

Louisiana Courier

April 28, 1813

PROPOSALS.

*FOR THE PRINTING OF A FRENCH
TRANSLATION OF THE LAWS OF THE*

SIETE PARTIDAS.

It is proposed to undertake by subscription a French translation of the Code of Spanish laws, known under the title of "*Las Siete Partidas del Sabieo Rey don Alfonso el Nono*" or the seven parts of the wise king Don Alfonso the ninth. It has been thought that the printing of that translation would meet the just encouragement of a liberal and enlightened public, and principally that of the honorable judges of this state, and of the lawyers practising therein. No man is ignorant of the absolute necessity of a study of the Spanish laws, for the decision of causes which are brought before the tribunals of this state where the authority of these laws subsists in civil cases, in all that is not incompatible, with our constitutions or has not been altered or abrogated by our several legislatures. It is well known that the Civil Code which has been digested for this state contains in some measure, only the primitive and abstract principles of that law, the developements examples, consequences and limitations of which are to be perceived in

the ancient laws of the country, which formed its basis. It is then to that source we must recur to obtain a true knowledge of our actual jurisprudence. The study of the Spanish laws may be the more useful, that it is to be supposed that both the Floridas will at some future period become a part of the U. States. Therefore whatever change such an event may operate in the legislation of those provinces, the knowledge of their ancient law which is the same as that of Louisiana, will be essential to regulate in them, the order of successions, and the fate of contestations which cannot fail to arise on contracts entered into under the Spanish government, finally that study cannot be without interest, when we consider that the Spanish laws are almost entirely derived from the Roman law, a code, which on account of its wisdom, has excited the admiration of modern nations, and which at this moment seems to have more particularly attracted the attention of all what England and America possess of learned and commendable consults juris.

The Spanish law also called the Royal Law, is composed of several codes or collections of laws which have been published at different periods and by different kings. But of all these codes the most justly renowned, and undoubtedly the most complete is that the translation of which is proposed to be printed. It was digested by order of the king Alfonso the ninth surnamed the wise, about the year 1260, an epoch when none of the nations of Europe could boast of having a regular code, but when Spain began to give proofs of

that energy which developed itself in all its splendour under the brilliant reigns of Ferdinand and Isabella, and of Charles Vth. The code of seven parts which draws its name, from being really thus divided, contains every thing relative as well to the public as to the private right of Spain. The first part is an exact digest of the Church-laws such as they stood at that time. The second part is a summary of the ancient usages and customs of the nation, of which it is in some measure the legal history. The 3d, 4th, 5th and 6th, parts contain a summary of the provisions of the Roman Law, about persons, things and actions, and besides several decisions which serve in regulating some dubious points of the civil law. The fourth part is a compendium of the canons and of the laws relative to Betrothing matrimony and other matters thereto belonging, finally the 7th part is relative to crimes and offences and their punishment, and is terminated as the pandects and decretals, with titles on the meaning of words and regulations of right. A complete translation of the 3d, 4th, 5th, and 6th parts will only be given, leaving out a few titles and articles the knowledge of which can be of no utility in the present situation of the legislation of this state. For the same motive all the laws relative to the civil and canonical government of Spain, as well as to its criminal code, at the exception of a few laws which may still be applicable to us, will be suppressed in the translation. That suppression will therefore apply to the totality of the second part, and the translation of the

first and seventh parts will be thereby reduced to a few titles. The work intended to be offered to the public, will be preceded by a preliminary introduction, which will give an idea of the law system observed in Spain and her colonies, of the several codes published at different times, and which are still in force there, and finally of the authority enjoyed by the Roman and church laws, wherever the Royal laws are silent or deficient. At the head of each title, the translation of which will be given, will be placed a list of the several titles of the institutes of the pandects, of the code & the novels of Justinian, of the different Spanish codes, & of the canonical law, as well as the several works treating of the same matter such as Domat's civil laws, Pothier's writings, Febrero's library, and the Curia philipica. In fine at the end of each law will be placed a note showing all such laws of the civil code of this state, and of the recopilation de castilla, which contain provisions on the same subject, in such manner that it will be easy to verify what alterations the ancient law contained in the seven *Partidas*, may have experienced in modern or actual legislation. Each volume will be terminated with an index of the titles and articles therein contained and the last volume will give a general table of the contents of the work. The said translation has been made by Mr. Moreau Lislet, counsellor at law of this city, who had made it only for his private use, but has been encouraged by his friends and colleagues to render it public. The laws of the seven *Partidas* being written in Romance

tongue, that is to say in the old Spanish language spoken at the time of their digesting, Mr. Moreau intends to revise carefully his translation before getting it printed, in order to assure himself of its exactitude, and of so correcting the style as to give it all the requisite clearness and pureness, without however altering the exactness which ought to be the greatest merit of a translation, principally when it applies to the text of the law. Mr. Moreau Lislet hopes to be seconded in his undertaking, by Mr. Mazureau, another jurisconsult of this city, well versed in the Spanish language, and known by his talents in jurisprudence. That translation so revised and corrected cannot but obtain a new merit in the eyes of the public, and it is to be hoped, that that merit will give it in the courts of this state an authority, which may dispense from the representation of the original, a work composed of four large volumes *in folio* and extremely difficult to be purchased at any price, even in the Spanish settlements in America.

TERMS OF THE SUBSCRIPTION.

The price of the subscription is sixty dollars for the whole work. The excessive rate of printing in this country, the impossibility of getting the work printed with correctness in the Northern states, out of the author's view, and the little prospect of having a great number of subscribers besides lawyers, have rendered it necessary to

fix the subscription to so high a price. The printing of the translation can only be begun when the number of at least eighty subscribers shall have been procured. It has been calculated that the work would contain nearly two thousand pages in octavo printed in ordinary types, & divided in three or four volumes, according to what will be made known when the required number of copies shall have subscribed for, and the printing will be ready to be executed. The price of subscription will be payable, one third or one fourth cash, and in advance, according to the number of volumes determined, to-wit: the first installment when the printing of the first volume will be ready to execute, the second installment at the delivery of the first volume, and so on; so that the total price of the subscription be paid when the last volume will be ready to print, and before its delivery.

The printing shall be executed on fine paper, and with fine typing. Each volume shall be bound with calf skin. The printing will be executed by Mr. Thierry. The subscription is opened at Mr. Thierry's printing office, or at Mr. Moreau's Conde street. Letters from subscribers living in the country must be directed to either of them free of postage.