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The Parlement of Paris During the Ministry of Cardinal Richelieu, 1624-1642. (Volumes I and II).

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OF CARDINAL RICHELIEU, 1624-1642. (VOLUMES I
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The Louisiana State University and Agricultural
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THE PARLEMENT OF PARIS DURING THE MINISTRY
OF CARDINAL RICHELIEU, 1624-1642

VOLUME I

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The Department of History

by

James Hosea Kitchens, III
M.A., Louisiana State University, 1967
December, 1974
FOR MY PARENTS,

Whose love made this essay possible
ACKNOWLEDGEMENTS

In preparing this essay, I have incurred many debts which may be acknowledged but which can never be repaid. To James D. Hardy, Jr., I am indebted for the inspiration and confidence he has exhibited as my major professor over several years of graduate study. His unfailing guidance and sure perception have been essential to the preparation of this dissertation. To Jane Kleiner and the staff of the Interlibrary Loan Office I owe many thanks for the tireless dedication and splendid professionalism given in handling countless requests for assistance. Finally, to Betty Brigham goes my sincerest appreciation for her proficiency in correcting my lapses in English usage and to Norman Mason for his unflagging moral support. Without their assistance, encouragement, and warm friendship the writing of these lines would not have been possible.

J. H. K., III

Baton Rouge, Louisiana

December 1, 1974
PREFACE

In 1827 L. C. de Beaupoil, the comte de Sainte-Aulaire, produced his *Histoire de la Fronde*, the first scholarly work on the Fronde, that curious mid-century outburst of unrest touched off by the leadership of the Parlement of Paris in 1648. Sainte-Aulaire recognized that the Fronde had been a long time coming, and he sought its immediate origins in the regency of Anne and Mazarin for the young Louis XIV. In the Introduction to the second edition, however, Sainte-Aulaire wrote that Richelieu, as well as the regency government of Anne and Mazarin, had been responsible for abusive treatment of the sovereign courts. The author went on to note that as early as the 1630's the magistrates in the high courts had been subjected to excesses at the hands of intendants, commissaires extraordinaires, and councillors, as well as affronted by numerous lits de justice and even arrests of radical judges. These early manifestations of absolutistic governmental practices, had continued to expand during the regency and had eventually culminated in the Fronde parlementaire of 1648.

Since Sainte-Aulaire's *Histoire de la Fronde* more than a half-dozen major works and several times as many significant articles have treated the events of the Fronde. No history was dedicated to Louis XIII's Parlement, however, and not until recently did any historian return to Sainte-Aulaire's thesis that some of the Fronde's
origins might lie in Richelieu's ministry. In 1972 A. Lloyd Moote dedicated an introductory chapter to that possibility in his Revolt of the Judges. The answers and the thesis of "governmental revolution" provided there were tantalizing—and led to more questions concerning the mechanisms of absolutism under the first Cardinal. In particular, could Richelieu's parlementaire policy properly be considered part of a general "governmental revolution," or was it more in keeping with past centuries of Crown-Parlement relations? What was the impact of Richelieu's reason of State philosophy on the Parlement? Was the Parlement's reaction chiefly motivated by the values of a limited, harmonious, constitutional, and "traditional" monarchy, or was it spurred on by defense of its own selfish interests in office holding? Finally, how did the issues that arose during Richelieu's ministry compare with those which appeared in the Chambre de St. Louis in the summer of 1648?

This study seeks to define an answer to these questions and others surrounding the Parlement's role in the growth of French absolutism under Cardinal Richelieu. Its chronological scope was dictated by the limits of Richelieu's ministry, but it has been necessary to violate these limits on occasion, particularly in tracing the development of the Parlement's political role through the fourteenth, fifteenth, and sixteenth centuries. The essay naturally organized itself into two large parts, a three chapter narrative of the parlementaire politics of Richelieu's ministry and several supportive essays bearing on the events of the years 1624-1642. The first
two chapters furnish an introduction to the history of the Parlement, the practices of French office holding in the seventeenth century, the nature of French law, and the role of the Parlement in making and keeping that law. The third chapter is dedicated to the general seventeenth century crisis which pervaded Louis XIII's reign and to a brief outline of the Parlement's part in that crisis. The fourth chapter is devoted to Richelieu's philosophy of government and justice; the fifth seeks to how the application of that philosophy through the practices of absolutism was related to the history of justice in the monarchy.

If the resulting essay seems narrowly legalistic and institutional, it is because I have believed that ultimately the nexus of absolute monarchy could be defined only in these terms. Though the phenomena of absolutism had cultural, religious, and social parallels, the final definition of the term must take on a constitutional expression, inasmuch as this could be applied to the broad and diffuse content of French public law in the 1600's. Then, as for a millennium past, the Crown's power was expressed largely in judicial ways; contemporaries as different as LeBret and La Roche-Flavin recognized that the right and proper uses of power depended on legal checks as well as moral principle.

Conversely, this is not an exercise in social history which finds so much favor today. In the 1600's the Parlement counted more than 200 judges, with an annual turnover of ten or more. A thorough study of these men such as that prepared by François Bluche for the
eighteenth century would undoubtedly be revealing, but it was clearly beyond my resources. In any case, with the possible exception of the First President, it was the Parlement as an institution, rather than individuals within the court, which shaped the play of tensions characterizing the eighteen years of Richelieu's ministry.
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ABSTRACT

In the early seventeenth century, the place of the Parlement of Paris in the French kingdom was easy to define: it was the most politically powerful and socially prestigious institution outside the royal council. Having split off from the curia regis in the early part of the fourteenth century as a sovereign court of justice, the Parlement had rapidly developed administrative and political qualities in addition to its primary judicial functions. The Parlement, for example, played a major part in the municipal affairs of the city of Paris. Even more importantly, by the fifteenth century the court had assumed an important role in the political life of the monarchy. Early on French kings sent copies of ordinances to their judges to be verified and registered; out of this practice had arisen the right to remonstrate on the content, as well as the form, of legislation. By the seventeenth century the right to remonstrance was an accepted, if undefined, part of French government, and it gave the Parlement a significant ability to remind kings of their obligations before the law, be it written or customary. The demise of the Estates General after 1614 sharpened this responsibility, so that when Richelieu entered Louis XIII's council in 1624, the Parlement was the only national body in France with the capacity to moderate the abuses of absolute government.

A collision between the Parlement's values of legal, limited, and
traditional monarchy and the absolute royal power envisioned by Richelieu became evident as the Cardinal's ministry progressed during the 1620's. The court had few objections to the Crown's suppression of the Huguenots, the reduction of dueling, or development of a unified ministry of marine, but issues such as the trial of the duc de Rohan, deemed necessary for reasons of State, began to produce friction as the 1620's wore on. In 1629 the court managed to delay acceptance of the Code Michaud for eight months, even though it had been personally presented by the king in a lit de justice.

The frictions of the 1630's flowered into an open contest after Richelieu's full assumption of power after the Day of Dupes (November 10, 1630). Punishment of the defeated Marillac faction required the death of maréchal Louis de Marillac for political reasons of State; during the spring of 1631 the Parlement tried to block the employment of commissaires in the trial. Just as tensions crested in this affair, the court became enmeshed in Richelieu's attempts to deal with the treasonous followers of the King's brother, Gaston d'Orléans. No sooner were these issues resolved than the issue of commissaires, this time in the Chambre de l'Arsenal, reared its head. On the last day of January, 1632, the court was humiliated in a dramatic meeting at Metz, and its objections to commissioned justice were permanently ended. This very important victory—meaningful because it indicated the council's increased powers—did not mark the end of troubles with the Parlement. In 1635 the Parlement steadfastly resisted the creation of offices for financial ends; resistance to financial measures in one
form or the other went on throughout the rest of the 1630's. In February, 1641, with the shadow of a regency looming, Richelieu acted in a *lit de justice* to permanently restrict the court's rights in matters of State. Thus, by the end of the Cardinal's ministry, the Parlement's political pretensions had been considerably reduced. The regency of Anne of Austria and the Fronde of 1648-1652, however, would show this reduction to be shortlived.
CHAPTER I

THE MEDIEVAL AND RENAISSANCE PARLEMENT

Until the thirteenth century, the kings of France, aided by their advisers in the royal entourage, personally handled every aspect of French government. Moving about the realm from one royal residence to the next, the king dealt out royal justice in ad hoc fashion, guided by the precepts of feudal law and the counsel of a few trusted officials in his court. These officials—the chancellor, constable, chamberlain, and butler—were often joined once or twice a year by other great lords to form a plenary meeting of the curia regis. These meetings of the king's court were held wherever the king happened to be, and assemblies of the curia regis considered all sorts of infractions of feudal law brought before it by the king's vassals, as well as administrative questions arising out of the royal domain.

By the thirteenth century the growing complexity of central government and the increasing need for specialization of functions within the court had brought about substantial changes in the administration of royal justice. Justice was no longer merely the simple process of determining guilt or innocence of persons; it was becoming a technical field of knowledge with its own vocabulary and procedure. This process was stimulated by the revival of Roman law which filtered out of Italian universities during the course of the thirteenth
century; at the same time the volume of royal judicial business in France increased appreciably after the annexation of former Angevin lands by Philip Augustus.¹ Not only did Philip increase the size of the royal domain, but he also instituted the first baillis and sénéchaux in the countryside.² Baillis were powerful agents of royal authority and administration, and appeal from their decisions could be carried only to the curia regis itself. The great lords of the council, however, had neither time nor inclination to deal with the increased volume of affairs presented to them. Often, too, they lacked the capacity and training to cope with the intricacies of oral and written evidence which were replacing the crude and unsatisfactory trial by ordeal or combat.

By the time of Louis IX's accession in 1226, the curia regis began to take on a dual nature in its judicial aspect. Great officers ¹For developments in judicial procedure during the twelfth and thirteenth centuries, see A. Esmein, Cours élémentaire d'histoire du droit français (15th ed.; Paris, 1925), pp. 723-35.
²Before Philip's time, the only royal agents in the countryside were a few prévôts royaux charged with administration and adjudication within the royal domain. The appearance of the baillis, or sénéchaux as the same officers were known in southern France, marks the creation of the first intermediate level in medieval French administration. The baillis were commissioned to supervise the prévôts and were often used to extend the royal presence into newly acquired areas of the domain. At first, the powers of the baillis were universal, including competence over financial, judicial, military, and administrative matters within their bailliage, a district comprising perhaps one-third of a province. In the seventeenth century the baillis were more numerous and their duties considerably restricted by the appearance of superior royal officers. For a discussion of the prévôts, baillis, and other facets of medieval administration, see Robert Fawtier and Ferdinand Lot, Histoire des institutions francises au Moyen Age, Vol. II: Institutions royales (Paris, 1958). Henceforth cited as Fawtier and Lot, Institutions royales.
of the Crown, magnates, and important prelates continued to pro-
nounce judgments, but the real work of legal business was increasingly
assumed by lesser men, mostly clerks trained in law, who formed a
kind of permanent commission at court. These legalists, the magistri
curiae, worked throughout the year and were always in attendance on
the king. Even though the king himself continued to render justice
personally, and although the great barons continued to participate
in judicial affairs, the professional lawyers steadily enlarged their
sphere of influence. By the middle of the thirteenth century, devel-
opedments within the curia regis coupled with increasing demand for
sovereign justice would bring a radical revision in the organization
of the judicial activities associated with the king's court.

As the most recent historian of the Parlement has noted, the
exact circumstances surrounding the separation of the Parlement of
Paris from the curia regis remain uncertain. The word parlement,

p. 14. A good summary of what is known of the origins of the Parle-
ment can be found in C. V. Langlois, "Les Origines du Parlement de
Paris," Revue historique, XLII (1890), 74-114, and in Fawtier and Lot,
Les Institutions royales, pp. 332-71. Of the literature covering the
entire history of the court, Shennan's book is outstanding. The
author drew heavily from an earlier two volume work by the French
legal historian Ernest Glasson, Le Parlement de Paris, son rôle
politique depuis le règne de Charles VII jusqu'à la Révolution
(2 vols.; Paris, 1901). Despite its age and often superficial
approach, Glasson's account remains useful for its reign-by-reign
analysis of the court's role in affairs of State. Glasson in turn
built upon E. Fayard, Aperçu historique sur le Parlement de Paris
(3 vols.; Paris, 1876-1878), a pioneering work which covered the
entire history of the court. Neither Shennan nor Glasson nor Fayard
utilized manuscript sources. The best survey of the Parlement's
early existence is Edouard Maugis' magisterial Histoire du Parle-
ment de Paris de l'avènement des rois Valois à la mort d'Henri IV
a derivative of the Latin *pallamentum*, was used in both England and France at this time to describe a general conference or discussion between sovereign and councillors. In England the term came to denote the familiar representative institution; in France, through a process badly defined by surviving documents, the word *parlement* came to be associated with assemblies of judiciary specialists which from the end of the thirteenth century were called *maîtres tenant le Parlement* (*magistri tenentes parlementum*). It seems likely that these early *parlements* were summoned more or less regularly, perhaps once or twice a year. Participation was by royal invitation and varied from meeting to meeting, but most *parlements* included regular members of the *curia regis* who were joined by learned clerics and a few *magistri* having degrees in Roman and canon law.\(^4\)

The outlines of the emerging court become much clearer during the reign of Philip the Bold (1270-1285). Not only do the court's first registers record the more important pleas and decisions of the period, but from the reign of Philip comes the first surviving royal

\(^4\) Except for the absence of secular noblemen, a *parlement* called in 1253 was probably fairly typical. It included the Archbishop of Bourges; the Bishops of Paris and of Evreux; the Dean of Saint-Aignan of Orléans; the *chevalier* of Angers; three clerks designated as *maîtres*; the *baillis* of Caen, Stampes, and Orléans; the two *prévôts* of Paris; and Geoffroi de la Chapelle, *chevalier*, who pronounced the decision. Langlois, "Les Origines du Parlement de Paris," p. 89.
regulation governing the procedures of the Parlement. From the Ordinance of 1278 it becomes obvious that the court had now ceased to accompany the king in his travels about the kingdom. In fact, by this time the court had acquired its permanent home in the royal palace on the Ile-de-la-Cité. It would not move from this location, later called the Palais de Justice, until the dissolution of the Parlement in 1790.

From the regulation of 1278 and subsequent ordinances issued in 1291 and 1296 by Philip the Fair, it is possible to see the shadowy outline of the Parlement's future organization. For example, with the

These records, commonly referred to as the Olim, can be called the first in what would become an entire series of registers. Unfortunately, only four of seven original Olim have survived the ravages of time, and even these four books seem to have been selectively edited from original rolls. An excellent commentary on the Olim and later parlementaire records can be found in E. Boutaric, ed., Actes du Parlement de Paris, with an Introduction by A. Grün (2 vols.; Paris, 1863-1867), I, i-ccxvi.

