xvii. and xliv. in “ Papianus ” ; chap. xx. as chap. cvi. (extravagant) and its remaining chapters as chapters lxxxix. to cv. The second additamentum is placed as chap, cvii., the old chap, lxxxix. as chap, cviii., and a new chapter cix. (a decree of Sigismund “ De collectis” of 516) added. It was Gundobald’s intention that his law should decide all cases between Burgundians and between them and Romans ; in all other cases the latter would only use Roman law (comp, second preface), of which the Lex Burgundionum con­tains many traces, and even the Burgundians were allowed to use Roman law (comp. L. Burg., titt. 43, 60, 55 § 2). The Latinity of the Burgundian Law is purer than that of all the preceding bar­barian codes, and we find in it a distinct tendency to treat Romans with greater leniency and to make them equal to the Burgundians in the eye of the law. Through Gundobald’s political relations with Alaric II., the Lex Burgundionum influenced the West-Gothic legislation, of which traces are found in the Lex Wisigothorum and the interpretatio to Alaric’s Breviarium. Charlemagne promul­gated in 813 a Capitulare Aquisgranum (*Mom*., Legg., i. 817) re­garding the Lex Burgundionum, though the text was not altered. Agobart, bishop of Lyons, complained to Louis the Pious respecting certain abuses caused by the Burgundian Law (Bouquet, vi. 356), but no remedy was effected. On the other hand, towards the end of the 9th century the law had gradually fallen into disuse like all the other barbarian laws, though it is said that the emperor Conrad II. revived and confirmed it. See, besides Professor Bluhme’s edition, Hube, *Hist. de la formation de la loi Bourguignonne,* Paris, 1867.

(10a) In the second preface to the Lex Burgundionum (published in 502) the Roman subjects of the Burgundian king were promised a codification of their own laws. This work appears to have been promptly executed and was published under the title *Lex Romana Burgundionum,* perhaps before the compilation of the Breviarium Alarici (506). This collection is also known as *Papianus,* of which name (found already in MSS. of the 9th century) no satisfactory explanation has hitherto been offered, some, perhaps wrongly, sup­posing that it is a corruption of the name of Papinianus, the Roman jurist. It was published by Professor Bluhme as an appendix to the Lex Burgundionum (*Mon*. *Germ. Hist.,* Legg., iii. p. 579).

1. As regards the *Lex Wisigothorum* (also called *Forum Judicum, Judicum Liber, Forum Judiciale,* &c.), we know with certainty from Isidore of Seville *(Hist. Goth. Hisp.,* 504) that Euric (466-483) was the first Gothic king who gave written laws to the West Goths. It would therefore be erroneous to ascribe (with Mariana, *Hist. de España,* v. 6) their first written laws to Euric’s son, Alaric II., though it seems probable that the latter, by adding his own laws to those of his father, was really the first author of a West-Gothic codification. Isidore refers to the collection of laws (as it had been preserved up to the end of the 5th and the beginning of the 6th century) as the Laws of Euric, though we must assume that the statutes of the kings who succeeded Euric had already been added to his collection. Isidore also tells us *(Hist. Goth. Hisp.,* 606-624) that Leovigild (d. 586) revised Euric’s Laws. As Isidore was bishop of Seville from 599 to 636, and may therefore be said to have been a contemporary of Leovigild, his testimony may be accepted as conclusive, though a much later but untrustworthy tradition would have it that the revision was executed by Leovigild’s son, Reccared I. (the first Catholic king of the Goths), who died in 601, whereby the whole population of Spain was equalized in point of law. According to Spanish traditions of the 12th century, the West-Gothic collection of laws was again revised, under Sisenand, by the fourth council of Toledo (633), a revision on which Isidore seems to have exercised some influence. It is un­certain, however, whether the code was then systematically arranged and divided into twelve books, as we now have it, or whether this was done under Chindaswinth (d. 652) or under his son Receswinth (d. 672). The several books of the code are divided (in imitation of the codes of Theodosius and Justinianus) into tituli, and those again into chapters or constitutions. From Leovigild down to Egica (d. 701) and his son and coregent Witiza (d. c. 701, the last king of the Goths before the invasion of the Moors) every constitu­tion bears the name of the king who promulgated it, while those dating from before Leovigild have the word “antiqua” prefixed to them instead of the name of a king. This designation is said to have been commenced by Erwig (680-687), who thereby wished to prevent the clergy from claiming the code as their work. Of the texts which existed before the fourth council of Toledo only one small fragment has come down to us, in a palimpsest preserved in the Paris National Library (No. 1278). Some regard this as the remainder of the supposed recension of Reccared I. ; others regard it as a fragment of the Laws of Euric, though it could in no case be the Laws of Euric themselves, but at most their codification by Alaric II. The fragment was known to the Benedictines *(Nouv. Traité de Diplom.,* i. 483, iii. 52, 152, note 1), and was published in 1847 by Professor Bluhme *(Die Westgoth. Antiqua oder das Gesctzbuch Reccared's I.,* Halle). The text is undoubtedly older than those enactments which we find designated as “antiqua,” so that it could hardly be placed later than the commencement of the

