

“ in which the peace, the happiness, the lives and fortunes of our citizens, the very character and honor of Jurisprudence, are lost for ever.” (1)

The supreme legislative authority was, originally, vested in the assemblies of the Champ de Mars, (2), and, by them, it was exercised until the year 921, when the last of the capitulars was enacted, under Charles the simple. (3)

During the disorders which followed, the Sovereign and the great Vassals were influenced by motives, which, though extremely different produced the same effect in the conduct of both, and equally prevented all acts of general Legislation. The Weakness of the crown compelled the King carefully to abstain from every attempt to render a law general throughout the Kingdom ; such a step would have alarmed the Seigneurs—have been considered as an encroachment upon the independence of their Jurisdictions, and have led to consequences which might have proved fatal to the little remains of power which he yet retained. On the other hand, the Seigneurs as carefully avoided the enacting of general Laws, because the execution of them must have vested in the King, and must have enlarged that paramount power which was the object of all their fears. The general assemblies, or States General of the nation, thus lost or voluntarily relinquished their legislative authority, which, abandoned by them, was assumed by the Crown. (4)

The first of the royal ordinances, which can be taken for an act of Legislation, extending to the whole Kingdom, was published in the year 1190, by Philip Augustus, and is entitled “ *Edit touchant la mouvance des Fiefs, entre divers Héritiers.*” (5) Previous to this period they contained regulations, whose authority did not extend beyond the limits of the royal domain, so that no addition whatever was made to the statute law of France, during the long period of 279 years, which elapsed between the date of the last capitular, in the year 921, and the publication of this edict. (6)

The first acts of general legislation were published by the Kings of France with great reserve and precaution. They assembled a Council, composed of the great officers of the Crown, and of certain of the Bishops and Seigneurs, which is generally supposed to have been no other than the King’s Council of that day, the Court of the Palace, which was afterwards made sedentary and called the Parliament of Paris. (7) With them they deliberated—with their advice and consent they legislated, and by them the ordinances were signed, as well as by the Sovereign himself. (8) But, in a later period, and by suc-

(1) Prost. de Royer, Dietr. de Jurisp, vol. 3. p. 37. Vide also the Preamble to the Ordinance of 1721.

(2) Robertson’s Charles V. vol. 1. p. 166.

(3) Robertson, *ibid*, vol. 1. p. 367.

(4) Robertson’s Charles V, vol. 1, p. 167 and 168,

(5) Conférence de Guenois Chronologique, p. 2,

Robertson’s Charles V. 1 vol, 1, p. 368 and 167.

(6) Maximes de droit Public François, v. p. 186.

(7) Miramont des Jurisdictions de l’enclos du Palais p. 61.—Coquille, Institut du Droit François, cap. 1.—Maximes du Droit Pub. François, vol. 4. p. 184.

(8) Miramont des Jurisdictions de l’enclos de Palais p. 61,—Coquille, Institut, du Droit François, cap. 1,—Maximes du droit Pub, François, vol 4 p, 184