In the thirteenth century, the Palais de la Cité contained the royal apartments as well as all administrative offices of the Crown. During the fourteenth century, the need for administrative office space came to prevail over considerations of royal housing; in 1360 the Dauphin Charles moved his court and the council into the Saint-Pol Quarter on the right bank of the Seine. The royal household would never again return to the island on a permanent basis, and by the time of Francis I the Louvre had become the principal residence of the king when he was in Paris. The space vacated in the Palais de la Cité was taken over by expanding financial and judicial institutions; by the seventeenth century the Palais housed the Parlement, the Chambre des comptes, the Cour des aides, the Grand Conseil, and several lesser courts. By the seventeenth century, too, the home of the Parlement had acquired the informal designation of "Palais de Justice," or simply "the Palais." For a brief history of the Palais and its role in the political life of Paris, see Roland Mousnier, "Paris, capitale politique," in La Flume, la faucille et le marteau (Paris, 1970), pp. 95-139.
Ordinance of 1278 comes the first allusion to the Chambre pour pledier, a special chamber dedicated to the hearing of pleas. During the reign of Philip the Fair, the Palais de la Cité was enlarged and a more spacious meeting place was provided for the presentation of cases. This room, the so-called Grand'Chambre, soon lent its name to the organizational heart of the Parlement. Despite many additions to the court over the next three centuries, the judges assembled in the Grand'Chambre remained the essential nuclear component of the Parlement. However, the ordinances of Philip make it clear that plenary sessions of the Parlement in the Grand'Chambre were incapable of dealing with cases of appeal presented to them unless all parties could be present. Judgments involving extensive enquêtes (investigations) in the countryside and the lengthy evaluation of written evidence began to be considered by special commissions detached from the Grand'Chambre. The commissions for written inquests were formally organized into a separate Chambre des enquêtes with eight members by a royal ordinance of 1307. These eight members of the Enquêtes had grown to fifty-six by 1336; clearly the number of appeals accepted was rapidly growing. About the same time and for similar reasons the Grand'Chambre spawned another special chamber to handle oral requests for justice from the Parlement. It was the duty of judges assigned to this Chambre des requêtes to sort through plaintiffs appearing before the court, hear their cases, and decide if they merited a hearing before the Grand'Chambre. By the beginning of the fourteenth century, then, the basic form of the court can be seen, even though considerable degree of plasticity would characterize the Parlement
for the next fifty years. 7

Personnel and procedure in the early Parlement show much fluidity and irregularity of method. All during the fourteenth century, assemblies of the Parlement would represent heterogeneous gatherings of nobles, prelates, clerics, and lawyers. By the time of Charles V (1364-1380), however, a certain definition appeared among those to be found sitting in the court. Two ongoing tendencies can be seen in the displacement of prelates and barons by the magistri, most often men of non-noble origin, and in the displacement of clerics by laymen. Of these two trends, the ever-growing dominance of the professional lawyers was of utmost consequence for both king and Parlement. After 1291 the magistri or maîtres were named by the king as judges rapporteurs and juges enquêteurs, giving them a functional status equal to that of their more distinguished colleagues the prelates and barons. From this position they made themselves the masters of the Parlement. Imbued with the principles of Roman law, they worked tirelessly to establish it over customary law in order to unite a divided feudal sovereignty and to have the ideas of equality under royal law triumph. To this end they distinguished two different qualities in the person of the prince: that of the king and that of suzerain seigneur. They slowly established that the authority of the king as seigneur, and hence that of his law, extended not only over vassals but over all inhabitants of the kingdom without division or limit. The maîtres wanted to see in the monarch a

successor to the ancient Roman emperors, and they translated the imperial maxim *Quid principi placuit legis habet vigorem* into the French catch-phrase *Si veut le roi, si veut la loi*. The eventual result of their labors and decisions was a fortification of the royal authority over all the realm, a strengthening which worked in the interests of ruler and ruled alike.\(^8\)

Not only was the composition of the court shifting during the fourteenth century, but restrictions were being made on those entitled to participate in its meetings. By 1296, for example, the *baillis* and *sénéchaux* were banned from participation on the grounds that they should not sit in judgment on their own earlier verdicts which had been appealed to the Parlement. In 1319 a royal ordinance ordered "that there should be no prelates in the Parlement," although the ruling remained limited in effect since the king was obliged to respect the right of lords to attend what was still thought of as the judicial section of the council.\(^9\) Gradually, too, the king ceased to appear personally, except to open the court's sessions and to preside over cases of unusual interest to the Crown. Even though royal absences in no way affected the sovereign authority of the court, they did create a need for a presiding officer. The chancellor presided by right after the king, but increasingly the magis—

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trates themselves directed the court's business. By the 1300's a distinction was being made between those nominated to preside over sessions—the présidents—and other ordinary conseillers of the court. By 1333 there would be three such présidents in charge of debates and the pronunciation of decisions. Despite the above developments, however, the Parlement was not yet fully institutionalized. Each session of the court required an act of royal convocation, and the number of judges convoked varied from year to year.

Transformation of the Parlement of Paris into a permanent institution of French government was completed by two important developments of the mid-fourteenth century. The structure, organization, and procedures of the court were fixed in a great ordinance issued by Philip VI in March, 1345. This ordinance may be considered as the birth certificate of the Parlement; looking back from the sixteenth and seventeenth centuries, the magistrates of the court often saw the independence of their body in this legislation. Among

10. The chancellor continued to be considered the chief of justice and could preside over the Parlement at any time. Was this also true of the garde des sceaux? The court believed that the garde des sceaux could preside but could not receive the same honors as the chancellor. See Bernard de la Roche-Flavin, Treize livres des parlemens de France (Bordeaux, 1617), Bk. VII, Ch. I, No. 11.

11. In June, 1316, the king called together twenty-nine judges to constitute his Chambre des plaids; in December of the same year thirty-five were summoned; three years later, in December, 1319, the number fell to twenty-two. Shennan, Parlement of Paris, p. 25.

12. The essential provisions are given in Fawtier and Lot, Institutions royales, p. 343.

13. See, for example, the speech of Chancellor and former président François Ollivier before Henry II in the first royal session of his reign in 1547. Maugis, Histoire du Parlement, I, 518-19.
its many provisions, the ordinance confirmed the divisions of the court into the Grand'Chambre, a Chambre des enquêtes, and a Chambre des requêtes. Each chamber was given a fixed number of juges, the Grand'Chambre being constituted with fifteen clerics, fifteen laymen, and three présidents, while the number of Enquêtes was fixed at forty and of Requêtes at eight. Hours of daily sessions, salary arrangements, and comportment of the judges were all regulated in detail.  

Despite progressive development of the Parlement during the fourteenth century, the court was still held to be an assembly existing for one year only. Each session of the court required a royal act of convocation, and on the first day of each session, every magistrate took an oath promising to obey the regulations of the court as read out by the chief clerk. During the fourteenth century, however, the act of convocation became a formality, and by the accession of Charles V in 1364, the practice of yearly royal convocation was abandoned altogether in favor of a simple act confirming the previous year's membership rolls. Members now had to swear obedience only once, when they were first mantled with the dignity of magistrate. The practice of confirmation lasted throughout the fifteenth century, with the ceremony becoming part of the inaugural  

14 Members of the court were expected to assemble after Easter and remain in Paris until the feast of St. Michel on September 29. Daily sessions of the court were to begin with a mass at six o'clock in the morning and continue until the ringing of the angelus indicated the noon hour. In court magistrates were expected to excuse themselves from cases which related to their family or to friends; outside the Palais the judges were not to fraternize with parties involved in litigation. Shennan, Parlement of Paris, pp. 24-27.
act of each reign.  The disappearance of the necessity for convocation marks the final step in the establishment of the Parlement as an institution; however unconsciously or hesitantly the path was travelled, the Parlement had finally achieved autonomy from the royal council.

The maturation of the Parlement from 1350 to 1600 is in one respect the elaboration of an organization already well founded in its basic structure. During the fifteenth and sixteenth centuries the Parlement continued to perfect its internal workings, to spin off additional chambers, to increase its complement of personnel. The court came to possess a distinct hierarchy within its ranks, and at the same time it strengthened its identity as a corporation made up of the Crown's most elevated officers. By the reign of Louis XIII, the Parlement had virtually achieved the form it would have in 1789, with a large and diverse staff of 200 judges organized into twelve chambers, the ensemble very much resembling a Baroque variation on a

15 At each change of monarch, the magistrates lost the power delegated to them by the deceased king and had to receive a confirmation of authority from the new sovereign. This act became pure form, but it never disappeared. See the letters of confirmation for the reign of Louis XVI in F.-A. Isambert et al., eds., Recueil général des anciennes lois françaises (29 vols.; Paris, 1822-1833), XXIII, 2. Henceforth cited as Isambert, Anciennes lois françaises.

16 Maugis, Histoire du Parlement, I, 2-3. The old rule of annual convocation was never formally proscribed; Francis I recalled it in a moment of rage and even had it revived in the text of an ordinance. The oath of allegiance to the royal ordinances bound the member for life. It was not renewed for judges as was done for bailiffs and lawyers twice each year at the opening of the Parlement, even though these also took an oath at their reception. For example, when on August 28, 1550, the king requested the court to swear loyalty to a new edict of pacification, the First President answered that the présidents and conseillers swore to obey the ordinances only at their reception. Ibid., 271-72.
medieval theme. 17

Nowhere was the medieval ancestry of the Parlement more evident than in the Grand Chambre. In the seventeenth century, as in the fourteenth, the Grand Chambre was the most prestigious and pre-eminent part of the court. It had been the heart of the early Parlement, the original chamber of pleas, and it continued to be the hub around which the other chambers revolved, fulfilling their lesser yet complementary roles. Whenever the entire court assembled in plenary session, be it for a lit de justice, to consider extra-judicial matters, or simply in the normal course of business, the meetings had to be convened by the Grand Chambre and held in its

17 It is extremely difficult to ascertain the exact complement of the court or of any single chamber in the early 1600's. Few complete rolls have survived, and these often contradict each other. The problem is complicated by the fact that the conseillers are sometimes listed according to their clerical or lay status, then in order of seniority, rather than by their respective chambers. A compilation for 1621 in B.N. Ms. fr. 32140, "Recueil de listes des présidents, conseillers, et officiers du Parlement de Paris (XIIIe-XVIIe siècles)," fols. 561-65, lists 212 magistrates. This manuscript represents an eighteenth century copy made from the salary records of the Chambre des comptes. The lists in this manuscript end with a fragment for 1622, and the last entries are for 1686. A role of the Parlement drawn up after that of the chief clerk and dated November 21, 1629, lists 199 judges. B.N. Ms. Cinq-cents de Colbert 212, fols. 78-81. The most recent historian of the Fronde parlementaire of 1648, A. Lloyd Moote, exaggerates but little in maintaining that "the only way to understand the Parlement's organization is to read its records." A. Lloyd Moote, Revolt of the Judges (Princeton, New Jersey, 1971), p. 20, n. 32. Moote has a good, if brief, description of the Parlement's organization and operations and its relationship with other royal officers in the seventeenth century. The most detailed information on the development of the court and its procedures may be found in the first two volumes of Maugis, Histoire du Parlement.
The total complement of the Grand Chambre had changed little since Philip VI had fixed it at thirty-three, but the proportion of présidents to conseillers had shifted markedly. During the 1620's and 1630's the chamber usually included seven présidents à mortier, the senior judges in the court who were readily identifiable by distinctive square headgear and ermine bordered robes, black for workaday affairs and red for occasions of grandeur. Below the présidents à mortier but elevated in prestige above the other judges

A lit de justice was a ceremonial visit of the king to the Parlement. The term originated in the medieval period when the king was literally carried into the court to hold a "bed of justice" with his councillors. The lit de justice represented in ceremonial form a reunion of the full curia regis, since with the king came the chancellor, the garde des sceaux, the royal councillors, and any dukes or peers who were able to attend. The powerful legal meaning of the lit de justice stemmed from this symbolic reunion of the source of all justice with those who advised on its administration. Following the principle adventitie princeps, cessat magistratus (with the coming of the prince, magisterial functions cease), the will of the king as rendered in a lit de justice could not be questioned either during or after the ceremony. Early lits were formal judicial hearings in which the king returned to his Parlement to personally hear a plea or to be advised by his judges. These early assemblies had no overtones other than solemnity and grandeur of occasion. As the Parlement assumed an increasing political role during the sixteenth century, kings found the finality of the lit de justice a useful instrument in impressing their will on the court when it refused to verify or register royal letters and edicts. During the sixteenth century the lit de justice increasingly became a terminal disciplinary measure associated with the imposition of royal authority on recalcitrant magistrates, though for a long time other important matters of State, such as the declaration of regencies, were celebrated in lits de justice. Descriptions of lits de justice are numerous. See La Roche-Flavin, Treze livres des parlements, Bk. IV, Ch. I, 283 et seq., 384; official accounts of lits de justice may be found in Isambert, Anciennes lois francaises. For the lits of July 24 and December 16, 1527, see XII, 275 and 285; for that of September 7, 1651, declaring the majority of Louis XIV, see XVII, 258.
of the court were about twenty-five clerical and lay conseillers. Access to the dignity of a Grand'Chambrier was highly restricted, promotions being reserved for the deans of the Chambres des enquêtes according to the lay or clerical quality of the vacant seat. Even after obtaining a seat in the Grand'Chambre as conseiller, aspirants to a presidency had to serve at least ten years and await the age of forty before being considered qualified. These restrictions ensured that the chamber would remain an experienced and relatively conservative body of men.

The chief figure in the hierarchy of the Grand'Chambre, and thus of the Parlement, was the First President. As head of the entire court and its official representative on ceremonial occasions, he was one of the greatest figures in the kingdom. Inside the court he ceded place only to the chancellor and king; outside the court the First President marched in precedence just behind the grand chambellan. During the sixteenth century the First President became a member of the royal

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19 B.N. Ms. fr. 32140, fol. 561, lists seven présidents and twenty-three conseillers in the Grand'Chambre in 1621. The list does not discriminate between lay and clerical conseillers.

20 Curiously, members of the Requêtes could not be promoted into the Grand'Chambre. To avoid this regulation, which was shrouded in controversy, some Requêtes passed first into the Enquetes and then into the Grand'Chambre. Maugis, Histoire du Parlement, II, 230-31. The entire question of accessibility to the chambers of the court must always be considered in the light of the practices of purchase and heredity in office holding discussed below.


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council, along with his fellow prénésents a mortier. 22 The First President, or his authorized substitute, had to convene all plenary sessions of the court, and during such sessions he directed discussions and in large measure controlled debates and voting procedures. In light of these broad powers and responsibilities, it is not surprising that the Crown had been careful to retain the prerogative of appointing the First President, rather than permitting the office to become venal. The men commissioned with the office were usually outstanding magistrates and often chancellors in the making; such was the case with François Ollivier and Antoine Duprat under Francis I. 23

The Grand'Chambre remained unique throughout the history of the Parlement, but the chambers of Enquêtes and Requêtes had been forced to absorb a considerable expansion of the court during the sixteenth century. As late as the accession of Francis I, there were only two chambers of Enquêtes and one of Requêtes; the total membership of the court, including the Grand'Chambre, numbered only 100 in 1515. This number began to swell during Francis I's reign, and the multiplication of chambers and places in them continued under the last Valois. In

22The dignity of royal councillor was spread far and wide during the sixteenth century, and in 1605 the Venetian ambassador remarked that the number of members of the royal council was "infinite." Thus the right to sit in council was little more than an honorific distinction for the judges. Roger Doucet, Les Institutions de la France au XVIe siècle (2 vols.; Paris, 1948), I, 138-39.

23Usually the First President was the most senior of all the prénésents à mortier, but this rule was sometimes violated. Nicolas Le Jay, named First President in 1630, was at the top of the list of prénésents à mortier when he was named First President, but Mathieu Molé, Le Jay's successor in 1641, had been procureur général and had never held a presidency à mortier. For the duties of the First President, see La Roche-Flavin, Treze livres des parlement, Bk. II, Ch. I, Section XIV, Nos. 9-19.
1522 Francis created a third chamber of Enquetes with twenty-two conseillers, despite the vigorous and prolonged resistance of the court which lasted until 1531. A fourth chamber of Enquetes was added in 1543 and a fifth in 1567. A second chamber of Requetes further enlarged the court after 1580.\textsuperscript{24}

The functions of the Enquetes and Requetes had scarcely altered since the appearance of the first chambers under Philip the Fair. In the seventeenth century the Enquetes judged written appeals for civil and criminal justice arising out of lower courts; the Requetes still considered the merits of requests for justice from the Parlement in first instance. At one time these requests had been delivered orally, but by the sixteenth century most petitions took the form of lettres de commitimus, royal letters committing an individual's case directly to the court.

Proliferation of the Enquetes and Requetes had increased the number of these chambers without erecting any sort of hierarchy among them. Regardless of its ancienneté, no one of the five Enquetes or two Requetes stood above the others in prestige. Within each chamber

\textsuperscript{24}The Parlement firmly resisted each new creation of office made during the sixteenth and seventeenth centuries; this resistance usually occurred in two stages. The court delayed its approval of the legislation of creation as long as possible, then it refused to receive the new officers on a footing equal with that of older posts. A typical example of refusal to accept new men came in 1597 when one August Banin purchased one of ten new conseillerships created by edict of May 21, 1597. He presented his credentials to the court on August 31 and was refused; the same thing happened on September 1 and December 5; Banin was finally received on the 15th of December. Even after formal reception, new men were by no means assured of receiving an equitable share of cases and the fees accompanying them. Maugis, Histoire du Parlement, II, 225-26.
one or two judges enjoyed a commission to preside over their fellow conseillers, but these présidents des Enquêtes or Requêtes should not be confused with the présidents à mortier of the Grand'Chambre, the original and only true présidents of the entire Parlement.

