daughter wed, his right to make his subjects grind at his mill or follow his banner.

The King's Court or Council possessed, however, an undefined jurisdiction, chiefly over the king's private domain, or in cases where he might be deemed to be specially concerned. This council was composed of the great nobles and officers of the State, to whom those versed in the law were gradually added as advisers or assistants.

Philip Augustus, in his resolute attack on feudal power, endeavored to organize the ancient King's Council or Parliament into a more effective body. He formed what he called a Court of Peers. Six lay and six ecclesiastical lords sat in this court, and their first case was the trial of King John of England for his failure to perform his duty to his feudal superior. The English king refused to heed the summons of herald or bailiff, unless he could be assured of a safe return. Philip informed him that this would depend upon the sentence imposed in the case. Unwilling, apparently, to intrust his cause to the doubtful decision of a court of his enemies, John was condemned by default; and for his contumacy, for murder and treason, he was sentenced to death, and to the forfeiture of all his fiefs in France. A court that began with the trial of a king might hope for great power and judicial might in the future. The Court of Peers was, however, soon merged in the more fully developed Parliament. St. Louis and Philip the Fair carried on these endeavors to form a tribunal which should derive its authority from the king. By the fourteenth century, the judicial power was chiefly vested in a body of magistrates forming part of the central government. The people welcomed the change from the uncertain justice which had been meted out by the feudal courts, from the necessity of bribery, the certainty of injustice, and the possibility of every wild and bloody vagary of decree and punishment, to the orderly and honest judgment of the courts of the king.

The transfer of judicial power from untutored nobles to trained lawyers was, moreover, a necessity attending the development of the law. However well fitted to pass upon some question of the law of the chase, to adjudge the delinquency of some villein failing to render the feudal dues, to adjust the quarrels of the chief equerry with the chief huntsman, the nobles found themselves sadly perplexed, and still more bored, when complicated cases came before them to be decided by yet more complicated rules of law. In the good old times they had appealed to the judgment of God, to hot ploughshares and boiling water, to dispose of troublesome questions of fact, and had imposed the duty of a jury on the Almighty; but such pious and convenient modes of determining the right and exposing the wrong were going out of vogue. Some base-born *roturier*, in a mean black gown, quoted to them Latin they did not understand and rules of law they could not comprehend. To leave to such as he to decide the confused laws they cited was the natural tendency of the lords who had once delighted in *justice, haute, moyenne*, and *basse*.

Jealousy of the power of the great nobility excited the resolve on the part of the king to absorb judicial power. The clergy, also, were restrained in the functions which had fallen largely into their hands when they were the sole possessors of learning. An ordinance of Philip the Fair, in 1287, provides that, if there are any clergy among the bailiffs or sergeants, they shall be removed, and that those who have causes before the Parliament shall have laymen for their solicitors. An organized judicial force soon throws all legal business into the hands of a trained class of men; and the lawyers constituted a special body in France earlier than in England.

The Parliament of Paris, *La Cour du Roi*, as formally organized by St. Louis and Philip the Fair, possessed both original and appellate jurisdiction; and it added legislative functions to judicial responsibilities. Its jurisdiction, like that of most courts, grew by legal fictions. Cases that might affect the king as suzerain were styled *cas royaux*. The king's courts, the Parliament or inferior magistrates subject to its authority, insisted on trying them, to the exclusion of the feudal tribunals. This power was found as elastic as the similar jurisdiction of the English Court of the Exchequer. By the writ of *commitimus*, a large class of cases, over which the Parliament claimed appellate jurisdiction, were brought before it to be tried in the first instance. Those who were subject to the king alone, living within his private domain, must of course be tried by his judges. The rights and guilt of peers could be deter-