6th century, *i.e.,* shortly after the compilation of the Breviarium Alarici (506). Hence the text called “antiqua” may be regarded as a modification of that of the Paris palimpsest, and was probably not made before the end of the 6th or the beginning of the 7th century. Roman law, which is so conspicuous in the later text, may already be traced in that of the palimpsest (taken from the Breviarium Alarici), and also in the “antiqua” constitutions, in which we find even traces of Justinian’s law. The Lex Wisi­gothorum (the first code in which Roman law and Teutonic law were systematically combined) was no doubt regarded, after Leovigild and Reccared I., as a code for the Goths as well as for the Romans, without abolishing the Breviarium among the Romans. But King Chindaswinth ordained that the Lex Wisigothorum should be the sole code for both nations, prohibiting at the same time the use of the Roman law, thereby materially promoting the amalgamation of the two nations. It remained in force in Spain throughout the Middle Ages, and was translated into Spanish (Castilian) under Ferdinand III. (1229-1234, or 1241) under the title *Fuero Juzgo,* or *Fucro de Cordova.*

Editions : (1) *Fuero Judzgo en Latin e Castellano cotejado con los mas antiguos y preciosos Codices por la Real Academia Españolo,* Madrid, 1815, fol. ; (2) in *Portugaliæ Monumenta Historica,* vol. i., Lisbon, 1856, fol.

(11a) Here also we may mention a *Lex Romana* compiled for the Roman population, just as in Burgundy. It is also known as *Liber Lcgum, Liber Legum Romanorum,* and as *Lex Theodosii* or *Corpus Theodosianum.* It received the latter name because the *Codex Theodosianus* served as its basis. It includes also excerpts from *novelise* of Theodosius, Valentiuian, Marcian, Majorian, Severus, and from the *Institutiones* of Gaius, the *Sentential* of Paulus, the *Codices Gregorianus* and *Hermogenianus,* &c. In a MS. of the 10th century it is called *Breviarium,* and the title *Breviarium Alarici* or *Alaricianum* has become general since the 16th century. The com­pilers of the Breviarium are not known, but it was published in the twenty-second year of Alaric II., *i.e.,* on 5th February 506, at Aire (Atures) in Gascony. It was also used in other western pro­vinces of the Roman empire, and was imitated, excerpted, and altered in other places. One recension, probably dating from the 9th century, is known (from the place where the MS. was found) as the *Lex Romana Utinensis.* The best edition is that of G. Haenel, *Lex Romana Wisigothorum,* Berlin, 1847.

(11b) We have also a code for the Eastern Goths compiled by command of Theodoric after 506, but before 526, and known as *Edictum Theodorici.* It consists of 155 chapters (with a few addi­tions), which are in reality an epitome of Roman law. It was published in 1875, in *Mon. Germ. Hist.,* Legg., v. p. 145 *sq.,* ed. by Professor Bluhme.

1. *Leges Langobardorum.—*The first trace of Lombardic law is an edict of Rothar, consisting of 388 chapters, and promulgated at a diet held at Pavia on 22d November 643. This was followed by laws of Grimoald (668), nine chapters ; Liutprand (713-735), six books ; Ratchis (746), nine chapters ; Aistulphus *(c.* 755), fourteen chapters. Additions were also made by Charlemagne and his successors down to Lothair II. In the manuscripts the texts are arranged, some in a chronological, some in a systematical order. The latter arrangement is already found in a MS. of the 9th century. The systematic collection, which was used chiefly in Bologna at lectures and for quotations and was known as *Lombarda (Liber Langobardæ s. Lombardæ),* appears to have been made in the 11th century. The text as it exists at present is very corrupt, as a number of glosses (some of great antiquity) and formulæ, added in the first instance by those who had to use the code to explain certain enactments of the law, afterwards found their way into the text. Towards the end of the 12th and down to the beginning of the 16th century various glosses and commentaries on the Lombardae made their appearance. The first commentaries were those of Aripraud and of Albertus (second half of 12th century). The later commentators (Carolus de Tocco, *c.* 1200 ; Andreas of Barulo, c. 1230 ; Blasius de Morcone of Naples, before 1338 ; Boherius and Johannes Nenna of Bari, c. 1540) refer frequently to Roman law. Of the Edictum Rotharis a Greek translation was made, of which only fragments have been preserved (comp. C. E. Zachariä, *Fragmenta versionis Graecae Lcgum Rotharis, Langob. regis,* ex. cod. Paris. Græc., No. 1348, Heidelberg, 1835).

Editions : (1) C. Baudus a Vesme, *Edicta regum Langobardorum,* Turin, 1855, reprinted by J. F. Neigebaur, Munich, 1855, 1856; (2) *Mon. Germ. Hist.,* Legg., iv. (1868), by Friedr. Bluhme and Alfr. Boretius; (3) Fr. Bluhme, Edictus *ceteraeque Langobardorum leges,* Hanover, 1870; comp. Merkel, *Geschichte des Lombardenrechts,* Berlin, 1850.

1. The *Leges Walliæ* do not belong to the Teutonic family of codes ; but it is not out of place to mention them here. There is, comparatively speaking, no great distance of time between the *leges barbarorum* and the Laws of Wales, while the contents of the latter show a similar, nay almost the same, idea of law' as the former ; and, apart from the fact that Wales became permanently connected at the end of the 13th century with a Teutonic people, the Anglo-Saxons, it has been noticed that in Wales Roman and Germanic, but no traces of a specific Welsh, law are found. King Howel Dda *(i.e.,* the Good), who died in 948, is the originator of