Besides the regular chambers of the Parlement, mention should be made of four auxiliary chambers. Until the fifteenth century, the Grand'Chambre alone exercised high criminal jurisdiction. A problem arose, however, in cases involving bloodshed, for the canon law of the Church prohibited conseillers clercs from hearing such cases. It became necessary to detach benches of non-Churchmen from the Grand' Chambre to hear crimes of violence. When Charles VII reunited the Parlements of Paris and Poitiers in 1436, royal instructions decreed that a commission of lay conseillers should be sent periodically to the tower of Saint-Louis just behind the Grand'Chambre to judge criminal cases requiring la question and capital punishment. In 1515 Francis I transformed the commission into a permanent Chambre de la tournelle criminelle which was served in semestrial rotation by the five lowest ranking présidents à mortier, ten conseillers laïques, and, by trimester, two conseillers from each Chambre des enquêtes. In the seventeenth century, the competence and composition of the Tournelle had changed little from Francis' time. Ecclesiastics, nobles, and numerous royal officers maintained their ancient rights to trial by the entire Grand'Chambre, but capital crimes committed by those of low estate went before the Tournelle.25 Since the fourteenth century the

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25 Historians cannot agree whether the name Tournelle accrued to the chamber because it met in the Tour Saint-Louis or because of the system of semestrial rotation. On the Tournelle see Fawtier and Lot,
Chambre de la merée possessed a rather peculiar cognizance over all litigation arising out of the supply and sale of fish to Paris and its banlieu. The constitution of this chamber was remodelled in 1601, giving it a président à mortier and two conseillers from the Grand Chambre. While the Parlement was in recess from September 7 until November 12, pressing business was conducted before the Chambre des vacations, a panel composed of a président à mortier, who was rotated every fifteen days, and twelve or thirteen conseillers. The Chambre de l'Edit was a result of Articles 30 and 31 of the Edict of Nantes, which lent its name to a special bench of judges having competence over all cases involving Huguenots. The Edict had provided for a chamber of ten Catholics and six Protestants, but in the event, only two Huguenots were allowed among the sixteen magistrates in the chamber.
In addition to the regular judges of the court, there were three magistrates who did not occupy a bench, yet whose participation was vital to the life of the Parlement. The royal attorneys, a procureur général and two avocats généraux, were charged with maintaining royal interests in the court. In this capacity the gens du roi, or King's Men, communicated royal documents to the court and presented their conclusions concerning possible legal courses of action. The attorneys were excused from participation in ensuing deliberations and retreated presentation to, and registration by, the Parlement. For letters indicating the above procedure, see Mathieu Molé, Mémoires, ed. Aimé Champollion-Figeac (4 vols.; Paris, 1855), I, 217, 250, 281. Molé was procureur général in the Parlement from 1614 until 1641, when he became First President. His Mémoires are actually a collection of official documents, such as lettres de cachet, extracts from court registers, and correspondence with government figures, drawn from B.N. Ms. Cinq-cent de Colbert 5, 6, and 212-215. Interesting insights into the selection of the Chambre de l'Edit can be found in a letter of 1633 in which procureur général Molé explained the process of selection to the new garde des sceaux, Pierre Séguier: "I have not pursued registration of the Chambre de l'Edit, foreseeing opposition and knowing well the speeches that will be made. The Edict of Nantes provided for the establishment of the Chambre, but since that time, the practice of putting two conseillers of each chamber there has been observed, and the remaining number of conseillers has been taken as it pleased the chancellors and gardes des sceaux, to serve there two years only. And when they have sent commissions contrary to this order, it has given subject for debate, as you see by a decision given in 1624. In this one, there are eight from the fourth chamber [of Enquêtes] and none from the fifth; you could provide there if you please, seeing that the king can do all out of his absolute authority, but he should avail himself of it only in pressing circumstances. I venture to promise myself the honor of your review before executing this which the paper cannot bear." The garde des sceaux apparently refused to modify the composition of the chamber as Molé requested; there followed opposition from the court to the king's lettres de provision. The Parlement agreed to register only upon the declaration of Molé that he had made known to Séguier the irregularities in the Chambre de l'Edit for 1634, and that Séguier had promised to observe the accustomed forms in the future. This promise was duly noted in the court's registers for November 14, 1633. Molé, Mémoires, II, 178-79.
to the floor, or parquet, which lent its name to those standing there. The gens du roi were charged with carrying the Parlement's decisions back to the royal council, the chancellor, or the king himself. The gens du roi thus acted as a human interface between court and Crown, a role which often placed these magistrates in a delicate and conflicting position somewhere between loyalty to the court and to the king.29

Présidents, conseillers, and the royal attorneys made up the working judicial section of the court, but their activities would soon have ground to a halt without the services of many auxiliaries attached to the court. Official records were kept by three chief greffiers (clerks of court), of whom the greffier civil was the most important. Although without a seat on the court's benches, the chief clerks enjoyed all the honors and privileges of the Parlement, including the right to red robes, transmissible nobility, and the right to trial by the court itself. Discipline within the court was maintained by a corps of twenty-five huissiers (bailiffs), the first of whom enjoyed most of the privileges of the chief clerks. The huissiers had important duties outside the confines of the Palais, for they were charged with the collection of fines, enforcement of parlementaire decrees, and the seizure of wanted men and confiscated property. In addition, since the basic function of the Parlement always remained the hearing of litigation, there were several hundred barristers and solicitors swarming in or near the halls and chambers

of the Palais. Both kinds of lawyers, like the huissiers and
greffiers, had purchased the right to practice before the Parlement,
but unlike the clerks and bailiffs, they were not royal officers.30

In the course of the long history of the Parlement, a number of
groups and individuals came to possess the right to sit in the
sessions of the court on an honorific basis, and still others exer-
cised ancient rights only on an irregular basis. During the sixteenth
century, for example, all retired conseillers and présidents received
honorific membership. The dukes and peers of France could assume
their places at any time, though in the 1600's this practice was
decisely anachronistic. As the titular head of justice, the chanc-
cellor might assert his right to preside over the court at any time,
although most chose to avoid all but ceremonial occasions. The
question of whether the garde des sceaux, who exercised the chan-
cellor's functions if he were disgraced, had this prerogative was
still a moot one in the seventeenth century.31

There remains one important group associated with the court
which resists firm categorization. The maîtres des requêtes were
part of the milieu of the high robe which included the sovereign
courts and the personnel of the royal council. As their full and
proper title of maîtres des requêtes de l'hôtel du roi suggests, the
maîtres had originally received petitions directed to the king's
council, studied them, and reported the pertinent information during

30 Doucet, Les Institutions de la France, I, 173-74; Shennan,
Parlement of Paris, pp. 45-48; Marion, Dictionnaire des institutions,
pp. 268-69.

31 Maugis, Histoire du Parlement, I, 273-75.
meetings. Much councellor business was expressed in legal terms, hence the *maîtres* were expected to show proficiency in the law as well as a broad and flexible knowledge of administrative procedures. As the Parlement and the royal council separated during the fourteenth century, the *maîtres des requêtes* continued to freely attend both bodies. In the early seventeenth century, four *maîtres* retained the privilege of sitting in the Parlement, and all could claim judgment before it, but their offices were still functionally tied to the royal councils. Therefore, in theory the *maîtres* were considered as members of the court but not as judges, being listed in precedence before all the *conseillers* and enjoying the honors and privileges extended to other magistrates.\(^{32}\) The *maître* also had strong professional and social links with the Parlement. Many of them were former *conseillers* of the court, and in 1598 Henry IV established that each *maître des requêtes* had to serve at least six years as a *conseiller* in a sovereign court or twelve years as a lawyer pleading before such a court. The ruling reflected the historic function of the Parlement as the training ground for future administrators, for of thirty-five *maîtres* studied by Roland Mousnier, twenty-four had been former *conseillers* in the Parlement.\(^{33}\) However close their ties with the Parlement, the *maîtres* were even more closely associated with the
royal councils which they served, and by the reign of Louis XIII, at least, the maitres should be considered as attached to the king's council. 34

Particularly after the time of Henry II, French kings came to appreciate the potential utility of the maitres des requêtes as instruments of royal policy and began to detach some of them from the routine of councillor business in favor of temporary tours of inspection, or chevauchées, through the provinces. For these tours the maitres were armed with royal letters commissioning them with immediate and final authority over an immense range of administrative, financial, and judicial problems discovered in the course of their circuits. In many cases these commissaires extraordinaires received royal sanction to hear individual complaints and to judge them over all lesser authorities. If the commissaire was sent to a particular locality to superintend the functions of justice, he frequently carried the title of intendant de justice. The distinction between simple commissaires and intendants was never very clear, with the latter term only gradually coming to prevail during the reign of Louis

34 In addition to their tasks with the councils, the maitres had a host of diverse functions and jurisdictions assigned to them both by the ordinances and by direction of the council or chancellor. To cite but one example, the maitres could judge finally and sovereignly all sorts of cases sent to them by decision of the council; to do so required a panel of at least seven. The maitres also had important jurisdictions over the right of committimus by which the king could direct contentious issues into or out of certain jurisdictions. In this regard they should not be confused with the Requêtes of the Parlement, who also possessed petitions for justice. Mousnier, Lettres et mémoires adressée au chancelier Séguier, I, 43-44; Marion, Dictionnaire des institutions, pp. 358-59.

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XIII. Whether called commissaire or intendant, these extraordinary agents represented one of the hallmarks of the processes of absolutism and centralization. The relationship between these new arrivals on the administrative scene and older regular officers would represent one of the essential issues to be resolved in the strengthening of royal authority that took place during Louis XIII's rule.\(^35\)

The recruitment of members into the medieval Parlement was as rudimentary as the structure of the court. During the latter part of the fourteenth century the rolls of the court were simply confirmed at the beginning of each reign, and magistrates served renewable terms of one year. By the fifteenth century many judges were spending a lifetime in the Parlement, and in 1467 Louis XI, ceding to the insistence of his judges, decided that the magistrates in general would be irremovable.\(^36\) Upon the death or resignation of a judge, upon the death or resignation of a judge,


\(^{36}\) Irremovability was proclaimed in the edict of October 21, 1467, which declared that "in the future judges can be removed or deprived of their charges only for official misbehavior, previously judged and judicially declared according to the terms of justice by competent judges." Isambert, Anciennes lois françaises, X, 511; B.N. Ms. fr. 7549, fol. 26. Irremovability was applied only to magistrates in royal seats, those of seigneurial benches always being subject to removal by seigneurs at their pleasure and will. Louis XI did not always obey his own ordinance. In spite of the ordinance of 1467, shortly after the trial of the duc de Nemours in 1476, three conseillers were removed from the Parlement because their decisions had run contrary to Louis' will. Fayard, Aperçu historique, I, 241. Despite this incident, however, the principle of irremovability soon came to be regarded as inviolable.
the king simply appointed a replacement of his choosing, often selecting from among three candidates proposed by the court itself. Gradually the court was allowed not only to present candidates but also to elect them with royal approval. This system of election survived the troubled Anglo-Burgundian period and was confirmed by ordinance in 1443. Louis XI, however, exercised the most authoritative control over the court since the Capetian era and installed his own appointees in direct fashion without regard to the magistrates' wishes. Under Charles VIII and Louis XII, the principle of election made a partial recovery but never completely supplanted royal nomination. Of the conseillers appointed during the reign of Louis XII, for example, thirty-two were selected through the court's election and twenty-seven appointed by royal command.

By the accession of Francis I, a third method of recruitment through resignation enjoyed considerable favor within the court; during the sixteenth century this practice would come to triumph over all others. The consequences would be of considerable import to the Parlement of the seventeenth century, for in the train of resignations came acceptance of the principle of survivance, which in turn led to hereditary succession in judicial offices. By the seventeenth century the Renaissance practices of confirmation, election, and bonafide royal appointments had been scrapped in favor of systematized venality of office. Venality, in its turn, made its effects felt in the composition of the court and created a special set of political and

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financial circumstances essential to the court of Louis XIII's era.

The practice of resignations in favor of a designated successor (resignatio in favorem) probably began early in the history of the Parlement. It is not difficult to envision how the embryonic process operated. A magistrate seeking to resign his office would announce his intention to colleagues and suggest a worthy successor. After investigating the candidate's qualifications, the court would usually confirm the newcomer, who had to swear the succession was untainted by outside considerations. The number of resignations increased steadily during the fifteenth century, and by the reign of Charles VIII, the practice was well established and rivaling election or appointment in popularity.38

Growth in the number of resignations brought with it abuses of survivance, or the privilege of resignation in favor of a close relative, son, brother, or nephew. It was only natural that some magistrates desired that their office remain within the family. In order to ensure this continuous familial possession, judges began to resign in favor of their kin but with royal dispensation to hold the office jointly until the successor came into possession. In theory the king continued to maintain his royal rights of appointment, the privilege of survivance always hinging upon royal acquiescence to such transactions.39

38 Shennan, Parlement of Paris, pp. 115-16.
But royal acquiescence was easy to acquire when the royal treasury was empty, and it was almost always empty during the sixteenth century. The critical element in the transmutation of survivals into a systematized exploitation of office holding was, then, the exigency of Crown finances. After raising old taxes, imposing new ones, debasing the coinage, floating huge loans, and alienating the royal domain, French kings still found themselves wanting. To ease the financial millstone of constant warfare in Italy and the Low Countries, the Crown turned to commercial traffic in royal offices. Once established, expediency was soon transformed into a permanent fixture of bureaucratic life, for both the treasury and the officers benefitted from venality. The traffic grew more complex and attractive as it grew more profitable, and by the 1600's the Bourbons found themselves inextricably enmeshed in a net of practices which seriously affected relations between the Crown and its officers.  

The sale of survivals certainly antedated the reign of Francis I, but it was Francis who, under the burden of the Italian Wars, made venality a Crown monopoly. He changed the practices of

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40 The standard work on sale of office under the Old Regime is Roland Mousnier's magisterial treatise La Vénalité des offices sous Henri IV et Louis XIII. The first edition appeared at Rouen in 1945; the second, revised and augmented, appeared at Paris in 1971. Inexplicably, certain tabular material present in the first edition has been omitted from the second; hence, it has been necessary to refer to both editions. Unless otherwise noted, all references are to the second edition. An old but provocative article on the same subject is Georges Pagès' "La Vénalité des offices dans l'ancienne France," Revue historique, CLXIX (1932), 477-95. Pagès' article remains of interest for its thesis that the royal bureaucracy partially developed its characteristic layered quality through the continued imposition of new extraordinary agents on top of old regular officials.
private venality, which had existed between private individuals since the medieval period, into a public and bureaucratic operation. As early as the fifteenth century, royal lettres de provision for almost any sort of office or resignation could be had upon suitable payment; Charles VII had admitted as much in an ordinance of 1453. The outright sale of such rights appeared more and more often under Charles VIII and Louis XII, extending to even the highest offices of judicature. Francis I simply expanded previous practices of survivances to cover most offices in the bureaucracy and established a special treasury bureau, the Parties casuelles, to receive the

41 The admission can be found in Article 84 of the Ordinance of Montils-les-Tours, issued in April, 1453. The prohibitions in this ordinance are worth examining in detail, as they were to be repeated in virtually the same form during the sixteenth century. Article 84 began with the admission that "we [Charles VII] understand that several have, in times past, during war and dissension, offered and paid several sums to several of our officers and councillors, and by this means have obtained the said offices, from which many evils and improprieties have come to our laws, our subjects, and to the public affairs of our kingdom. We, in following the ordinances of our predecessors the kings of France, prohibit and restrain all our officers and councillors from receiving any promise or gift of anything to have or to obtain any of the said offices from us, under penalty to our officers and councillors of paying to us four times as much as has been promised, given, or lent, and of incurring our indignation, and of being punished severely for it. And to our subjects, under penalty of losing the office that they have obtained, and of being forever deprived of all royal offices, and of paying us similarly four times that which they have promised, given, or lent to have the office." Isambert, Anciennes lois françaises, IX, 237-38. The same prohibitions were continued throughout the fifteenth and sixteenth centuries. The ordinances of 1493 and 1499 forbade any traffic in elections. The great Ordinance of Orléans in 1560 continued to maintain the principle of free election in the sovereign courts, and Article 100 of the Ordinance of Blois (1579) expressly prohibited the practice of venality. See Isambert, Anciennes lois françaises, XI, 238, 343, 350, 477; XIV, 74, 205.
revenues and to administer the transactions. Requirements for obtaining the right of survivance were liberalized, and the privilege came to turn solely about the ability of the parties involved to finance the transaction. Usually the beneficiary was taxed for a tenth or a twelfth of the office's estimated value; the payment took the form of a forced loan to the Crown to avoid direct contravention of the ordinances. In addition, officers quitting a post were freely permitted to accept money from their successors. These measures proved immensely popular with royal officers, but Francis soon came to see that royal rights were slipping away too freely. To further squeeze the officers after 1534 the famous clause of "forty days" was inserted into royal lettres de provision. It was stipulated that if the resigning party died within forty days of the agreement, his office would revert to the king who could then resell it at full cash value instead of receiving merely the one-tenth or one-twelfth survivance tax. Exemptions from the "forty days" clause could be had, but at a price. The results were gratifying, but Francis was not satisfied. He proceeded to take the trends of the past to their

42 Mousnier, La Vénalité des offices, pp. 35-92. In the time of Henry IV, who was very miserly with exemptions, dispensations from the clause of forty days could be had for some offices for 800 fcus, or 2000 livres. See Maugis, Histoire du Parlement, II, 215.

