

Paris to implore authority for a certain measure. But the Parliament of Paris refused, declaring that it had no authority outside its territorial jurisdiction, and appeal must be had to the King for what concerned another province. The same applied to Canada as well. There was nothing between the Sovereign Council of Quebec and the King.

In 1413 the Parliament of Paris refused to unite with the University in a petition to the King regarding the finance, stating that it was a court of justice only and not a Council of State.

In the edict of 1611 which forbade Parliament to discuss affairs of State, Richelieu recalled the disorders of the League which never would have happened, but which arose from opposition to royal authority. He reproached Parliament for having violated the fundamental laws of the kingdom; he recalled that during the minority following the death of Henry IV., Parliament had summoned the peers and officers of the crown to deliberate on affairs of State, contrary to the laws of the kingdom and the constitution of Parliament itself. He cited the ordinance of John that, no matter of State shall be treated of in Parliament, except by special commission from the crown; the letters patent of Francois I., forbidding Parliament to consider any affair but that of the administration of justice; the *arret du Conseil* of Charles X., who after hearing the remonstrances of Parliament, declared null and void all that it had done, because its creation as a court of justice precluded its cognizance of affairs of State. He pointed to the *arret du Conseil* of the present reign (Louis XIII.), which revoked the order of Parliament calling a meeting to consider affairs of State, and to the provision that its competence in such matters can only form a special commission given by the King for each special case terminating with the case under consideration or when the King revokes the commission. (Glasson. *Parl. de Paris*, Vol. I., p. 168.) The letter patent of the King, Louis XIV., to Parliament in 1652 states: "All authority belongs to us. And we hold it from God alone, without any person of whatever condition having any right to pretend to it. . . . The functions of justice, of military matters and of finance ought always to be distinct and separate. The officers of Parliament have no other authority than what we have entrusted them with to render justice to our subjects. They have no more right to order

and take cognizance of that which is not of their jurisdiction than the officers of our armies and of our finance would have to render justice, or to establish presidents and counsellors to execute it. Will posterity be able to believe that officers have pretended to preside over the general government of the kingdom, to form councils and to evaluate the imposts? — finally to arrogate the plenitude of a power which exists but in ourselves!" (Glasson. *Parl. de Paris*, Vol. I., p. 377-8.)

Such was the condition of authority by the constitution in Canada, as well as in France. First the King—represented by the Governor-General commissioned by him. Then the Sovereign Council of Canada, in which were the general of the armies, the intendant of the finance, the attorney-general, the archbishop and the representatives of the noblesse, who had this right by law, as well as from the first commission granted by the King through the Marquis de La Roche, the first governor, that they should have charge "to give counsel and to defend the province." "A la charge qu'ils serviront a tuition et defense desdits pays" (Lareau. *Hist. du Droit Canadian*, Vol. I., p. 159.)

The law in Canada permitted the erection of baronial estates with right to sit in the Council and precedence in military appointments, solely for meritorious action. Right to purchase suzerain estates by others—which included their prerogatives—rested on the consent of the King and of the family of the original possessor. Nobility not possessing these baronial, manorial or seigneurial holdings, held their land also in France *alleu*, or as a free fief subject to the King alone, and with right to sit in the Council. And this holding could be made hereditary.

Of those who were simple colonists, but were not tenants, or censitaires on the seigneuries, they held their land in tenure, that is free and independent, but creating no superiority, no matter what the richness and extent of their holdings. By this arrangement it is constitutional in Canada that wealth shall be always inferior to nobility, as it has been in all previous European constitutions.

The Church had its jurisdiction also. Its superior officers were at the appointment of the King as head of the Gallican church,—though the nominations lay with the Archbishop, who represented the Church in the government of the Province.