

If there happened to be any disputes between two parties, they had only to order a single combat. All they wanted for this, was a good deal of presumption.

BOOK  
XXVIII.  
Chap. 19.

All civil and criminal actions are reduced to facts. 'Tis upon these facts they fought; and not only the substance of the affair, but likewise the incidents and imparlances were decided by combat, as Beaumanoir<sup>(a)</sup> observes, who produces several instances.

(a) Chap.  
61. pag.  
309. &  
310.

I find that towards the commencement of the third race, the jurisprudence of those times related entirely to personal quarrels, and was governed by the point of honour. If the judge was not obeyed, he insisted upon satisfaction from the person that had contemned his authority. At Bourges, if<sup>(b)</sup> the provost had summoned a person, and he refused to come, his way of proceeding was to tell him, "*I sent for thee, and thou didst not think it worth thy while to come; I demand therefore satisfaction for this contempt.*" Upon which they fought. Lewis the Fat reformed this custom<sup>(c)</sup>.

(b) Charter of Lewis the Fat in the year 1145. in the Collection of Ordinances.

(c) Ibid.

The custom of legal duels prevailed<sup>(d)</sup> at Orleans, even in all demands of debt. Lewis the Young declared, that this custom should take place only when the demand exceeded five sous. This ordinance was a local law; for in St. Lewis's time<sup>(e)</sup> it was sufficient that the value was more than twelve deniers. Beaumanoir<sup>(f)</sup> heard a gentleman of the law affirm, that formerly there had been a bad custom in France, of hiring a champion for a certain time to fight their battles in all causes. This shews, that the usage of judiciary combats must have had at that time a prodigious extent.

(d) Charter of Lewis the young in the year 1168, in the Collection of Ordinances.

(e) See Beaumanoir, chap. 63, pag. 325.

(f) See the custom of Beaumanoir, chap. 28. pag. 203.