eliminating the Malberg glosses from the text, correcting the Latin, omitting a certain number of paragraphs, and inserting some new ones. In chapter 55 the bishop is mentioned with the presbyter and the deacon, (v.) Finally, we have a fifth text, which seems an amalgamation of the previous recensions, more especially of the second, third, and fourth, but here and there with considerable differences. It was published in 1557, at Basel, by Bas. Joh. Herold *(Originum ac Germanicarum Antiquitatum Libri)*; but no trace of the Fulda and other MSS. which the editor says that he used has hitherto been found.

The Salic code consists of enactments regarding procedure in lawsuits (chaps. 1, 18, 26, 37, 46-53, 56, 57, 60), judicial fines and penalties for various kinds of theft and kidnapping (2-8, 10-12, 21- 23, 27, 28, 33-35, 38-40, 55, 61), for offences, injuries, &c., to persons, animals, and property (9, 15-17, 19, 20, 24, 25, 29-32, 36, 41-43, 64, 65); it regulates the “ wergeld” (a word found only in the text published by Herold ; all the other texts have *leodis, leudis* = people, associate of the people) of all classes of persons living under the Salic Law (41-43, 54, 63), the share of the kindred in the composition for homicide (58-62), the devolution of property and inheritance (59), migration from one village to another (45), &c.

The Salic Law speaks of—(a) freeborn persons (ingenuus *Francus, Salicus Francus),* with a wergeld of 200 solidi, which was tripled when such a person served in the army, and the latter amount again tripled when the person killed was an officer of the king ; *(b)* serfs (*leti* or *liti),* who enjoyed personal freedom though belonging to some master, and (c) *pueri regis* (probably serfs in the service of the king), both with a wergeld of 100 solidi; *(d)* the Roman popu­lation, not yet placed on the same footing with the Francus *(posscssorcs* with a wergeld of 100 solidi; *tributarii,* perhaps = *coloni,* with a wergeld of 621/2 solidi); (*e*) slaves (*servi),* with a wergeld of 30 solidi ; and a variety of other persons belonging to one or other of these classes *(puer crinitus,* class *a ; porcarius, faber ferrarius, aurifex,* &c., class *e).* An aristocracy is not mentioned. The people lived together in villages (chap. 45); they exercised agri­culture and reared cattle (2-5, 27, &c.); they hunted and fished (6, 33) ; vineyards and gardens were known to them (27, 6, &c.) ; and gold work and iron work are mentioned (10). The chief of the state was a king ; his officers included the *grafio,* who was chief of a *pagus* (shire); *sacebaro,* chief of a hundred (both with a wergeld of 600 solidi; the latter could also be a *puer regis,* in which case he had a wergeld of 300 solidi); *thunginus* or *ccntenarius,* chief of a hundred, but probably elected by the people from among themselves, as his wergeld seems to have been the ordinary one. The judicial assembly was called *mallus,* the place where it as­sembled *malloberg,* the party in a suit *gamalhis,* the councillor of the assembly *rachineburgus,* an officer who had to advise upon the sen­tence to be pronounced, and to value the property in question.

The famous clause in the Salic Law by which, it is commonly said, women are precluded from succession to the throne, and which alone has become known in course of time as *the* Salic Law, is the fifth paragraph of chapter 59 (with the rubric “ De Alodis ”), in which the succession to private property is regulated. The chapter opens with four (five) paragraphs in which it is enacted that—(1) if a man died without male issue, his mother (so in first recension; the second to fifth have “pater aut mater ”) would succeed to the inheritance (in hereditatem succedat); (2) failing her (the father and mother), his brother (brothers) or sister (sisters); (3) failing these, the sister of the mother; (1) when there was no sister of the mother, the sisters (sister) of the father; and (5), failing these, the nearest relative. After this the fifth paragraph reads as follows :—

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| First  recension. | Second  recension. | Third  recension. | Fourth  recension. | Fifth  recension. |
| De terra vero | De terra | De terra | De terra | De terra vero |
| nulla in muli- | vero Salica | vero Salica | vero Salica | Salica, in mulie- |
| ere [portioaut] | in muliere | nulla in mu- | nulla portio | rem nulla portio |
| hereditas non | nulla per- | liere heredi- | hereditatis | hiereditatis trans- |
| pertinebit, sed | tinet portio, | tatis transeat | mulieri | it, sed hoc virilis |
| ad virilem sex- | sed qui fra- | porcio, sed ad | veniat sed | sexus acquirit, |
| um qui fratres | tres fuerint, | virilis sexus | ad virilem | hoc est, filii in |
| fuerint tota | et ad virile | tota terra @@1 | sexum tota | ipsa hæreditate |
| terra perti- | sexu tota | proprietatis | terræ here- | succedunt. Sed |
| neat. | terra per- tineat. | suæ possede- ant. | ditas per­veniat. | ubi inter nepotes aut pro nepotes post longum tem- pus de alode ter- ræ contentio sus- citatur, non per stirpes sed per ca- pita dividantur. |

