

C. COUTUMES DE LA PRÉVOSTÉ ET VICOMTÉ DE PARIS (1580)

in Bourdot de Richebourg, *Nouveau coutumier générale* III (Paris, 1724) 29–55 [CD trans.]

Tit. 1—On Fiefs (art. 1–72)

Tit. 2—On Quit-rents (*censives*) and seigneurial rights (73–87)

Tit. 3—Which goods are movable and which immovables (88–95)

art. 91. Fish being in a pond or in a ditch is regarded as immovable; but when it is in a shop (*boutique*) or reservoir, it is regarded as a movable.

Tit. 4—On Complaint in case of seisin and of novelty and simple seisin (91–98)

Tit. 5—On Personal actions and on *hypothèque* (99–112)

Tit. 6—On Prescription (113–128)

Tit. 7—On *retrait lignagier* (129–159)

Tit. 8—Judgments, executions, gages (160–183)

Tit. 9—On Servitudes and reports of juries (184–219)

Tit. 10—Community of goods (220–246)

Tit. 11—On Dower (247–264)

Tit. 12—On Guardianship of nobles and bourgeois (265–271)

Tit. 13—On Gifts and mutual gift (272–288)

Tit. 14—On Testaments and their execution (289–298)

Tit. 15—Of Succession in the direct line and in the collateral (299–344)

Tit. 16—Of Public proclamations [*criées*] (345–362)

D. ORDONNANCE DU ROI POUR LA PROCÉDURE CIVILE (APRIL 1667)

TIT. 22–23

in *Recueil des grandes ordonnances, édits et déclarations des rois de France* (Pijon ed., Toulouse, 1786) 428–90 [CD trans.]

Tit. 1: Observation of the ordinances

Tit. 2: Adjournments

Tit. 3: Delays upon citations and adjournments

Tit. 4: Presentations [of the parties before the court]

Tit. 5: Holidays and defaults in civil matters

Tit. 6: Fines for non-prosecution

Tit. 7: Delays for deliberation

Tit. 8: Sureties

Tit. 9: Dilatory exceptions and the abrogation of views and showings

Tit. 10: Interrogatories about facts and articles

Tit. 11: Delays and procedures in the court of Parlemnt, Great Council, court of Aides, in first instance and case[s] of appeal

Tit. 12: Compulsory process and examination of documents

Tit. 13: Abolition of inquest to examine in the future and inquest *par turbes*

Tit. 14: Contestation in the case [*litis contestatio*]

Tit. 15: Procedure in possessory actions about benefices and royal rights

Tit. 16: The form of procedure before judges and consuls of merchants

Tit. 17: Summary matters

Tit. 18: Complaints [about violence] and restitution

Tit. 19: Sequestrations, commissaries, guardians of fruits and movables

Tit. 20: Facts which are subject to verbal or literal proofs

Tit. 21: [Judicial] visitation of places, taxes of officers who go on commission, nomination and reports of experts

Tit. 22: Inquests

art. 3: After the reproaches have been made against the witnesses, or after the delay to make them has passed, the matter will be brought to the audience [of the judge] without making any act or procedure for reception of the inquest, and there will no longer be any methods of [proving] nullity by writing, save proposing them in the audience or by exception, if it is a process in writing.

art. 5: The witnesses will be cited to depose and the party to see them swear by ordinance of the judge, without a commission to the clerk [*greffe*].

art. 11: The relatives and in-laws of the parties, up to the children of cousins issue of full-sibs inclusively cannot be witnesses in civil matters to depose in their favor or against them, and their depositions shall be rejected.

art. 14: At the beginning of the deposition, mention shall be made of the name, surname, age, quality and residence of the witness, of the oath that he took, if he is a servant or domestic, relative or in-law of one or another of the parties, and in what degree.

art. 15: The witnesses cannot depose in the presence of the parties, nor in the presence of other witnesses, to inquests that are not made in the audience, but they shall be heard separately, without there being anyone there other than the judge or commissary who is making the inquest and he who writes the deposition.

art. 16: When the deposition of the witness is finished, it shall be read to him, and he shall then be asked if it contains the truth, and if he persists, he shall sign the deposition, and in case that he does not know how and cannot sign, he will so declare, and mention shall be made of this on the minute and on the full-copy.

art. 17: The judges or commissaries shall write down everything that the witness wants to say about the fact at issue between the parties, without withholding anything of the circumstances.

art. 18: If the witness adds to, or subtracts from, or changes anything in his deposition, it shall be written in appendixes with references in the margin, which shall be signed by the judge and the witness, if he knows how to sign, without it being possible to give any faith to interlineations or to references which are not signed, and if the witness does not know how to sign, mention shall be made of it in the minute and on the full-copy.

[Another 18 articles concern how copies of the depositions are to be made.]

Tit. 23: Reproaches against witnesses

art. 1: Reproaches against witnesses shall be circumstantial and pertinent and not in vague and general terms; otherwise they will be rejected.

art. 2: If it is alleged in the reproaches that the witnesses have been imprisoned, subject to decree, condemned or taken by justice, the facts will be regarded as calumny if they are not justified before the judgment of the process by the calendar of imprisonment, decrees, condemnations or other acts.

art. 3: He who has had the inquest made can, if it seems good to him, furnish answers to the reproaches, and the responses will be provided to the party, otherwise we forbid that they be considered; all this without delaying the judgment.

art. 4: Judges cannot appoint the parties to inform them about the matter of the reproaches unless they have examined the process [and determined] that the means of reproach are pertinent and reasonable.

art. 5: The reproaches of the witnesses will be judged before the process and if they are found pertinent and that they are sufficiently justified, the depositions will not be taken.

art. 6: We forbid proctors from furnishing any reproach against witnesses if the reproaches are not signed by the party, or if they cannot show a special written power given to them to propose them.

Tit. 24: Recusations of judges

Tit. 25: *Prises à partie* [this seems to be technical term for the judge taking sides in a case by refusing to proceed]

Tit. 26: The form for proceeding to judgment and to pronouncements

Tit. 27: Execution of judgments

Tit. 28: Receipt of property security

Tit. 29: Rendering of accounts

Tit. 30: Liquidation of fruits

Tit. 31: Costs

Tit. 32: The taxation and liquidation of damages and interest

Tit. 33: Seizures and executions, and sales of goods, grain, beasts and movable things

Tit. 34: Discharge of constraint by body [civil arrest for debt]

Tit. 35: Civil requests [motions to reopen a judgment]