43 The Parties casuelles early became an important, perhaps an indispensable, source of royal revenues. During the first half of 1524, the Parties produced 88,594 livres tournois for the treasury. This had risen to 464,803 livres tournois for the entire year of 1527. Marino Cavalli, Venetian ambassador to Francis I, estimated that the creation of offices alone brought the king about 400,000 fcus, or 900,000 livres a year, at a time when Francis' budget totalled ten to twelve million livres. By 1561 the total budget of the Crown (revenues clear at the treasury) amounted to 10,561,488 fcus; of this
logical conclusion by openly creating new offices for public sale. As has been seen above, the Parlement of Paris alone was forced to accept 101 of these creations of office during the sixteenth century.\(^{44}\)

The practices initiated by Francis proved far too profitable to be abandoned by the later Valois, even though they were constantly denounced by public bodies, the law, and by kings themselves.\(^{45}\) In fact, earlier practices were continuously refined and expanded as the century passed. Royal offices of the domain were openly declared hereditary in 1580, and positions in the administration of the Eaux

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According to the opinion of Edouard Maugis, most of the growth of the Parlement during the sixteenth century can be attributed to the financial demands of the monarchy rather than to any greatly increased volume of judicial affairs. In Maugis' words, "If one excepts the great work of reconstitution [of the court] by Charles VII, which filled the years 1439-1454, the various alternatives of growth or reduction were always determined by considerations of money, not of service, which the court saw, with reason, as a most direct affront to its dignity and its prerogative of co-optation."

Histoire du Parlement, I, 4-5.

Mousnier, La Vénalité des offices, pp. 35-36. The great Ordinances of Orleans (1560) and Moulins (1566) plainly decreed the abolition of all offices created since the fifteenth century, but the abolitions remained a dead letter, as did Article 100 of the Ordinance of Blois (1579): "We wish and intend that the said officers [of judicature] should remain suppressed, until they have been reduced to their former number . . . and that in the future only persons of requisite quality will be provided without paying any tax; declaring that our intention is of ending all venality of the said offices, which to our very great regret has been suffered by the extreme necessity of the affairs of our kingdom: wishing and ordering that those who in the future should sell offices of judicature directly or indirectly should lose the price and moreover should be fined double." Isambert, Anciennes lois françaises, XIV, 405-06.
et forêts followed in 1583. Offices hitherto immune from venality succumbed one after the other, including important posts in the army, the household of the king, and even the governorship of provinces. By the beginning of the seventeenth century, venality and heredity were established fact in the vast majority of royal posts.46

The only threat to the security of officers, the Damocles-like clause of forty days, was removed when the hereditary principle was given its final form in 1604. All previous practices, provisions, and payments were standardized in a general uniform arrangement called the paulette after tax farmer Charles Paulet who suggested it to Henry IV.47 The provisions of the paulette were landmark ones, for the edict acknowledged the virtual independence of royal officers from the king in exchange for financial considerations. Any royal office holder might freely transmit his office to heirs or to other


47The establishment of the paulette was accompanied by peculiar circumstances which are described in Mousnier, La Vénéralité des offices, pp. 237, 240. The paulette was drawn up in the form of an arrêt du Conseil which outlined the complete terms of the agreement with Paulet on December 7, 1604. The first nine articles of the contract were contained in a declaration dated December 12. The complete edict was never sent to the sovereign courts for verification. Mousnier asked if this might be because a verified edict could only be abolished by another verified edict which would very likely be rejected. To change the provisions of an arrêt or declaration not registered would have required only the issuance of another arrêt or declaration in the chancellery, and the king could be sure of his council and his chancellor. The annuel could then be suppressed after the six years of the contract had passed if the results were bad. The arrêts establishing the paulette were registered by the Chambre des comptes in 1606 for reasons of fiscal control, although the farm had been functioning for over a year.
parties without the forty day reservation if he paid an annual tax to the Crown (the droit annuel) amounting to one-sixtieth of the value of the office at purchase. The arrangement was instituted for nine years and had to be renewed after that period. Thus the Crown might always suppress the paulette; it might also suppress individual offices or redeem its rights by buying the office back, but it seldom found the means or the will to do either. The alienation of royal rights over Crown offices was now complete, and all future attempts to alter the situation foundered on the unified resistance of the bureaucracy and upon the financial impecuniosity of the Crown. 48

The Parlement felt itself directly affected by the development of venality in a number of ways, though the practice did not alter the nature of the public function of the offices. The court began the sixteenth century by firmly denouncing survivance and associated practices as detrimental to judicial standards. 49 At that time, too, there had been some fear that venality would overcome the cherished rights of hereditary succession, that offices might come to be sold to the highest bidder rather than remaining within family groups. As the sixteenth century wore on, these fears proved groundless. Venality proved to be the natural ally of heredity rather than its antagonist, and as the magistrates came to realize the massive benefits accruing to the, they became staunch, if sub rosa, supporters of venality in all its aspects. Recognition of the inherent evils

48 Mousnier, La Vénalité des offices, passim.

49 See, for example, the denunciation presented in Articles 9, 10, and 11 of the remonstrances offered to Louise of Savoy in 1525. Maugis, Histoire du Parlement, I, 562-63.
never died out—reformers continuously demonstrated all the arguments against the system—but magisterial resistance assumed a low key when confronted with the patent material security of office holding.

The growth of venality and heredity was accompanied by a gradual abandonment of the last trappings of free royal appointment, disappearance of the oath of untainted interest upon assuming office, and a decline in attention to the qualifications of membership. The decline of the act of confirmation of the court's rolls at each accession shows well both the influence of heredity and the growing independence it produced among the judges. Until the reign of Francis I inclusively, royal letters confirmed the magistrates in their functions upon renewal of their oath of allegiance to the royal ordinances and regulations of the court. Henry II, Charles IX, Henry III, and Henry IV simply rendered letters of confirmation without requiring an oath. At the accession of Louis XIV in 1643, however, the letters of confirmation demanded a new oath from the judges. The Parlement refused to comply, and when Chancellor Séguier observed that the letters were the same as those delivered at the death of Francis I in 1547, the parlementaires retorted

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50 This demand may well have been provoked out of remembrance of the continued troubles which characterized relations between the Crown and the Parlement during the reign of Louis XIII. As events turned out, the formality of the oath made little difference to the course of parlementaire behavior either during the regency of Anne of Austria or later during the reign. The lettres de cachet renewing the magistrates's functions and demanding the oath are in Isambert, Anciennes lois françaises, XVII, 1-2.
with a vigorous statement of their independence:

"Since this time [of Francis I's death], which has been almost one hundred years, the face of public affairs had changed a great deal; that kings had authorized the disposition of offices, even those of judicature, and that the establishment of the droit annuel was a variety of public heredity which rendered the condition of the officers assured. This was not [said] in order to dispense themselves from the respect, obedience, and submission that they owed the king, contrary to which they could not and would not prescribe, but in order to dispense themselves from these ancient formalites which were observed when offices were simple commissions."\(^{51}\)

In light of the attention paid to symbolic formalities and forms in the Old Regime, the regent, Anne of Austria, created a dangerous precedent by ceding to the wishes of the magistrates. Letters rendered in 1715 upon the accession of Louis XV did not mention the obligation of an oath.\(^{52}\)

The same diminution of old forms could be observed in other ways, too. On May 29, 1586, the judges themselves asked the king to cease requiring an oath of monetary disinterest from candidates to office because the practice contributed to perjury. Age requirements and inquiries into educational qualifications were increasingly disregarded as the 1500's passed. On January 14, 1605, for example, Nicolas de Bellièvre, son of Chancellor Pomponne de Bellièvre, was received into the Parlement at less than twenty-two. In 1602 Pierre V Séguiер, a son and grandson of présidents, was received at less

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\(^{51}\)Isambert, Anciennes lois françaises, XVII, 1-2, quoting registers of the Parlement.

\(^{52}\)Ernest Glasson, "Le Roi, grand justicier," Pt. I, Nouvelle revue historique du droit français et étranger, XXVI (1902), 725. The second part of this article appeared in the same publication, XXVII (1903), 76-94. These parts are henceforth cited as Glasson, "Le Roi, grand justicier," I-II.
than twenty-five; in 1606 Mathieu Molé, future procureur général and First President, was received at less than legal age. These dispensations tended to become commonplace during the seventeenth century, spreading out from distinguished candidates to be applied to the most mediocre of applicants.  

The long term effects of venality on the Parlement worked themselves out through two associated tendencies. The prices, and thus the property value, of offices in the Parlement rose continuously during the sixteenth century, and they reached enormous figures in the early seventeenth century. Each of the twenty conseillerships created by Francis in 1522 to constitute a third Chambre des enquêtes was assigned an official value of 6,000 livres. By 1597 the value of these conseillerships had reached 11,000 livres; the figure reached 120,000 livres in 1635. In 1627 a présidence à mortier cost between 300,000 and 400,000 livres if, indeed, a free market value could be put on these offices which were accessible to so few. Higher offices in the Parlement were touched before others by a second tendency which also became plain by the reign of Louis XIII.

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54 Doucet, Les Institutions de la France, I, 177; Mousnier, La Vénalité des offices, pp. 361-62. Mousnier gives figures for the rise in price of a conseiller's office in the Parlement of Paris as:

1597, 11,000 livres; 1600, 21,000 livres; 1606, 36,000 livres; 1614, 55,000 livres; 1616, 60,000 livres; 1617, 67,500 livres; 1635, 120,000 livres; 1637, 120,000 livres. From 1597 to 1635 the value of offices of conseiller increased by a factor of 12.23.

55 At the death of président à mortier Jérôme de Macqueville in 1627 his office was sold to Nicolas de Bailleul for 420,000 livres. Robert Arnauld d'Andilly, Journal inédit, ed. Eugène and Jules Halphen (10 vols.; Paris, 1888-1909), VIII, 12.
A tendency to form lines of hereditary succession within the court was probably as old as the institution itself, but the developments of the sixteenth century certainly accelerated the process, so that by the 1620's the formation of parlementaire castes could be discerned, especially among the higher offices of the court.  

The social origins and standing of men holding office in the sixteenth century do not appear to be greatly different from those named to the court by the early Valois. From its inception, the Parlement had been an aristocratic body, and though the great barons and ecclesiastics ceased to attend after the fifteenth century, it seems that the once relatively humble magistri managed to assimilate the reputation, if not the strict title, of nobility. Nominally, the non-noble lawyers were considered members of the robe longue and thus in the pecking order of Renaissance society fell into the Third Estate. The Parlement, however, was the court of the highest nobility in France, and feudal law upheld the principle of trial by peers. Many early magistrates, too, were both of noble birth and trained in the law. By inference, then, the seats in the court con-


57 In the early 1600's the profession of the robe, or magistrature, was broadly divided into the robe courte, which included clerks and ordinary lawyers, and those of the robe longue, which took in members of the sovereign courts, the maitres des requêtes, the conseillers d'État, and the trésoriers de France. In the early seventeenth century there were probably about 1,500 men qualified as of the high robe. As a general expression la robe, or its pejorative form les robins, took in all those pursuing a career in judicial administration.
ferred a certain elevated standing usually described as gradual or customary nobility. To acquire this status in the sixteenth century it was sufficient for a son to follow in his father's office according to the formulary a patre et avo consulibus. The requisite duration of such conditions were not clearly specified but were assumed to be about twenty years. The social status so gained was perhaps undefined but was widely considered to be on an equal basis with the prestige and privileges accruing to members of the noblesse de race. This situation was given legal recognition in Article 25 of Henry IV's edict on the taille of March, 1600, where exemption from the taille was granted to the issue of fathers and grandfathers who had served the public in an honorable charge.\textsuperscript{58} To reinforce their claims to true nobility, many magistrates purchased letters of nobility and acquired a fief. The growth of heredity and venality did nothing but strengthen a traditional view that the judges of the Parlement were vested with some degree of nobility by virtue of their offices. In the seventeenth century, only the exact quality of the noblesse of the magistrates was still being debated, and the question was resolved for members of the Paris Parlement when a royal declaration of 1644 granted all members of the court, including the gens du roi and the greffier civil, full nobility transmissible to their heirs upon reception into the court.\textsuperscript{59}


\textsuperscript{59}The question of the nobility of the robe and the parity of its prestige with the noblesse de race is uncertain and complex in the extreme. Variable factors include the lineage of family, mode of living, status of the office held, and length of service within the
Three centuries of evolutionary development had brought the Parlement of Louis XIII's era to full institutional maturity; with only a few minor marks of further organizational ageing, the Parlement of the early seventeenth century would essentially be the Parlement disbanded in 1790. To the casual observer, the organization of the adult court might seem chaotic and even unworkable. Complex and specialized the Parlement was in the seventeenth century, but the entire structure of the court followed a highly functional pattern conforming to the needs of the kingdom and the law it administered.

Considering the Old Regime's occupation with social distinctions and dignities, it would be surprising not to find considerable differentiation accompanying the diversity of chambers and personnel; in reality the growth of the court had meant the rise of a hierarchy of prestige and status among the judges. This development might have boded badly for the court's unity had not parallel developments of

Parlement or other institution. The diffuse and uncertain social situation of the high magistrature is well summarized by Lloyd Moote: "In 1610, the judicial and financial officials were neither truly nobles nor commoners, but rather most often bourgeois in background and noble in aspiration. In the Estates General, they sat with commoners as the Third Estate, yet the members of the sovereign courts and the bureaus of trésoriers had the privileges of noblemen by virtue of their offices (and in some cases by noble birth or acquisition of noble lands). Contemporary writers on officeholding, such as Charles Loyseau, also asserted that after two generations in the same office in one of these high corporations, this 'personal nobility' became hereditary or true nobility. By the 1640's, the monarchy was actually conferring hereditary nobility on first-generation members of the parlements of Grenoble and Paris, and on officials in some chambres des comptes and bureaus of trésoriers." Moote, Revolt of the Judges, pp. 26-27. The question of the status of the high robe has been studied in an unpublished doctoral dissertation by Cornelius Sippel, III, entitled "The Noblesse de la robe in Early Seventeenth-Century France: A Study in Social Mobility" (University of Michigan, 1963).
venality and heredity strongly reinforced a pre-existing corporate sense of being the foremost judicial institution of the monarchy. By the seventeenth century, then, the Parlement had travelled a long path to secure an exalted niche in the kingdom's government and society. It remains to be seen how the court's elevated socio-political place related to other monarchical institutions and to the Crown itself.
CHAPTER II

THE PARLEMENT AND THE LAW

The jurisdictions and functions of Louis XIII's Parlement reflected the evolutionary developments brought by 300 years of separation from the curia regis. The court had sprung from the king's council to fulfill the demands of judicial specialization, and the Parlement had remained indelibly stamped as a judicial body, staffed by legalists dispensing justice in the name of the king. In the seventeenth century the quality and nature of royal justice dispensed by the Parlement were much the same as they had been in the thirteenth century, but the Parlement's jurisdictions in criminal and civil matters had been limited and delineated by the creation of other judicial institutions and by the rise of an elaborate hierarchy of royal bureaucrats and corporations.

