

dictions which continued to receive it, and in which it was quoted and admitted to be Law, particularly the Parliament of Dijon, and by some writers it is asserted, that it was finally received as such in all.(1) But by others this is denied, and the Ordinance is by them said to have become obsolete. *Non mihi licet tantas componere lites.*

Much of the Ecclesiastical Law of France, as it stood at the erection of the Sovereign Council of Quebec, is contained in the Ordinances which have been enumerated. They relate, in general, to the Government of the Church as well as of the State, and to the Jurisprudence and practice of Courts, Ecclesiastical as well as Civil. There are, however, others which wholly concern the Church, some enacted upon the representations of the States General—some upon the representations of the Clergy—and some upon the mere motion of the Sovereign.(2) But the principal Ordinance, on this head, is that of Charles the Seventh, of July 1438,(3) called the Pragmatic Sanction.

During the schism of Avignon, when from the year 1378 to the year 1417,(4) the Christian world saw with astonishment and disgust, two co-existent Popes, each claiming an equal right to the Papal Throne, and supporting their respective pretensions by the full exercise of the papal power, the Gallican Church rejected all foreign authority, and governed herself principally, by those parts of the Canon Law which had been observed previous to the publication of the new Decretals. In the great Assembly of the Church which was afterwards held at Constance, in the year 1414(5), the superiority of the Œcumenick Councils over the Pope was acknowledged and formally declared, and in consequence of this declaration and of an agreement which took place between the Council held at Basle in the year 1437, and the Sovereign and States General of France convened at Bourges, in the same year, the Pragmatic

Sanction was enacted.(1) But as this Edict materially affected the Papal jurisdiction it necessarily created many differences between the Courts of France and Rome, which, becoming subjects of negotiation, were terminated in the year 1516, (2) by the Concordat, a treaty concluded between Francis the First and Pope Leo the Tenth, at Boulogne, and enregistered in the Parliament of Paris, but enregistered in opposition to the opinion of that respectable body, and in their own expression "*du très express commandement du Roi, réitéré plusieurs fois.*"(3)

The encroachments of the See of Rome have, in fact, ever been opposed by France,(4) and the liberties of the Gallican Church, in opposition to the exorbitant pretensions of the Holy Pontiff, have, at all times, been asserted, and at all times, supported by the King, the Clergy and the People.(5) These liberties which comprehend not only the privileges and immunities conceded by the Concordat, but all the Ancient Canons adopted by the Gallican Church for its own government, with all its ancient usages, are recognized in the celebrated declaration of the Church of France, made on the 19th of March, 1682, by the Archbishops, Bishops, and Deputies of the Clergy assembled at Paris, by the King's order, are confirmed by the Royal Edict of the same month, and are founded upon two maxims of very great extent, viz: That the papal and all other ecclesiastical power, is purely spiritual, and does not extend, directly or indirectly, to anything temporal,(6) and that, in spiritual concerns, the authority of the Pope being inferior to that of the Councils, he is restrained by the Canons, and cannot by any new constitution, infringe them, or set aside any usage or custom of the Church of any State, recognized by the Municipal Law of that State to be valid.(7)

[To be continued.]

(1) Fleury's Inst. au Droit Canon, Cap. 1, vol. 1, p. 20.

(2) Fleury's Institut. au Droit Canon, vol. 1 p. 22.

(3) Hericourt, Lois Ecclesiastiques, Introd. p. 9, 10 and 11.

(4) Fleury's Institut. au Droit Canon, vol. 2, p. 220.

(5) Vide the Declaration of the Clergy of France of 1682, and the Royal Edict thereon in Neron, vol. 2, p. 172.

(6) Pothier, 4to vol. 6, p. 306.

(7) Hericourt, Lois Ecclési. intro, p. 13, vol. 1, p. 112. Répert. verbo "Libertés de l'Eglise Gallicane." Dict. de Droit, verbo "Libertés de l'Eglise Gallicane." Lacombe, Recueil de Jurisp. Canon. verbo "Libertés de l'Eglise Gallicane." Fleury's Inst. au Droit Canon, vol. 2, p. 220 and seq. Preuves des Libertés de l'Eglise Gallicane, by Pitton.

(1) Journal d. Aud. vol. 4, p. 486, Dict. de Jurisp. vol. 3, p. 44, Dénizart, verbo "Parentis," No. 25. L. C. Dénizart, vol. 4, p. 586, case of the Princess of Carignano, an. 1748. L. C. Dénizart, vol. 9, p. 761. Répert. 8 vo. vol. 11, p. 431 to 434. Encyc. Méthod. de Jurisp., vol. 2, p. 692. L. C. Dénizart, vol. 1, p. 184, Sec. 4, No. 3.

(2) Hericourt, Lois Eccles. Introd. p. 12 & 13.

(3) Guenou's Chronologie, p. 7.

(4) Millot's History of France, part 2, p. 153 and 217.

(5) Dict. Canon, verbo "Constance."