It seems clear that the first four paragraphs of the chapter, which admit women to a share in the inheritance, refer to *private, movable* property, and that, by the fifth paragraph, the inheritance of *land* was exclusively confined to males. We know that this exclusion of women from landed property was hardly a rule anywhere in the Frankish empire, and certainly not in the 6th century, but it obtained more or less afterwards, especially during the feudal period, when all the owners of landed property *(i.e.,* the tenants of fiefs) were liable to military service. We do not know when this exclusion of women from landed property began first to be applied and extended to an exclusion from the succession of thrones, as we do not read of such a notion until the middle of the 14th century during the controversy between Edward III. and Philip of Valois, when it was alleged to be derived from the Salic Law. It will be observed that the word *Salica* is not found in the oldest existing recension, but appears first in the second text, which some would ascribe to the end of the 6th century. Nor is the word found in the corresponding paragraph (56,4) of the Lex Ripuaria, which was based on the Salic Law. This addition (retained in all the other recensions, also in the so-called Lex Emendata) was no doubt made for some purpose, but we do not know whether it was made by a scribe, nor what parti­cular notion it was intended to convey, nor whether it was this special word which gave rise to the idea of women being precluded from the succession of thrones.

The various texts of the Lex Salica, arranged in parallel columns, with a commentary on the Malberg glosses, were published in 1880, under the title *Lex Salica : the Ten Texts with the Glosses, and the Lex Emcndata,* ed. J. H. Hessels, with notes on the Frankish words in the Lex Salica by H. Kern, 4to, London, 1880 ; comp, also Geo. Waitz, *Das dite Recht der salischcn Franken,* 8vo, Kiel, 1846 ; Rud. Sohm, *Die frank. Reichs- und Gerichts-Verfassung,* 8vo, Weimar, 1871 ; Pardessus, *Loi Salique,* 4to, Paris, 1843.

Having treated of the Salic Law somewhat minutely, we need only say a few words about each of the other *leges barbarorum,* as they all present somewhat similar features, and hardly differ except in the time of their compilation, the amount of fines, the number and nature of the crimes, the number, rank, duties, and titles of the officers, &c.

(2) The *Ripuarian Law,* or Law of the Ripuarian Franks (*Lex Ripuaria* or *Riboaria, L. Ripuariorum* or *Ribuariomm, L. Ripuariensis* or *Ribuariensis), or* inhabitants of the river-banks, was in force among the East or Rhenish Franks in the Provincia Ribuaria, also called Ducatus or Pagus Ribuarius (see vol. ix. p. 723), of which Cologne was the chief town. It has much in common with the Salic Law ; in fact, chapters 32-64 are, with the exception of some necessary modifications and additions, merely a repetition of the corresponding chapters of the Salic Law, and even follow the same arrangement, so that this part of the code is hardly anything but the Salic Law revised by order of the kings of Austrasia. Professor Sohm (whose edition, published in 1883 in *Mon. Germ. Hist.,* Legg., vol. v. part 2, is based on nearly forty MSS., written between the 8th and the 11th century) divides the eighty-nine chapters of this code into four distinct portions, ascribing the first portion (chaps. 1-31), which contains enactments not met with in the Salic Law, to the first part of the 6th century, the second (chaps. 32-64) to the second part of the same century (c. 575), the third (chaps. 65-79) to the 7th century, and the fourth (chaps. 80-89) to the beginning of the 8th century. This result practically agrees with the statements found in a prologue in certain MSS. (which contain some of the barbarian codes), where it is said that the “Leges Francorum ( = Lex Ripuariorum), Alamannorum, et Bajuvariorum ” were compiled at Châlons-sur-Marne at the dicta­tion of Thierry I. (511-534), by wise men learned in the law of his kingdom, and that the codes were afterwards revised and amended by Childebert I., Chlotar I., and Dagobert. Charlemagne promulgated some additional chapters to the Ripuarian Law in 803 *(Mon. Germ. Hist.,* Legg., i. 117). We may here observe that the Salic and Ripuarian Laws were to some extent introduced into England by the Norman Conquest, as appears from the Laws of Henry I., where we find enactments “secundum Legem Salicam ” and “ secun­dum Legem Ripnariam” ; comp. Leg. Hen. I., capp. 87, §§ 9, 10, 11 (word for word = L. Sal., tit. 43), 89, 90 § 4 ( = L Rip., 70), and 83 § 5 ( = L. Sal., tit. 55 § 4).

@@@1 Text J3 reads : “proprietas perveniat.”