The judicial authority of the Parlement cannot be separated from the theoretical foundations of feudal sovereignty and from the historical actualities of the monarchy. In theory the justice provided by the Parlement of Paris was grounded in the basic principles of feudalism, which considered justice to be a quality emanating from the person of the lord. Above all the king was regarded as a supreme judge, not as a warrior as might be expected. Early Capetian coinage depicted the king as a judge; hundreds of years later, the same tradition was expressed by Chancellor Michel de
L'Hospital when addressing the Estates General of 1560:

Kings have been elected [sic] primarily to render justice, and the act of making war is not as royal as that of judgment because tyrants and oppressors make war as much as kings and very often the evil do it better than the good. Thus, the seal of France is not stamped with the figure of the king armed and on horseback, as in many other places, but seated on his royal throne, rendering and administering justice. Because of this, the good woman who petitioned King Philip for justice and was told by him that he had not the time to hear had good reason to reply to him: You should not be king! ¹

The king, as primus inter pares, enjoyed sovereign rights over his vassals, who in turn exercised feudal rights of their own. Justice was early considered a quality both personal and dispensable, the rights of which usually accompanied the grant of any beneficium, be it land or office. Thus in the early Capetian period the number of cases subject to royal justice was very small, being generally limited to issues arising out of the royal domain and all infractions of feudal law involving the king's vassals. Other cases went to ecclesiastical, seigneurial, or municipal courts. The passage of time and of feudal conditions, however, encouraged a steady broadening of the definition of royal cases to include many types of major crimes occurring within and without the royal domain proper. The reclamation of the Angevin lands and the activities of baillis and sénéchaux were, as noted above, substantial factors in accelerating the growth of royal judicial competence. ²

¹Michel de L'Hospital, Oeuvres complètes (5 vols.; Paris, 1824-1826), I, 380-81.

²Esmein, Cours élémentaire d'histoire du droit français, pp. 254-61, 330-38; Pages, Les Institutions monarchiques, pp. 5-6; Shennan, Parlement of Paris, pp. 50-55.
By the thirteenth century, royal justice was assuming a dichotomous nature. Theoretically, the king continued to retain all rights of sovereign justice, but in fact necessity demanded that justice should be delegated to specific persons to be exercised in the king's name. Thus was introduced at an early date the distinction between justice retenue and justice déléguée, between justice retained in the king's hands and that delegated to his officers.

The first institution to which kings delegated their judicial rights was the Parlement of Paris. Since the king had chosen to delegate part of his sovereignty directly to his court, the Parlement became the first "sovereign court" of France, and in this capacity the court claimed both appellate and first instance jurisdiction over all the medieval realm. By the 1600's the jurisdiction, or ressort,

3 The relationship between delegated and retained justice is examined in the little known article by Glasson, "Le Roi, grand justicier," I-II. It is important to note that in theory the rights of justice freely delegated by the king could be freely reclaimed by him; in practice, however, long usage and tradition tended to negate the possibility of reclamation of rights once delegated and institutionalized. In the words of Olivier-Martin, "This delegation was not an alienation. Tribunals did not constitute a 'judicial power' in the modern sense of law, distinct and independent of the king. They rendered the justice of the king 'as the discharge of his conscience,' but the king remained personally responsible. He could always judge himself no matter what affair, be it that retained in his possession, be it that handed over to a competent tribunal. [In so doing] he committed no abuse of authority; he only returned to his general function of justiciar." Olivier-Martin, Histoire du droit français, p. 519.

4 The term "sovereign court" was never formalized; it seems to have been first employed by Louis XI during the decade of the 1470's and was frequently, though unofficially, utilized after this time to designate the Parlement, provincial parlements, the Chambre des comptes, and other supreme juridical institutions. Olivier-Martin, Histoire du droit français, p. 528.
of the Parlement of Paris had been pared down by the creation of other provincial parlements, but it remained far and away the superior court of the land. Its appellate jurisdiction extended over all of central France and included the right to hear cases on appeal from lower courts in both civil and criminal matters. As a court of first instance, the competence of the Parlement was wide and diverse. All crimes committed against the king and the kingdom—the so-called cas royaux—went directly to the court unless other arrangements were made. This most important category of offenses included violations of royal safe conduct, illicit bearing of arms, treason, lèse-majesté, rebellion, and counterfeiting. Certain persons were privileged by birth or by virtue

5 In the early seventeenth century, the jurisdiction of the Parlement of Paris extended over Champagne, Brie, the Île-de-France, Picardy, Maine, Anjou, Touraine, Poitou, Aunis, Angoumois, the Beauce, Orléans and Sologne, Berry, Lyonnais and Forez, Bourbonnais, Morvain, and the Maçonnais, or more than one-third of the kingdom. In terms of lesser jurisdictions, this territory included the gouvernement of the Somme towns and the bailliage of Vermandois; the bailliages of Sens, Valois, Nantes, and Montfort-l'Amaury; the prévôté of Paris (bailliages of Poissy, Montlhéry, prévôté royale of Villeneuve, bailliage of the Palais); the bailliages of Sens, Auxerre, Meaux, and Melun, in Champagne; those of Touraine, Maine, Anjou, sénéchaussée of Poitou; the comté of La Marche; the sénéchaussées of Lyon, Moulins, and Auvergne (with the mountains of Auvergne); the bailliage of Maçon; the bailliages of Orléans, Chartres, and Blois; of Bourges, Saint-Pierre-le-Montier, and the gouvernement of La Rochelle; Angoumois. P. Aubert, "Le Parlement de Paris au XVI siècle," Pt. I, Nouvelle revue historique du droit français et étranger, XXIX (1905), 753-54. Pts. II and III of this article appeared in XXX (1906). Henceforth cited as Aubert, "Le Parlement de Paris," I, II, III.

6 Aubert, "Le Parlement de Paris," I, 744-45. In a situation where personal sovereignty and the sovereignty of the State were unseparated, or poorly distinguished, the term lèse-majesté encompassed both crimes of personal offense against royalty and crimes against the public function of royalty (la chose publique), that is, against State, commonwealth, or kingdom. Until the seventeenth century, at least, the basic definition of lèse-majesté consisted of any violation of the five universally recognized powers of the king; making law, creating offi-
of their office to take their case directly to the Grand Chambre: the
great officers of the Crown, all officers of the Parlement, and
faculty members of the University of Paris, among others, enjoyed this
cherished right of commissimus.7 A large body of other persons could
claim the right to be judged immediately by the Grand Chambre,
including ecclesiastics and members of charitable institutions, all
gentlemen, royal secretaries, and magistrates in lesser jurisdictions
directly under the Parlement. The Parlement, with the assistance of
the peers, constituted the Court of Peers, competent to judge all
causes, civil or criminal, which concerned them. Finally, the Parle-
ment might hear any ordinary case committed or evoked to it through
royal orders.8

cers, making peace or war, having the last ressort in justice, and
striking money. La Roche-Flavin, Treze livres des parlemens, Bk.
XIII, Ch. XXIII, No. 1. Richelieu would considerably expand the
definition of crimes of lèse-majesté to include pamphleteering,
military failure, and conspiracy. For a general description of
lèse-majesté as it was in the early 1600's and the changes wrought
in its definition by Richelieu see W. F. Church, Richelieu and Reason

7 Those permanently privileged with the right of commissimus
were enumerated in Article 56 of the Ordinance of Moulins (1566).
These categories were flexible, and the passage of time brought a
steady expansion of the privilege. Isambert, Anciennes lois françai-
ses, XIV, 203-04; Marion, Dictionnaire des institutions, p. 122.

8 The king could freely modify the competence of any tribunal
in any case by authorising the issuance of lettres de commissimus
which removed, or evoked, contention from the competence of one
tribunal and shifted it to another, to the Requetes in the Parle-
ment, or to the royal council. The opportunities for abuse should
be manifest, and in fact the inability of monarchs to resist the
practice of evocations to the royal council was evident throughout
the Old Regime. During the period of Richelieu's administration,
Chancellor Séguier was known to expedite evocations for those
procuring manuscripts for him. Olivier-Martin, Histoire du droit
francaise, pp. 523, 526.
Over the course of centuries, the kings of France continued to
delegate their judicial rights by creating a wide range of judicial and
quasi-judicial organs. These institutions tended to appear and multi-
ply in keeping with the demands of the moment rather than through any
coherent plan; almost never were the relations of newer bodies with
older ones plainly set out by a single act of legislation specifically
shaping their final organization and ultimate competence. Presumably,
therefore, the judicial structure of seventeenth century France was a
simple emanation of royal will, but in reality it was a maze of over-
lapping and often contradictory jurisdictions. This specialization
and complexity which accompanied the growth of the Renaissance mon­
archy would be reflected in the multiplication of sovereign courts at
the top of an ever proliferating bureaucracy of royal officers. To
cite but one example out of many, in 1443 Charles VII, wishing to
recognize provincial rights in Languedoc, elevated the court of the

9 The institutions of French society and government in the seven-
teenth century can be studied in a broad selection of literature, and
only the most applicable works will be pointed out here. Institutions
as they existed in the sixteenth century are delineated in Doucet,
Les Institutions de la France, and in Zeller, Les Institutions de la
France. For the seventeenth and eighteenth centuries, one should
consult the authoritative dictionary compiled by Marion, Dictionnaire
des institutions de la France aux XVIIe et XVIIIe siècles. An old
but still very useful work dealing with the early seventeenth century
is Jules Caillot's De l'administration en France sous le ministère du
cardinal Richelieu (Paris, 1857). Three distinguished historians of
the Old Regime have also contributed authoritative works on adminis­
trative history. See in particular Père Adolphe Chérual, Dictionnaire
historique des institutions, moeurs et coutumes de la France (2 vols.;
Paris, 1910) and Histoire de l'administration monarchique en France
depuis l'avènement de Philippe-Auguste jusqu'à la mort de Louis XIV
(2 vols.; Paris, 1855); Pages, Les Institutions monarchiques; Vicomte
Georges d'Avenel, Richelieu et la monarchie absolue (4 vols.; Paris,
1884-1895).
comte de Toulouse into the status of a royal parlement to serve the south of France. Other creations and elevations followed, and by the end of Louis XIII's reign there would be no less than nine provincial parlements. 10

The creation of other provincial parlements actually reduced the jurisdiction of the Parisian court only slightly. The provincial parlements were presumed to offer a court of final resort in criminal and civil matters within their province, and they sometimes claimed that their title of parlement and their attributions as sovereign courts equated them with the Paris Parlement in a kind of corps. The Parlement of Toulouse, especially, maintained a theory of "union and classes," according to which the various parlements were united as one sovereign body divided into several classes for commodity of justice in distant parts of the realm. 11 At opportune moments, the

10 The other provincial parlements and their dates of creation were: Grenoble (1453), for Dauphiné; Bordeaux (1462), for Guyenne, Gascony, Périgord, Limousin, and Saintogne; Dijon (1477), for most of Burgundy; Rouen (1499), for Normandy; Aix (1510), for Provence; Rennes (1553), for Brittany; Pau (1620), for Béarn and Navarre; Metz (1633), for Metz, Toul, and Verdun. The organization of these provincial parlements imitated on a lesser scale the structure of the Parlement of Paris. A great historian of French institutions, Marcel Marion, has noted the contradictory nature of these provincial parlements. "They are," he wrote in 1923, "something like a transaction between the provincial spirit and royal power; they are an inextricable mélange of the spirit of decentralization and the spirit of centralization." Dictionnaire des institutions, p. 427. Excellent detail on the origin and transformation of the provincial courts may be found in Oliver-Martin, Histoire du droit français, pp. 530-31; Remin, Cours élémentaire d'histoire du droit français, pp. 377-83; and Pavtiel and Lot, Les Institutions royales, pp. 472-502.

11 The principal exponent of this idea in the seventeenth century was Bernard de la Roche-Flavin, conseiller in the parlements of Toulouse and Paris. His Treize livres des parlements de France represents a vast collection of data on the theory and practice of
Crown recognized the supposed equality and unity of royal *parlements*. Thus, Chancellor Michel de L'Hospital could say before the Parlement of Paris in 1560 that "if a king could, as has been done at other times, administer sovereign justice through a single *parlement*, he would do it. The diverse *parlements* are only diverse classes of the *parlement* of the king."\(^{12}\) In reality the equality and unity of the *parlements* in the early 1600's; modern historians generally regard the *Treize livres des parlements* as a standard reference on the sovereign courts. Born in Saint Cemin in 1552, La Roche-Flavin became a doctor in law at Toulouse at eighteen and a lawyer at nineteen. He was received as a *conseiller* in the *Présidial* of Toulouse on September 1, 1574, "under a false certificate of age." He was received as a *président* in the *Requêtes* of the *Parlement* of Toulouse on January 19, 1581, but the second *président* of the chamber contested his right to the seat. The case having been remitted to the royal council, La Roche-Flavin went to Paris, where he was located in 1583. About this time he bought one of twenty offices of *conseiller* in the *Parlement* of Paris created by edict of May, 1581, to make up a sixth *Chambre des enquêtes*. The sixth chamber never materialized, but the twenty new offices were distributed among the other five chambers. La Roche-Flavin was received into the first *Chambre des enquêtes* on February 8, 1583. In the meantime, having won his case before the council, he returned to Toulouse where he stayed until his death in 1627. Henry III made him a *conseiller d'État*. He had printed at Bordeaux in 1617 his *Treize livres des parlements de France*, which was badly received by the *Parlement* of Toulouse in spite of the author's tendency to equate the court with that of Paris. By decision of June 12, 1617, the Toulouse court ordered his book destroyed in his presence as "containing facts contrary to the *parlements* and several officers therein." He was also fined 3,000 livres and suspended from his office for a year. B.N. Ms. fr. 7555bis, fols. 374-76. Having been a *conseiller* at both Toulouse and Paris, it is not surprising that La Roche-Flavin found both courts equal in standing: "The *parlements* of France are all equal in authority in jurisdiction. . . . I have often seen [the *Parlement* of Toulouse] refuse several edicts, in number more than eighty, received from the *Parlement* of Paris, although there were up to six or seven *jussions*. *Treze livres des parlements*, Bk. XIII, Ch. VIII, Nos. 1-2.

parlements was ephemeral in the seventeenth century. The Parisian court, considering itself to possess a jurisdiction of universal appeal over all the kingdom, often solicited, and won, appeals against the other parlements. The provincial courts' pretensions were further punctured by the historical circumstances surrounding the foundation of the Parlement of Paris, which was older, which remained the original Court of Peers, and which enjoyed an infinitely greater role in affairs of State.13

At the time the Parlement was assuming most of the judiciary functions of the curia regis, a Chambre des comptes was undertaking supervision of the royal finances. The origins of the Chambre des comptes are as ill-defined as those of the Parlement, but it seems that the Chambre, like the Parlement, was a product of functional specialization within the council. Definitively constituted in 1320, the Chambre came to be charged with maintenance of the royal bookkeeping and exploitation of the domain. It was also given the right to hear and adjudicate disputes arising out of its administration. The auditors found judicial fees more alluring than checking rows of figures, and by the seventeenth century the Chambre was much more a judicial than an administrative agency. It exercised sovereign jurisdiction over disputes arising out of the royal accounts

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13A. Lloyd Moote, "The Parlementary Fronde and Seventeenth Century Robe Solidarity," French Historical Studies, II (1962), 330-48. Moote concluded that even during the crisis of the Fronde cooperation between the Parlement of Paris and other sovereign courts outside the capital was minimal. The actual course of events, however, in no way lessened the possibility that the high robe officers might put away their differences when confronted with issues affecting them all, such as renewal of the paulette.
or administration of the domain. The Chambre also registered and recorded bursal legislation bearing on its jurisdiction. To the Chambre went all lists of salaries, pensions, and gratuities; all declarations of homage and fealty; letters of ennoblement, legitimation, and naturalization; and concessions for fairs and markets. The Chambre des comptes was additionally expected to register documents which were sent to the other sovereign courts, such as treaties of peace and royal marriage contracts. Like the parlements, the number of chambres des comptes tended to increase, so that by the beginning of the seventeenth century, there was a total of eight chambres scattered over the kingdom.14

14The Chambre des comptes of Paris pretended to be older than the Parlement and prided itself on being the oldest sovereign court of the realm, having split off from the council even before the Parlement. None of the pretensions of the Chambre, however, affected the supremacy of the Parlement as the foremost sovereign court, a situation which was conclusively confirmed by the reign of Louis XIII. In the seventeenth century, the prestige and social standing of men and corporations, and thus very often their actual authority, could be read in the precedence exhibited on formal public occasions. A complete list of the precedence of personnages from the king down to provincial notaries is given in D'Avenel, Richelieu et la monarchie absolue, I, Appendix I, "La Présence," 426-31. According to this listing, the First President of the Parlement immediately followed the grand maître de France, a high honorary Crown officer who followed the Chancellor, cardinals, princes of the blood, and dukes and peers. The First President was thus the highest ranking member of the bureaucracy. Next came the chambellan de France, the First President of the Chambre des comptes, three officials of the royal household, and then the présidents à mortier of the Parlement. This elaborate and highly formalized ordering procedure by no means prevented recurrent contention. A fine example of this struggle for recognition may be found in an altercation which took place on August 15, 1638, in Notre Dame de Paris cathedral. After completion of the services celebrating the Feast of the Assumption, as the Parlement and the Chambre des comptes prepared to leave in procession, there was a dramatic confrontation over precedence. The First President of the Chambre insisted on marching at the left of the First President of the Parlement, only to be told that he must follow behind the other présidents.
The Chambre des comptes of Paris was forced to share its competence over financial matters with the Parisian Cour des aides. Unlike the Chambre des comptes or the Parlement, the Cour des aides could not claim to be descended from the royal council; its prestige, matching its pedigree, was therefore something less than that of the capital's other sovereign courts. This court was actually an outgrowth of the needs of the Hundred Years' War. The Estates General

À mortier. The First President of the Chambre replied that he would take his accustomed place, and within the confines of the church the heads of the two courts squared off against each other. The First President of the Parlement seized his rival by the collar and repeated his injunction to fall into line behind the other présidents; the First President of the Chambre refused and answered with his fists. The First President of the Parlement went so far as to seize a halberd and threatened to kill his opponent, which he might have done had he not been restrained by three or four bystanders. Another conseiller in the Parlement drew a sword and yet another produced a baton; several in the Parlement ordered the huissiers to arrest De Marie, the First President of the Chambre. De Marie, however, was led away before he could be taken into custody and the procession was reorganized amid considerable confusion. Each side had to present its case to the King, who ordered that in the future the Parlement would leave Notre Dame by the great door and the Chambre des comptes by the small door. An account of this incident, following the records of the Chambre des comptes, can be found in D'Avenel's Appendix to Richelieu et la monarchie absolue cited above. The registers of the Parlement mention nothing of the incident, merely noting that the court attended, which evidences that the judges may have been in the wrong. The same affair is briefly recounted in François Bluche, Les Magistrats du Parlement de Paris au XVIIIe siècle (Paris, 1960), p. 273, and in Fayard, Aperçu historique, II, 111-12. Bluche continues his account by noting that "the innumerable official manifestations, Te Deum, baptisms, marriages, or burials of princes are pretexts to mark the superiority of the Parlement. The court is obsessed by the game of precedences. If the First President accords an audience to the corps de ville and to the Châtelet, he is careful to take the right hand to that of the prévôt des marchands and to the lieutenant civil."
of 1355 had granted the Crown certain aides, or subsidies, to wage
the war, and the court had arisen to adjudicate disputes in the
collection of these taxes. In the seventeenth century the court was
still judging extraordinary finances, then generally deemed to include
the taille, the gabelle, wine aides, customs duties, and various
market fees.

