

sion " *ex iterativo et expreso mandato Regis.*" (1) But, whenever instances have occurred in which the Parliaments have inflexibly refused to enregister an ordinance which the king had determined to carry into execution, the plenitude of the royal power has afforded a remedy for their refusal. Upon such occasions, the king repaired, in person, to the Parliament and held a " *lit de justice.*" He took possession of that seat, which he was supposed at all times to occupy, and commanded the ordinance to be read, verified and registered in his presence, for, being the Sovereign and personally present, the Parliament was held then to have no authority, according to the principle, *adveniente principe, cessat Magistratus*, a principle which the constitution of France seems to have recognized, and which most effectually defeated every effort of her parliaments to limit and control the Crown in the exercise of a supreme legislative authority. (2)

" *Ordonnance* " is a generic term, comprehending, in its most extensive application, every rule of conduct prescribed by the Sovereign to his subjects *in person*, as the Royal Edicts, Declarations, and *Arrêts du Roi en son Conseil*, or by his authority, as the by-laws of corporations and the *Arrêts* of his superior or Sovereign Courts. (3)

In a narrower sense, it signifies all laws which emanate from the King directly, and those only; (4) but, in its most limited import, it is confined to such general laws as are enacted by the Sovereign *in person*, and are rather codes of regulations respecting one or more branches of Jurisprudence, than provisions for particular objects, and this is its proper signification. (5)

In this sense the ordinance of John the I. of March 1356; (6) one of Charles the VII of July 1438, usually called the pragmatic sanction; (7) another of Charles VII of October 1446; (8) another of the same monarch, of April 1453, usually called the ordinance of *Monil les Tours*; (9)

(1) *Maximes du Droit Public Français*, vol. 4, p. 240 et seq.

(2) *Rocheflavin*, p. 928 & 629. *Pasquier's Recherches*, vol. 2, p. 576, 577, and vol. 1, p. 61, *Réport.* " *Lit de Justice*," vol. 35, p. 629.

(3) *Bornier's Preface*, p. 2, *Couchot*, *prat. Univ.* vol. 1, p. 4.

(4) *Couchot*, *prat. Univ.* vol. 1, p. 4.

(5) *Bornier's Preface*, p. 3, *Hericourt*, *Lois Ecclésiastiques*, cap. 16, sec. 5, p. 108.

(6) *Néron*, vol. 1, p. 2.

(7) *Guenois Chronologie*, p. 7.

(8) *Néron*, vol. 1, p. 17.

(9) *Néron*, vol. 1, p. 24.

the ordinance of Louis the XII, of March 1498; (1) that of Francis the I of October 1535, commonly called the ordinance of *Yz sur Tille*; (2) another of the same monarch of June 1536, usually called the edict of *Cremieux*; (3) another of the same monarch, of the month of August 1539, commonly called the ordinance of *Villars Cotterets*; (4) one of Charles the IX, of January 1560, commonly called the ordinance of *Orleans*; (5) another of the same Monarch of January 1563, commonly called the ordinance of *Rousillon*; (6) another of the same Monarch, of February 1566, commonly called the ordinance of *Moulins*; (7) one of Henry the III. of May 1579, commonly called the ordinance of *Blois*; (8) the celebrated edict of April 1598, commonly called the edict of *Nantes*; (9) and that of Louis the XIII of January 1629, better known by the names of *Code Michaud* and *Code Marillac*, (10) are the principal ordinances enacted before the erection of the Sovereign Council of *Quebec*. (11)

The ordinance of January 1629, which is one of the most extensive, and best digested, was enregistered in a " *Lit de Justice*," held in the Parliament of Paris, on the 15th January, 1629. It was compiled by *Michel de Marillac*, then keeper of the seals, by order of *Cardinal de Richelieu*, and was, at first, received with great approbation, which it well merits. But on the death of the *Marechal de Marillac*, who was brought to the scaffold by the Cardinal, the seals were taken from his brother, *Michel*, who was imprisoned, and died of a broken heart in the Castle of *Chateaudrin* in 1632.

The disgrace of *Michel de Marillac* affected the credit of the Ordinance of which he was known to be the author. It fell into general disrepute, and, certainly, for a period, was not cited in the Parliament of Paris. There were, however, even during that period, some Juris-

(1) *Néron*, vol. 1, p. 56.

(2) *Néron*, vol. 1, p. 93.

(3) *Néron*, vol. 1, p. 152.

(4) *Néron*, vol. 1, p. 158.

(5) *Néron*, vol. 1, p. 368.

(6) *Néron*, vol. 1, p. 424.

(7) *Néron*, vol. 1, p. 444.

(8) *Néron*, vol. 1, p. 508.

(9) *Néron*, vol. 2, p. 921.

(10) *Néron*, vol. 1, p. 782. *Répert. verbo*, *Code Michaud*.

(11) *Vide Dict. de Jurisp.* vol. 3, p. 39, *Répert. verbo* " *Ordonnance*," vol. 43, p. 470. *Denizart*, verbo " *Ordonnances*."