

and sat until ten. After ten, the chamber met as might be required, to hear reports, for consultation, and for other purposes. On Wednesdays and Saturdays the great chamber sat with closed doors, to consider matters of state, the enregistering of decrees, and to hear parties opposing marriages. There were afternoon sessions Tuesdays and Saturdays. At the morning sessions, the presidents, from All Saints' Day to the Annunciation of the Virgin, sat in an ermine robe and a cap. The rest of the year they were arrayed in a scarlet robe. In the afternoon meetings, all were arrayed in black gowns.

One would have supposed that the early hours, which must have made miserable the lives of our ancestors, would have been changed by the eighteenth century. Still, in the great case of the diamond necklace, in 1786, the court met at a quarter past six. One hundred and eighty-seven members of Parliament, for nine months, listened to that famous trial, which excited an interest unequalled by any case not political in its nature which Europe has seen.

The fate of that glittering ornament, valued at half a million, which was made for a king's mistress, distracted all Europe, helped the downfall of the ill-fated Marie Antoinette, and furnished the last important subject for the investigation of the great court, which for five hundred years had administered the laws and influenced the destinies of France.

We have yet to sketch the political rôle of the French courts. It was one which might well have given the Parliament of Paris a power equal to that of its great namesake of England. No other body in France had any control upon the monarchy. The States-General failed, for reasons which cannot be traced here, to become operative in the national history. The French monarchy tended to become absolute. A custom which originally was merely a form, by one of those changes which often occur in political history, seemed destined to exercise a powerful control upon the unlimited authority of the king. As far back as 803, under Karl, we find the *capitulaires* read and published in a public *plaid* in Paris before the *échevins*. Obedience to them was promised, and they were signed by the *échevins*, bishops, abbés, and counts, with their own hands. The reading and adoption of these royal edicts seem to have been regarded as necessary to make them effective. The enregist-

tering of ordinances with the Parliament was the continuance of this ancient practice. The custom had a natural origin. There was no other means of publishing the royal will to the community. The fittest way to inform all of the contents of the king's edicts was to have them solemnly enrolled in the records of the court for the district. It seems to have been conceded, when the uncertain forms of government had become fixed, that a royal edict or ordinance had no force or validity until it had been registered by the local court or Parliament. Registry was required, therefore, from each of the Parliaments of France. But here, as so often in French history, the Revolutions and changes of Paris were those of the entire kingdom.

The local courts rarely did aught but follow in the footsteps of the Parliament of Paris; and the history of the struggles of the judiciary for power are to be found almost exclusively in the annals of that body.

It was an easy and a natural step from the necessity of registration, for Parliament to claim the power of deciding whether that registration should be allowed. The popes, who had the right of crowning the emperor of the holy Roman empire, soon insisted that, as the coronation was necessary before the title could be assumed, such a right involved the power of deciding whether that great dignity would be worthily bestowed. The possessor of power that must be invoked soon claims a discretion in its exercise.

There can be no doubt that the power of registration in Parliament was originally only clerical. The king made the decree; the court published it to the world, and enrolled it on its registers as a part of the law it was to administer. The enlargement of this authority was, however, a healthful change. Many an institution most valuable to freedom has sprung from the dead husk of some worthless form.

The power of registration or rejection of royal decrees possessed by a body better fitted for the office might have made France a constitutional monarchy. But the long struggles of the French judiciary with the king did not bring forth the fruits that might have been hoped for. The power of the Parliament to refuse registration of edicts, unless supported by sufficient moral and popular pressure to compel acquiescence, was strangely restricted. If the Parliament refused to register an edict,