

THE SPIRIT

As fiefs were become hereditary, and arriere-fiefs extended, many usages were introduced, to which these laws were no longer applicable. Their spirit indeed was preserved, which was to regulate most disputes by fines. But as the value of money was, doubtless, subject to change, the fines were also changed; and we see several charters *, where the lords fixed the fines, that were payable in their petty courts. Thus the spirit of the law was followed, without following the law itself.

Besides, as France found itself divided into a number of petty lordships, which acknowledged rather a feudal than a political dependence, it was very difficult for only one law to be authorised. In fact, it would be impossible to see it observed. The custom no longer prevailed of sending extraordinary † officers into the provinces, to inspect into the administration of justice, and political affairs; it appears even by the charters, that when new fiefs were established, our kings divested themselves of the right of sending those officers. Thus, when almost every thing was become a fief, these officers could no longer be employed; there was no longer a common law, because no one could enforce the observance of it.

The Salic, Burgundian, and Visigoth laws, were therefore extremely neglected at the end of the second race, and at the beginning of the third they were scarce ever mentioned.

Under the first and second race, the nation was often assembled; that is, the lords and bishops; the commons were not yet thought on. In these assemblies attempts were made to regulate the clergy,

* M. de la Thaumassiere has collected many of them. See, for instance, chap. 61, 66, and others.

† *Miss Dominici.*