The Grand Conseil was the newest and smallest of all the sov­
erign courts of Paris. It had originated as a specialized branch of
the royal council which Louis XI had intended should receive all cases
evoked from other sovereign courts. During the fifteenth and six­
teenth centuries, the Grand Conseil had drifted away from the Conseil
étroit (the "limited" or inner council) to become the fourth sov­
erign court in Paris. Because of its potentially superior cogni­
zance, the Grand Conseil might have evolved into an institution
superior to the Parlement, but development in the direction of su­
perior jurisdiction was frustrated by the continued royal practice
of committing evocations directly to the Conseil d'État, which gradu­
ally came to represent an authority higher than the Grand Conseil.
Thus in the seventeenth century the Grand Conseil represented an
institutional cul-de-sac, a body whose reason for being had been
rendered obsolete and whose competence reflected its artificially
prolonged existence. In Louis XIII's era the Grand Conseil was
generally charged with cases not suitable to the other sovereign courts
because of conflict between them or because of suspicions of bias.
Its other jurisdictions were a mishmash of miscellaneous duties, such
as reception of the oaths of fealty of the bishops and archbishops.
Beneath the Parlement and other sovereign courts lay a quasi-hierarchical jumble of inferior jurisdictions which was much elaborated over the simple royal apparatus of the medieval period. At the bottom of the judicial ladder were the prêvôtes, a vestige of the Capetian era which, except for the prêvôté of Paris, had been reduced to insignificance by the seventeenth century. By the reign of Louis XIII the bailliage and sénéchaussée courts offered the lowest effective competence over minor civil and criminal matters. Appeals from these lower levels went first to the new présidial courts and then to the parlements. The présidiaux were a product of a mid-sixteenth century effort to relieve the burden of appeals to the parlements by locating intermediate royal courts in all large towns. By the reign of Louis XIII, there were eighty-eight such présidiaux offering to hear important civil and criminal cases in first instance and having an appellate jurisdiction over baillis and sénéchaux, prêvôts, and lesser officials.

Jurisdictions under the Old Regime, however, seldom functioned according to the comfortably regular patterns established by legal historians. Numerous factors conspired to ensure that contention and uncertainty were dominant features of legal affairs in general and

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**15** The prêvôté of Paris had become the Châtelet, a significant royal court which was the equivalent of the bailliage for the city of Paris and its banlieue.

**16** For details of the jurisdictions of the above agents, see the dictionaries of Fawtier and lot, Zeller, Doucet, and Marion; Declarueil, Histoire générale du droit français, pp. 636-42; Esmein, Cours élémentaire d'histoire du droit français, pp. 342-429; D'Avenel, Richelieu et la monarchie absolu, IV, 1-27, and especially III, Appendix IX, "Division judiciaire de la France en 1643," 458-62.
individual litigation in particular. Geographic boundaries of the ressort of courts were never clearly established; the confusion brought by diffuse districting was compounded by the attitude of the financial agents who jealously guarded their right to adjudicate issues involving taxes, financial officers, and royal accounts. The administration of the Eaux et forêts had its own courts, as did the Amiraute, the rural constabulary, and royal mints, and after 1602 all cases involving points of honor among the nobility were supposed to be carried to a special Tribunal du point d'honneur. To complete the judicial landscape, the jurisdictions of seigneurial lords, of the Church, and of independent municipal bodies would have to be added in overlapping and often contradictory fashion.17

For the Parlement of Paris, however, one factor above all others created confusion and antagonism and deeply troubled its relationship with other royal agents. This was the dichotomous and still unresolved nature of sovereign justice at the highest level. French kings always insisted that the delegation process was ongoing, that they retained the right to create new courts or to dis-

17See, for example, the illustration drawn by Marcel Marion: "The limits of the competence of baillages and of présidiaux were a perpetual subject of conflict between the two sorts of tribunals. Even the distinction between one and the other was difficult, the présidiaux being nothing other than baillages to which had been accorded the quality of présidial and which remained baillages as much as being présidiaux. The imprecision of limits of baillages and the great inequality of the extent of their jurisdictions was the subject of lively complaints... It happened that villages, houses even, were divided into different baillages. One could point out the case of the individual near Valonges [in Normandy] who being informed that he had been cited before a baillage, crossed into another room, which was not of that jurisdiction, and from there recounted his exploit and put up a denial of competence." Marion, Dictionnaire des institutions, pp. 32-33.
pense justice personally, in council, or by specially commissioned
agents of their own choosing. The relationship between justice
already delegated to officers and that retained by the Crown was
defined only by precedent, and in the seventeenth century no
acceptable definition of justice ordinaire and justice extraordinaire
existed in theory or in fact. What was clear was an historical
tendency for the Crown to intervene in normal processes of justice
when and if kings saw fit to do so; by the 1600's there existed a
long series of precedents for these questionable practices. Louis
XIII and Richelieu, however, would press the uses of extraordinary
justice beyond the limits of past reigns in fulfillment of cen-
tralization and absolutism. The instruments and agencies of Louis'
era were no different from those of the past, but the extent and
ruthlessness of their application increased notably, so notably that
one modern historian has termed the reign one of "governmental
revolution."18

Royal intervention in the normal processes of judicial affairs
took on a bewildering variety of forms. It has already been seen
how cases of especial interest to the king, royal family, or private
parties might be evoked, or transferred by royal letters, to another
court, special body, or to the council. A more spectacular practice
was the establishment of extraordinary commissions for trials of

18 For a development of the thesis of "governmental revolution"
during the reign of Louis XIII, see Moote, Revolt of the Judges, pp.
36-63, and the same author's article "The French Crown Versus Its
Judicial and Financial Officials, 1615-83," Journal of Modern History,
XXXIV (1962), 146-60.
State. These investigations and trials, often extending over long periods of time and involving eminent personages, were frequently entrusted not to the Parlement alone but to mixed bodies of commissioned judges from the Parlement, Grand Conseil, other parlements, and high Crown officers. This practice, one of the most odious of the Old Regime by modern standards, had begun as early as the fourteenth century and persisted throughout the seventeenth century. The justification for the constitution of such panels, whether for the trial of Jacques Coeur in 1453, for that of maréchal Louis de Marillac in 1632, or for that of surintendant des finances Fouquet in 1661, remained the same. Nominally intended to hasten the processes of justice and to relieve the Parlement of the burden of lengthy affairs, the Crown in fact habitually resorted to commissaires to obtain amenable decisions.19

The formation of chambres de justice was another favorite instrument of the monarchy in dealing with corruption and inefficiency in royal finances. Such chambers had been put together under Francis I from 1527 to 1542, under Henry IV in 1597, 1601, and 1607, and they would be resurrected under Louis XIII in 1624. Many other extraordinary matters were considered to fall under the competence of irregular chambers: the heretics implicated in the Affair of the Placards in 1534 had been dealt with by a specially constituted body,

and similar chambres ardentes were assembled against the Protestants between 1547 and 1560. If the commissaires were drawn from the sovereign courts for investigations in a particular locality, the proceedings might be called Grands jours.²⁰

Appointment of temporary boards and chambers was closely related to the appointment of individual commissaires départis who operated in cooperation with, or outside of, the normal processes of justice and administration. Kings could, and did, invest a variety of officials with individual judicial commissions. By the end of the 1500's, the maîtres des requêtes were favored for these commissions, a situation which led them to claim a monopoly on the service, but almost any high official might serve.²¹ During Richelieu's ministry, maîtres des requêtes serving with commissioned powers increasingly took the title of intendant, though the distinction between a commissaire and an intendant was not always clear. Occasionally even the king himself, or his representative the chancellor, might administer justice directly, as in the case of Séguiers mission to Normandy in 1639 to deal with the revolt of the Va-nu-pieds.²²

²⁰Richou, Histoire des commissions extraordinaires, pp. 97-131; Doucet, Les institutions de la France, I, 175.

²¹The claims of the corps of the maîtres des requêtes are set forth in Mounier, Lettres et mémoires adressés au chancelier Séguiер, I, 46.

²²Even after Louis XIII's reign, French kings continued to render justice personally on diverse occasions. Louis XIV sometimes came to audiences hearing petitions addressed to him and judged them himself. The same exercise of royal arbitraire, or prerogative, could be found in the use of lettres de cachet. These sealed royal letters ordered agents of the Crown to execute all sorts
Whatever their title or quality, the extraordinary powers granted *commissaires* were bound to alienate regular royal officers whose jurisdictions were closely supervised or violated. This was particularly true in the instance of individual *commissaires*, whose *chevauchées* sometimes exposed the shortcomings of the officers and subjected them to immediate councillar control from Paris. The intrusion of *commissaires* into regular jurisdictions also ate into the income that judicial officials derived from the *spices*, com-

of orders, from imprisoning recalcitrant sons to interning suspicious aliens. Popular history usually emphasizes the infamous aspects of *lettres de cachet*, but in the eighteenth century, at least, many of them seem to have been issued in the interest of families and at their request. In any case, the normal administrative uses of *lettres de cachet* were infinitely greater than their use as punitive instruments. Olivier-Martin, *Histoire du droit français*, pp. 519-21. The mission of Chancellor Séguier to Normandy indicates the severity and magnitude of the *Va-nu-pied* affair. The measures taken by Séguier were proportional to the threat posed, as indicated by the account rendered by a *commissaire* accompanying him: "Today, January 7, 1640, began [the administration of] justice in this city of Rouen with the execution of five rebels, of whom one named Gorin was broken alive and the other four hung, after having had *la question ordinaire* and *extraordinaire* in order to know their accomplices; they had been condemned to this torture by monseigneur the Chancellor alone, without other judges or advisers nor formality other than that of information, depositions, and confrontations, without having seen or heard the condemned, and without having given any decision other than verbal." Séguier, docile instrument of the rigors of Richelieu, answered judges who were astonished at this violation of forms, 'that he had condemned these unfortunates verbally and militarily; that he considered the thing as necessity and that they still had arms in hand, in which case it was out of service to the King, his authority, and the public good to make some examples and to pass over ordinary forms.'" Chéruel, *Histoire de l'administration monarchique en France*, I, 297, quoting B.N. Ms. Dupuy 548-550.
pursory legal fees paid to judges by the litigants in court actions. More subtle but no less real was the long-term threat that the commissaires might become regularized, thus effectively displacing the existing bureaucratic structure. This seems to have happened during the fourteenth and fifteenth centuries as the baillis came to be permanently located as supervisory agents over the prévôts; the process was repeating itself during the late sixteenth century as the use of intendants became more common. Many officers directed their appeals against commissaires to the parlements, which lent a ready ear because they felt affronted by the same financial and judicial abuses. Resistance usually took the form of demands that the intendants or other commissaires register their commissions in the regular courts before executing them. The relationship of commissaires with the parlements and other officers grew steadily more awkward during the reigns of Henry IV and Louis XIII, and the question of irregular commissions became a critical issue as the Crown continued to expand and regularize the use of intendants and judicial commissions. In 1600 the Parlement of Paris took a step towards formalizing the differences between the maîtres des requêtes and other parlementaires by stripping all but four of the maîtres of their seats in the Parlement. As a concession to the regular officers after Henry IV's death in 1610, Marie de Médicis revoked


24Marion, Dictionnaire des institutions, p. 359.
fourteen extraordinary commissions and fifty-eight that had been verified in parlements. Representatives of all the sovereign courts in the Assembly of Notables of 1626 complained of the use of intendants, and by 1648 the issue of commissaires would be a principal one during the Fronde of that year.

The problem of sovereign justice and the jurisdiction of the Parlement would have been complex and delicate even if the court had been confined to a purely judicial role. But in fact the Parlement was never exclusively a judicial body. By 1625 the court had been an autonomous institution for nearly 300 years, yet even these three centuries of development had not led the court into specialization in the judicial role. Indeed, the history of the Parlement had always been marked by quite the opposite tendency, producing a body which not only adjudicated private disputes but which also administered, legislated, and conserved law in a way quite unknown to modern governmental institutions.

The diversity of the Parlement's functions was due in part to a blending of judicial and police powers which typified most administrative agencies of the monarchy. Under conditions of the Old Regime, the modern differentiation between the administration


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of justice and the exercise of police powers was unknown. In the sixteenth and seventeenth centuries, even the words police and administration were used interchangeably to encompass both the concept of judgment and enforcement of public order; the same qualities of judgment and administration were vested in one agency without arousing a concern for human rights so evident today.  

Writing in 1895, Georges d'Avenel described the blurred attributions of the Old Regime as a "confusion of powers" and noted that under Richelieu, the administrative attributions of the gens de justice are so multiple that one in truth does not know to what areas they do not extend. ... The Parlement of Paris busies itself in detail with the cleaning of streets and the collection of trash, forbids Madame Pibracq to remarry for the seventh time, and accords to Madame D'Effiat the prohibitions she seeks to prevent her son Cinq-Mars from marrying Marion de Lorme.

Confusion of powers meant that the Parlement was charged with a

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27 Gaston Zeller poses the question of the relationship between police powers and administration in this way: "Is this to say that we should be authorized to translate, on each occasion, police for administration? It is so, and for many reasons. The language of the sixteenth century is still badly fixed, and the same term often had several quite different meanings. This is the case for police." A little further Zeller notes "the notion evoked by the word police recovers well our modern notion of administration," and he concludes by maintaining that "justice and police find themselves in the same hands. Police, although clearly distinct from justice, and in a large measure opposed to it, is readily considered as a dependence of it, or at least as an indispensable complement. It bears, in fact, a power of execution ... without which justice is impotent." See Gaston Zeller, "L'Administration monarchique avant les intendants," Revue historique, CXVII (1947), 181-85. The same problem of semantics and its relationship to the attributions of judicial bodies is treated in Georges Pagès' "Essai sur l'évolution des institutions administratives en France du commencement du XVIe siècle à la fin du XVIIe," Revue d'histoire moderne, new series, I (1932), 8-57.

