

THE POWER OF THE STATES GENERAL OVER THE ROYAL SUCCESSION.

In 1420, although the treaty of Troyes had conceded to Henry V of England, possession of the Crown of France as successful heir, invested him with the regency, and reunited forever the crowns of France and England, yet it was deemed essential in the 11th article to insert that the consent of the States General would be needed to make it constitutional. The 1st Dec., 1420, what was called the States General met at the Hotel St. Pol, but, as they were the three orders indeed of the State, though only from Paris and Burgundy the State was not complete, and the constitutionality of the claimant's holding could not be maintained at that time.

The States General has a right to determine the royal succession then only when it is in dispute or in abeyance. Art. XI du Traite de Troyes. "L'avis et consentement des Etats Generaux du royaume seront demandes."

COMPOSITION OF STATES GENERAL.

As has been said the States General is composed of the People, each order of the People (1) Nobility, (2) Clergy and Professionals, and (3) Burgesses being represented by delegates chosen by each order separately and taking precedence in the order named. The most important were the nobility and bishops, who alone constituted the States General until the time of Louis VII, when the Burgesses were deemed of importance enough to be recognized as part of the People, or general sovereignty.

In the XIV century only those of the clergy who had the temporal authority of local magistrates were summoned for their order, and only the "most considerable" among the nobles by their order. For example, in 1318-19, Philip V. ordered his officers in the provinces to make out a list of "prelates, abbés, prevôts, barons and other illustrious noblemen, towns and notable places in order to facilitate the convocation of States General. ('Prelatz, abbés, prevôts, barons et autres grans hommes nobles, villes et lieux notables.')

In the States General of 1355 the nobility and clergy numbered 800, the Third Estate 400. This same States General passed "Ordonnance de 1355" called the "Magna-Charter of France," establishing a Council of the Kingdom of 12 nobles, 4 clericals and 12 of the Third Estate.

In Lauriere's "Recueil" it is said that this is the nearest that France came to a written constitution.

The States General of 1413 contained the nobility, the clergy, members of parliament, the Third Estate, members of the University and Burgesses of Paris.

For the States of 1468 each town represented elected three members, a noble, a cleric and a burgess. (61 towns, 192 deputies).

In 1506 the States assembled at Tours, contained for the first time delegates from the various provincial parliaments which was considered unconstitutional, since the States General, as a body to determine on the constitution, chosen from the three great divisions of the people and presided over by the King, cannot receive delegates of parliament who are of a body that is a creation of the States General, or of the Constitution, over which the States General presides.

The States of 1614, opened at the Augustine Convent, Paris, contained 132 for the nobility, 144 for the clergy, 192 for the Third Estate. Even among the Third Estate 131 were officers of justice or of finance and magistrates, 15 were of not little less importance and 66 were simple burgesses. On account of the high social standing of the Third Estate in this session, they wished to be treated with the same precedence as the nobility, which led M. Picot to observe that "they combated more for equality than for political liberty in the discussions."

The manner of choosing the Third Estate in 1788 was the following: "One hundred voters of the first degree—citizens of 25 years old paying 6 livres tax—named an elector. The assembly of these electors chose deputies and gave them their instructions." (Chassin "Les Elections et les Cahiers de Paris en 1789.")

But the States General, the supreme constitutional authority, was summoned only on critical occasions. Otherwise the supreme executive and legislative authority was in the King and the Council of his peers, or the sovereign lords of the ancient provinces, who gave place later to commissioned officers and nobles. The judiciary authority was in the parliament of each of the provinces, who decided on the appreciation of the law and enregistered the decrees of the King in Council. To illustrate the territorial limits of even the Parliament of Paris: During the minority of Louis XIV. (when the parliament usurped many of the prerogatives of sovereignty), the Parliament of Rouen sent a deputation to the Parliament of