encumbrances were the constant and fruitful source—“But the inconvenience is great,” says he “to a purchaser in good faith, who, thinking himself secured in that which is sold to him and put into his possession, well knowing that it belonged to his vendor, sees himself at last evicted and deprived of it by an inevitable misfortune, arising from previous encumbrances, which being secretly created, it was not possible for him to know or to discover.”

Various attempts to remedy this crying evil were made from time to time. So far back as 1581, Henry III, passed an Edict making registration essential to the validity of Deeds of Sale and Mortgages:—But this Edict was revoked in 1588.—Again, in 1673, Louis XIV was induced by his great Minister, Colbert, to attempt the reform of an abuse which, however, had taken too deep a root in the prejudices of the nation, and enlisted too many interests in its favor to be easily shaken. Accordingly, we find the Royal Edict of the 23rd March of that year, establishing registry offices throughout France, revoked in April 1674, on the avowed ground that “although our subjects may receive very considerable advantages from its execution, still, as it usually happens that the most useful reforms meet with difficulties on their first establishment, there are some in this case which cannot be surmounted at a time when we are obliged to give our principal attention to the affairs of the war.”

But the seed had been sown, which was in time destined to bring forth good fruits.—The friends of useful reform in France, among whom were many eminent jurists, continued to cherish a hope that some similar law would be enacted. D’Héricourt a legal writer of the highest authority, in his treatise on the sale of real property in execution, published in 1727, expressed a strong desire for the re-establishment of Registry Offices, and hoped that in such a case, due attention might be paid to observations on the Edict of 1673, made by Mr.