28 Richelieu et la monarchie absolue, IV, 130-32.
wide range of administrative functions outside its judicial sphere but within the role of maintaining public order in the kingdom and especially in the city of Paris. To carry out its administrative and police functions, the Parlement frequently resorted to the *arrêt de règlement*, a judicial or administrative decree. Some *arrêts* simply covered technicalities and omissions in the law, but others closely resembled modern court injunctions in their regulatory effects. Whatever their nature, and there were many types, the *arrêts de règlement* gave the Parlement an important legislative power since all of them carried the force of the king's law and were enforced by officers of the court as well as the police forces of the capital.29

The presence of the Parlement in the capital, representing as it did the sovereign authority of the king at the highest level, meant that the people of Paris looked to the court to provide leadership and guidance in matters that would today be considered the province of municipal administration. This was particularly true in an age of continued crisis and royal mobility which frequently found the king and council out of the city in times of local or national emergency. Just such an instance occurred in 1499 when the Pont Notre-Dame linking the Ile-de-la-Cité with the right bank collapsed, pitching houses, shops, and occupants into the Seine. To satisfy an outraged public opinion the Parlement acted immediately, imprisoning the mayor and most of the town council who seemed to be responsible for

the mishap. The court launched an investigation into the disaster, then temporarily took over operation of the municipal administration pending the outcome of the inquiry. The final decision of the court deposed the culpable officials and ordered new elections conforming to a special arrêt issued for the purpose. From that time forward the court exercised a permanent supervision over all details of Parisian elections and found itself qualified to intervene in many aspects of daily administration.

At other times of crisis, the court took active charge of municipal affairs and sometimes even extended its leadership into a considerable political role. In 1512, for example, the court directed the city's defenses against the menace of an English invasion. Again in 1525, just after the Battle of Pavia, it was the Parlement which exercised a preponderant influence in national as well as local government. On March 7, immediately after receiving news of the catastrophe in Italy and the captivity of Francis, the Parlement took steps to direct the defense of the country. Under the initiative of the court, a steering committee of twenty-three members was formed on March 10: nine members of the Parlement, six deputies of the city, three from the Chambre des comptes, the Bishop of Paris, a monk, an abbot, and two representatives from the University. This committee met several times and drew up a lengthy list of thirty-three articles which it recommended

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to Louise of Savoy, the regent in Francis' absence. The regent accepted the proposals of the court and promised to implement as many of them as possible.  

On a more mundane, but no less necessary, basis the Parlement came to supervise almost every aspect of municipal affairs. All during the sixteenth century the court acted as watch-dog over city elections, and it closely audited the city's financial affairs, particularly scrutinizing the administration of royal rentes, or state revenue bonds issued on the credit of the Hôtel de ville. Payment of interest on these rentes was always behind schedule; during the ministry of Richelieu the Parlement was compelled to intervene in disorders growing out of non-payment of arrears in the rentes. The prevention of crime was always of first concern to the magistrates who, in the interest of public order, found it necessary to regulate hospitals, public lighting, care of the poor, prostitution, vagrancy, public spectacles, and any other activity or institution connected with public security. Preservation of the physical well-being of Parisians was also interpreted to include provisioning of the city's markets, especially the bread market, to ensure a constant supply of quality foodstuffs at reasonable prices. Adequate provision of bread, however, was but one aspect of the alimentary administration undertaken by the Parlement. The commerce in fish and salt was so extensive and so important to the city that a special chamber, the

Chambre de la marée, was set up in the Parlement to regulate the fish trade and adjudicate disputes arising out of it. 32 Finally, the judges were responsible for the upkeep of Parisian streets, bridges, and quays, an obligation which often revolved about the seemingly insoluble problem of cleaning the byways of the city. 33

The traditional affiliation between the Parlement, the municipal government, and the public welfare of Paris continued during the ministry of Richelieu much as it had in past years. Always influential in urban matters, the judges' patrimonial supervision of charity and law enforcement virtually became dictation in times of crisis like those which appeared in 1631. The course of that year produced an exceptionally tragic combination of plague, vagrancy, and violent crime in the Paris basin corresponding with difficult times found elsewhere in the kingdom. The registers of the Parlement testify that between January, 1631, and March, 1632, trying conditions frequently overwhelmed the resources of the city fathers who sought relief in the Parlement's sovereign authority and prestige. On many other occasions the court seized the initiative, either ordering the officials of the Châtelet, Hôtel de ville, and neighborhood quarters to appear before the parquet and account for deficiencies in the city's administration, or pursuing independent

32On the Chambre de la marée see supra, p. 18.

courses of corrective action.

A virulent outbreak of violent crime towards the end of January, 1631, signalled the beginning of that somber year's cheerless court calendar of urban affairs. On January 29th officials from the Châtelet were hailed into the Parlement to explain an increasing number of murders, thefts, and violences that were occurring daily in spite of arrêts given by the Parlement. The officers from the Right Bank countered that the forces provided them were insufficient for the job at hand, and the court agreed to ask the King to assist in enforcing its arrêts against vagabonds, gens sans aveu, tobacco vendors, pages, and lackeys carrying swords. Five days later, a serious émotion populaire involving several hundred persons took place in front of the house of one Jean Bryois, a farmer of the aides. Once again the lieutenant civil and his assistants maintained that they had done everything possible to stop the riot and announced that an investigation was underway. The Parlement ordered the Châtelet to continue its inquiry and made "express prescriptions and prohibitions against assembling, bearing arms, or loitering by the wayside under any pretext at pain of being declared criminals of lèse-majesté and perturbators of the public repose."

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34 B.N. Ms. fr. nouv. acq. 9891, fols. 68-69, January 29, 1631.

35 This riot followed rumors of an impending increase in the aides on wine in Paris. Jean Bryois, sieur de Bagnolet, had been a fermier adjudicataire des aides since 1628. On the Bryois Affair, see infra, p. 433.

36 B.N. Ms. fr. nouv. acq. 9891, fols. 69-70, February 4, 1631.
Further, the officials of the Châtelet, the Hôtel de ville, and the city watch were to patrol the city to enforce justice, putting the captains and bourgeois of each quarter under notice to take up their arms in prevention of further riots. The decision was to be announced, as was customary, to the sound of trumpets at the city's intersections so that no one could plead ignorance.\(^{37}\)

As the spring of 1631 progressed, a particularly ghastly reason for violent crime raised its ugly head. Paris was infected with the plague. On Saturday, May 24, the lieutenants civil and criminal appeared before the parquet to present a morbid report on the state of affairs at the Châtelet, where two jailers, the greffier's clerk, and others had died of the plague. The officers had come to the Parlement to request a mass evacuation of the Grand Châtelet prison. Those imprisoned for debts up to 300 livres would simply be released; those held for debts in excess of 300 livres would be turned over to the custody of their creditors if they wanted to take charge of them, otherwise they, too, would be set free. The officers also wanted permission to judge pending criminal affairs immediately and to send other prisoners to various prisons until the sickness abated. The Parlement agreed on all points.\(^{38}\)

During the summer months the sickness apparently ebbed, only to

\(^{37}\)B.N. Ms. fr. nouv. acq. 9891, fol. 70, February 4, 1631.

\(^{38}\)B.N. Ms. fr. nouv. acq. 9891, fol. 102, May 24, 1631.
return with a grisly vengeance in September. On the 12th of that month procureur général Mathieu Molé notified the Chambre des vacations that the Saint Victor and University quarters were "greatly infected" and that it would be necessary to open the poor house of Saint Marcel to accommodate the sick from these quarters. The expense of this operation, together with the rising costs of the overloaded Hôtel Dieu and Hôpital Saint Denis, would require new revenues. The Parlement responded by authorizing a one-year boost in municipal poor taxes to cover the costs of maintaining the Hôpital Saint Marcel. The court thought some further assistance might be expected from the Archbishop of Paris and the city's clergy, who would be asked to solicit voluntary contributions through their sermons.\textsuperscript{39} By September 24 conditions in the environs of Paris had worsened to the point that Molé asked the Parlement to cancel the annual fair at Saint Denis planned for October 8. The Parlement immediately complied.\textsuperscript{40} Still more bad news was announced in the Palais on October 15 when Molé presented a lettre de cachet officially reporting grim economic facts that most Parisians already knew: a poor grain harvest had necessitated a ban on all exports from the kingdom.\textsuperscript{41} The short grain supply soon affected city services.

\begin{footnotesize}
\begin{enumerate}
\item B.N. Ms. fr. nouv. acqu. 9891, fol. 147, September 12, 1631.
\item B.N. Ms. fr. nouv. acqu. 9891, fol. 150, September 24, 1631.
\item Molé, \textit{Mémoires}, II, 74.
\end{enumerate}
\end{footnotesize}
When the Parlement ordered the streets of Paris cleaned on November 17, it also had to order additional supplies of grain for the cart horses. Because of the poor harvest, Paris became a refuge for rural ne'er-do-wells seeking jobs or charity in the city. This migration occurred every year after the fall harvest, but in 1631 the number of wanderers was greater than usual. Together with the plague, the influx of these frightened and desperate people drove the incidence of crime upward during the late fall and winter of 1631. The Parlement habitually took a simplistic and unimaginative approach to such circumstances by berating the Châtelet for its failures instead of attempting any lasting reform, without expanding the city's meagre force of archers, or even without remonstrating to the King. Instead, the court preferred to renew oft-repeated injunctions about public safety. On November 17, the officers of the watch were once again enjoined to throw vagrants out of the city, to put a stop to thievry, and to better care for the poor and plague sick. Next day the lieutenant criminel and some conseillers of the Châtelet were back before the bar on a rumor that they had made some difficulty over sentencing repeat offender vagabonds to the galleys. The parlementaires decided that all such trials should be carried out summarily upon a report from the head of the city watch at eight o'clock each morning. First President Le Jay, himself a former lieutenant civil

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42 B.N. Ms. fr. nouv. acq. 9891, fol. 160, November 17, 1631.
with three years experience, stiffly reproached the officials before him, saying "their negligence was the reason why there was no security in the city either in the morning or the evening because of thefts" and "that if they did not want to acquit their duties [in such cases] the court would be constrained to take jurisdiction over them." Such admonitions given without adequate social palliatives were foredoomed to have little lasting effect. Exactly five months later, on March 17, 1632, Molé presented fresh complaints about murders, thefts, and assaults which were being committed at all hours. The Parlement reacted as it had before,

conforming to previous arrêts, ordered and orders that all un-enrolled soldiers, vagabonds, and others who were not domestics actually living in the houses of seigneurs should be ousted from the city, vicomté, and prévôté of Paris within twenty-four hours after the publication of the present decision, permitting the lieutenant civil, lieutenant criminel, lieutenant criminel de robe courte, and prévôt de l'île to imprison them without heeding their excuses.

Maintenance of public order certainly included the regulation of ideas, media, and spiritual matters which might disturb the tranquillity of Frenchmen; in pursuing this role the court found itself entangled in the affairs of the Sorbonne. During the sixteenth century the court had to intervene in the elections of rectors on five occasions, three times to put an end to violence and twice to control

43 B.N. Ms. fr. nouv. acq. 9891, fol. 162, November 18, 1631. Le Jay had bought the post of lieutenant civil at the Châtelet after the death of François Miron in 1610. He remained there three years, purchasing a presidency in the Parlement in 1613.

44 B.N. Ms. fr. nouv. acq. 9891, fols. 186-87, March 17, 1632.
irregularities in procedure. From medieval times the Parlement fixed the times of lectures and the dates and methods of examinations, helped shape the curriculum, regulated qualifications for degrees, seconded appointments to professorial chairs, and issued a host of arrêts dealing with the unseemly and unruly behavior of students.45

The role of the Parlement as public censor began about the time of the Reformation and grew in proportion to the threat posed by Protestant heresies. In 1523 the court went so far as to draw up a list of prohibited books. Over the course of the sixteenth century, the court's index librorum prohibitorum was broadened to include works as diverse as Rabelais' Pantagruel and Calvin's Institutes. Towards the first part of the seventeenth century the court became somewhat less paternal in its censorship, but never did it abandon its firm opposition to any work which smacked of heresy or anti-Gallicanism. After Henry IV's murder, the problem of Jesuit Ultramontanism increasingly displaced reformist doctrines in the magistrates' attentions. In June, 1610, the Parlement condemned the de Rege et Regis institutione of the Spanish Jesuit Juan de Mariana for praising in express terms the assassination of Henry IV. Condemnation of other Jesuit works followed: Cardinal Bellarmine's Tractatus de Potestate summi pontificis in temporalibus went to the public hangman in November, 1610, and Suarez' La Défense de la foi catholique, apostolique, contre les erreurs de la secte

d'Angleterre followed soon after. Suppression of these Jesuit works did nothing to reconcile the principles of the Order with those of secular authority; the issue of Jesuit literature would appear once again in the 1620's when the Parlement attempted to suppress an Ultramontanist work by the Jesuit Santarelli.

By the end of the sixteenth century, the Parlement had achieved an illustrious reputation as the highest tribunal in the kingdom. As sovereign judges, the magistrates had dealt out justice in the greatest civil and criminal cases in the history of the monarchy; in judging such cases, many of which were wrought with implications for the welfare of the Crown, the court established a renowned reputation as defender of the monarchy and unifier of the kingdom. In 1476, for example, judges from the Parlement had condemned the comte de St. Paul, Constable of France, for conspiring with the duc de Bourgogne against the king. In 1528 the court adjudged Charles II, duc de Bourbon and Constable of France, guilty of lèse-majesté and ordered his arms and heraldry effaced, deprived him of the peerage of Bourbon, damned his memory, and confiscated his property in the name of the Crown. The list of greats condemned for crimes against the Crown continued throughout the Wars of Religion and into the seventeenth century. In 1602 the Parlement deemed the maréchal Biron guilty of crimes against the king and dauphin, and again in

1605 the court found Louis Delagonia, sieur de Merigues, guilty of lèse-majesté. As administrators, too, the court had acted in less spectacular ways to defend the interests of the Crown and to maintain law and public order on a daily basis. The court continually ministered to the needs of Parisians, supported Gallicanism and the Catholic faith, supervised higher education, and upon occasion organized the defense of the capital.

By the reign of Louis XIII, then, a long tradition dictated that the Parlement was the proper repository and guardian of the law of the kingdom. Bearing in mind the diffuse nature of sovereignty, justice, and the qualities of public functions under the Old Regime, i.e., those qualities that D'Avenel labeled the "confusion of powers," it was virtually certain that the magistrates would be drawn into any matter of legal import to the Crown. As J. H. Shennan has noted, "this institution more than any other could remind the king of his primary obligation to rule justly. For to rule justly implied respect for the law, and the law of the kingdom and the countless civil and criminal judgments based upon these laws were enshrined in the parlement's official records." 48

In historical terms, the long political traditions of the Parlement might be traced back to its parent body, the curia regis.

47 These examples and a host of others dating from 576 can be found in B.N. Ms. fr. 7549, fols. 208-44, "Des punitions et peines ordonnées contre divers grands, et personnes plus considerables en France."

which had expressed all aspects of Capetian authority. In spite of two and a half centuries of institutional autonomy and despite the transformation of its personnel, the Parlement never escaped the stamp of its councillor origins. The ancient council had advised and administered as well as judged the kingdom, and over the course of centuries the Parlement had continued to do likewise. This situation was dramatically symbolized in the ceremony of the lit de justice when king, peers, and court solemnly assembled in a plenary session which re-enacted a meeting of the old curia regis. Lits de justice were exceptional expressions of the councillor quality of the court, but on a daily basis the kings of France had continued to treat their high court as a consultative body, sending it legislation for preliminary examination and demanding of it advice on thorny legal problems. In so doing, the monarchy created a long tradition of consultation which would, by the 1500's, be transmuted into an important check on the absolute prerogatives of royal legislation.

The practices that led to the Parlement's famous right of registration and judicial review began in a modest way with the sending of royal documents to the court for review and examination. The procedure centered upon the court's practice of registering and publishing royal letters and ordinances. This ceremony was a public one held in the Grand'Chambre, where all the judges were assembled to hear the new enactments read out and solemnly transcribed into the Parlement's registers. The practice had a dual purpose: new enactments were properly publicized, and inscription in the court's registers provided an authentic and permanent record of all royal
legislation. The custom of registration began soon after the Parlement acquired its separate identity, as revealed by early registers: "Given at Paris in our Parlement, the year of grace 1325, in the month of March . . . read and published in the Parlement and the assembled chamber." The formula varied somewhat in coming decades, but the essential phrase lecta et publicata remained very nearly the same throughout the history of the court. In time, registration and publication came to be regarded as marking the formal legality of royal law, and after registration the Parlement disseminated copies of the new law or letters to all subordinate jurisdictions.

From the middle of the fourteenth century the formula of registration began to alter in subtle but important ways which represent a modified procedure. As early as 1366 one can find evidence of the right of the court to participate with members of the council in discussion and correction of the text of ordinances: "Seen, read, and corrected [italics Maugis] by lords of the Great Council and deputies of the king's Parlement." In 1376 another royal ordinance was published and registered with reservations inserted by the procureur général and approved by the court to protect the rights of

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50 Olivier-Martín, Histoire du droit français, pp. 541-42; Esmein, Cours élémentaire d'histoire du droit français, pp. 507-11; Shennan, Parlement of Paris, pp. 159-60.

51 Maugis, Histoire du Parlement, I, 523, quoting registers of the court for July 25, 1366.
Out of the scrutiny of royal acts and the modification of them arose the procedure of remonstrances. During the early fourteenth century the Parlement presented informal, verbal complaints to the king about those aspects of his legislation which conflicted with established law or which the magistrates deemed ill-advised. The time of troubles which came with the minority of feeble-minded Charles VI (1380-1422) strengthened the practice of remonstrances into a recognized, though badly defined, part of parlementaire procedure. Lits de justice and unions of the court with the council were frequent during this time and enhanced the Parlement's consultative traditions, as did commissions drawn from the court which prepared edicts and staffed chambers working on the reformation of justice. The court was permitted, even expected, to advise the Crown on law submitted to it; on the other hand, the remonstrances were expected to be concise and not impede the registration process. The court, too, was expected to maintain at least the forms of humility and respect as indicated by the ritual formula très humble et très respectueuses remonstrances (very humble and very respectful).

Obviously the king was not always willing to see the magistrates' point of view and comply with their recommendations, nor could he allow them to block proposed legislation by their refusal to register enactments. Consequently, as early as 1392 kings began the practice of issuing royal lettres de jussion when the Parlement remained obdurate after having received a reply to its remonstrances. Lettres de jussion emanated from the king's person and ordered immediate and unqualified registration in a prescription which would change little from the first known example:

We summon and rigidly enjoin you that not withstanding the debates and allegations of our said procureur, nor others however made or done, and the said support of cause, you should obey our said other letters, and register or have them registered point by point without any difficulty whatsoever, according to their form and tenor . . . because it pleases us to be thus out of our special grace, certain knowledge, and royal authority.  

The court was then presumed compelled to register without further contention, but if it complied, it was only reluctantly and with a careful note of the compulsive circumstances: lecta et publicata de expresso mandato domini regio (read and published at the express mandate of our lord king).

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53Ibid., 523-25; Olivier-Martin, Histoire du droit français, pp. 543-44.

54Isambert, Anciennes Lois françaises, VI, 703.

55Esmein, Cours élémentaire d'histoire du droit français, p. 513. A more vigorous expression of the same compulsive circumstances was that registration had been made de l'expres commandement du roi, plusieurs fois réitéré (at the express command of the king, several times repeated). Olivier-Martin, Histoire du droit français, p. 544; La Roche-Flavin, Treze livres des parlemens, Bk. XIII, Ch. XVII, No. 14. The court's memory for forced registrations was very long and
If the court remained recalcitrant after *lettres de jussion*, the king had other resources. He could reinforce letters by sending them in the care of an important prince or councillor; if the court resisted these measures, the final and ultimate royal alternative was for the king to come in person and force registration by holding a *lit de justice*. On these solemn occasions the presence of the king's person, minor or not, was considered sufficient to ensure the court's immediate registration without further discussion or dissension. Thus by the instruments of royal letters or royal appearance in court, the king preserved his authority, while the procedure of remonstrances conserved the councillor heritage of the court and acknowledged the Parlement's role in political matters.\(^56\)

The development of the apparatus of negotiation was interrupted during the first third of the fifteenth century by the breakdown of centralized authority. Like all Frenchmen the magistrates were riven between the contestants for royal power, and after 1418 the adherents of Charles VII left Paris and constituted a separate *parlement* at Poitiers. With the triumph of Charles and his return to Paris in

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in 1436, the two courts were reunited, but it was some time before the prestige of the court was restored.

The last fifty years of the fifteenth century marked the final evolutionary stage in the development of registration and remonstrance. Until this time the court had often been associated with the preparation of legislation, and it had occasionally even formulated reform measures on its own initiative. Under the vigorous rule of Louis XI and Charles VIII, however, there was an increasing tendency to exclude the Parlement from consultation until final registration and publication were required. The result of this trend was a narrowing of the ways in which the consultative function of the court might be effected. The initiative for, and drafting of, legislation fell more and more into the hands of king and council; concurrently, the modifications of the court came to be submitted as remonstrances after the reception of the final draft. Even more importantly, the Parlement was forced into a negative and critical position which had to be overcome by royal authority. Remonstrances thus tended more and more to become the prologue to prolonged negotiation and confrontation when the court objected to proposed legislation.

The new pattern is illustrated very well by procedures followed in 1493 and 1499 when the court received legislation without its prior knowledge or consultation. In July, 1493, Charles VIII personally informed an assembly of the court that he had decided to turn his attention to the reform of justice and had committed to the
project several great and notable personages, including princes, lords, prelates, barons, and his royal council. This commission had produced a new ordinance which was then read to the gathering. The next day the King returned to the Parlement to have the articles published in his presence and to receive the oath from those who had to guard and keep the new law. On this occasion, however, the First President told the King that certain articles presented the day before were merely the repetition of old ordinances to which some new provisions had been added. After an exchange on this point and remonstrances by the avocat général Le Maitre, Charles agreed to entertain the court's advice and remedy the difficulties. Next day, in full assembly, the court decided to request modification on several points and proceeded to draw up the necessary revisions. A little later the King was presented with the modified articles, which were accepted. This done, members of the court then took the oath to guard and keep the ordinance and proceeded to publish it.57

Six years later, on April 15, 1499, Louis XII presented another ordinance of reform for registration in the same manner as his predecessor. The First President responded that the court would see to the matter with all diligence. This the court did, undoubtedly through a committee of examination; the assembled court heard the committee's report on June 6. Even after seven weeks of work by rapporteurs in committee, though, the full court still found four articles unacceptable and ordered them redrawn. The revisions were apparently

57Maugis, Histoire du Parlement, I, 540-41; the text of the ordinance is in Isambert, Anciennes lois françaises, XI, 214-49.
minor, for the very next day the reformed articles were presented in a second plenary session and were approved. Further action was delayed until final publication in a lit de justice on June 13. After an emphatic speech in which Le Maître rendered homage to the two powers which had collaborated in giving law to the kingdom, the avocat général required that the formula lecta, publicata, et registrata should be written across the ordinance, "so that no one should pretend cause of ignorance and that they [the articles] should be perpetually formed and established." After this was completed, the First President took the opinions of all magistrates and reported the results to the King, who ordered them written into the register. As had been the case in 1493, the First President reserved the right of the court to inform the King should it be discovered upon usage that the ordinance needed to be corrected, enlarged, or reduced. Then, with the doors of the Grand'Chambre closed and the public retired, the eighty-four judges present swore on the Scriptures, under the hands of the Bishop of Albi, to obey the new law quantum fragilitas humana poterit (as much as human frailty would permit).

At the beginning of the sixteenth century, the procedures of registration and remonstrance, like the publication of edicts, were fixed in most essential aspects as they would be in the reign of Louis:

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58 Maugis, Histoire du Parlement, I, 543.
59 Ibid., 542-43; the text of the ordinance is in Isambert, Anciennes lois françaises, XI, 401-05.
The course of the sixteenth century would add nothing fundamental to the apparatus of negotiation, but previously accepted practices underwent elaboration when the court confronted the increased authority of strong Renaissance monarchs. Francis I, Henry II, and Henry IV were authoritarian rulers, jealous of their rights, and were, moreover, engaged in many sensitive enterprises, including waging a massive war and suppressing internal religious dissension; they were not men to tolerate extended controversy and benevolently allow their decisions to be frustrated by the Parlement. If these rulers showed themselves ready to take council in matters of a strictly juridical sort, they also showed themselves determined in all matters directly interesting to their authority and government. Amid the public calamities of the century, on the other hand, the Parlement's political heritage, the growth of its complement, and the aggravations and abuses of venality could not help but embolden the magistrates to make themselves more than ever the universal interpreter of complaints, especially during the first half of the century when the Estates General did not meet.  

The increasing complexity and intensity of the confrontation between the court and Crown appeared early in the 1500's with the Parlement's resistance to the Concordat of Bologna. On June 8, 1517, the Concordat itself was sent to the Parlement for registration; the gens du roi concluded that further examination of the document was

60 Maugis, Histoire du Parlement, I, 543-45.
in order and a commission was appointed to see to the matter. This
decision meant delay, and on June 21 Francis wrote to the court to
demand immediate registration. The magistrates continued to pro-
crastinate even after the King sent his uncle, René of Savoy, to
assist in the deliberations; on the 24th of July the court finally
decided to refuse registration of the Concordat as against the honor
of God and King, as contrary to the liberties of the Gallican Church,
and detrimental to the well-being of the kingdom. In particular the
Parlement objected to the violation of the electoral principle and the
payment of the annates which went contrary to the Pragmatic Sanction
of 1438. If the King remained intransigent, the court held, it would
be necessary to convene a council of the French Church as had been
done in elaborating the Pragmatic Sanction. From the magistrates'
point of view, the situation was simply that both the King's policy
and his method of procedure were arbitrary, and the Parlement was
bound to oppose him on both accounts.61

Francis, on the other hand, saw his authority being undermined
by the Parlement's resistance and moved to override it. On Feb-
uary 28, 1518, he conducted an interview with deputies of the court
at Amboise. After hearing their remonstrance, the King replied
with stinging harshness "that there would be only a king in France,"
and that "they should take heed that there would not be a senate in
France as in Venice." The concordats should be published, "otherwise

61 Shennan, Parlement of Paris, p. 195; Dufey, Histoire des
parlemens de France, I, 157-63.
he would make them sorrier than they had ever been before." The proper function of the court was the administration of justice, to which the judges should confine their attentions, seeing that it "was as badly administered then as it had been a hundred years ago." Francis continued in this vein, admonishing the judges that if they did not obey he would have them "scamper after him like those in the Grand Conseil." 62

By maintaining that the Parlement was only a court of law, which clearly it was not, Francis was again asserting an extreme view of his own authority. The magistrates were less willing than ever to approve the Concordat and were forced into a decision only after hearing rumors that the King was contemplating the creation of a parlement at Orléans to replace that of Paris. More than a year after its initial presentation, the Concordat was finally registered on March 22, 1518. Even then the court insisted that final registration should not abrogate the provisions of the Pragmatic Sanction, that a prince of standing should present the document to the court, and that the formula of registration should note the forced nature of the circumstances. These provisions were accommodated. In the presence of the seigneur de Trémoille, the King's chamberlain, the court reluctantly entered the necessary words on its registers:

"Read, published, and registered at the express order of our lord king several times repeated and in the presence of his emissary

specially sent. Even these conditions did not satisfy the consciences of the magistrates; on the 24th of March the court confided its protestations to secret registers separately and illegally maintained for the purpose.

Relations between Francis and the Parlement remained tenuous after the affair of the Concordat; indeed, the remainder of Francis' reign would be filled with abusive creations of office, remonstrances, jussions, and more or less forced registrations. In 1519 the Parlement stalled Francis' attempt to enlarge the court by creating a third chamber of Enquetes, and the creation was not registered until 1523. Immediately after conceding this creation, the court objected to the establishment of a records keeper for the Sorbonne and several posts subordinate to the prévôt of Paris. The years of Francis' captivity (1525-1526) continued to be troubled ones as the court took the opportunity of the King's absence to press for reforms in the Church, finances, justice, and the army.

Perhaps the worst conflict of Francis' reign flared up during the summer of 1526 between Chancellor Antoine Duprat and the Parlement.

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64 Maugis, Histoire du Parlement, I, 550-54; Shennan, Parlement of Paris, p. 196.

ment. Over the objections of monks and canons, Duprat had been named to the archbishopric of Sens and the abbacy of Saint-Benoît-sur-Loire. When the offended Churchmen appealed their case to the Parlement, the judges ruled in behalf of the electoral principle and in favor of Duprat's rivals. The wrangle between Duprat and the court escalated into a major affair in which the Chancellor himself was subpoenaed to appear before the bar of justice. Despite repeated evocations to the Grand Conseil and nullifications of parlementaire arrêts, the judges three times accepted the appeal of Duprat's antagonists. In remonstrances presented on July 27, 1526, the court boldly claimed that "the procedure of remonstrances has been created for cases of dissent. When remonstrances are honest and reasonable, they have traditionally reduced the prince to reason." Believing Francis would soon return, the regent held firm and a temporary lull came as the court was distracted by prolonged discussion of a peace treaty with England.

But in December, 1526, Francis returned to Paris and the case of Duprat was re-opened. Three conseillers and the procureur général were summoned into Francis' presence, there to confront the Chancellor.

Antoine Duprat, appointed Chancellor of France on January 5, 1515, was a former First President of the Parlement. Despite his magisterial experience, Duprat was a staunch defender of royal prerogative. Duprat died at Nantouillet on July 9, 1535, after having taken ecclesiastical orders in 1517.

Maugis, Histoire du Parlement, I, 572.
and his agents in the conflict. After hearing both sides, the King supported Duprat and stiff punishment was meted out to the four ringleaders: all four were banned from entering the court until the King should next go there in person. The King did not go until six months later in a memorable lit de justice held on July 27, 1527, when Francis, still thoroughly at odds with the court, laid down a specific and detailed denial of the Parlement's right to meddle in affairs of State. The Parlement was not in the future to consider affairs other than those of justice; it was to receive annual letters of confirmation of membership; it was prohibited from judging matters involving archbishops, bishops, and abbots; all limitations proposed by the judges during the regency and all appeals heard in contravention to royal wishes were negated. The court was restricted to making remonstrances presented in a manner benefitting royal authority and was prohibited from creating any limitation to an ordinance or edict of the king. As a final surety, the clerk of the court was ordered to present his registers within fifteen days to show that he had struck out all offending passages recorded during Francis' absence. 68

After the restrictive edict of 1527, one might conclude that the Parlement would no longer be involved in high matters of State. Nothing could be further from the facts, for the prohibitions of 1527 became a dead letter as a result of variable and often contra-

68 Ibid., 580-84; Isambert, Anciennes lois françaises, XII, 279-80.
dictory royal actions and attitudes. Just six months after restricting the court, in December, 1527, Francis sought the legal opinion and backing of the Parlement in abrogating the Treaty of Madrid. After four days of deliberation, the Parlement reported its common opinion which wholly satisfied the King on all points. Yet in August, 1539, after submitting the Ordinance of Villers-Cottorets to the court, Francis cut short review of the articles and imperatively ordered its registration without delay. On this occasion Francis declared he found the court's delay very strange; the deliberation and decision made in his council was fully sufficient, therefore publication according to form and tenor should follow immediately. In March, 1540, however, the King submitted a detailed financial edict regulating the minting and value of money. The court brought extensive modifications to the edict, and apparently this modification process was tolerated by the Crown, for the discussions continued for a year.69

The variable and contradictory relations exhibited between Francis and his Parlement also characterized the remainder of the sixteenth century. Relations between Henry II and the court began on a good footing and this amicability was sustained for several years by Henry's moderate attitude. The first lit de justice of the reign was not held until 1549, and on this occasion the Chancellor exalted the role of the Parlement and was careful to set forth

its role in the State. Thus officially recognized, the court examined projects submitted to it and even returned to edicts of the last reign. The Ordinance of Villers-Cottorets, for example, was reviewed once again. In June, 1559, however, Henry solicited the opinion of the magistrates in dealing with the Huguenot problem. Most comments passed without special note, but three conseillers seemed to take a permissive stand on the religious question. Henry was notably angered by the response of Anne du Bourg, who was consequently accused of heresy, tried before the Parlement, and executed.70

The Du Bourg Affair signaled for the Parlement the beginning of a long period of unsettled relations with the Crown which reflected the troubled nature of the times. The Wars of Religion showed the court to be consistently hostile to heresy as identified with tumult and armed revolt. Moreover, the judges were staunchly loyal Catholics; a defense of royalist tradition and the kingdom's law plus personal faith made the parlementaires firm, but not fanatical, opponents of the Huguenot party. Controversy arose because the judges did not always agree with royal policy in dealing with the religious problem. Extraordinary tribunals such as the Chambre des Luthériens or the Chambre de la reine were favorite royal instruments for the extirpation of heresy; the court saw such commissions as illegal and in November, 1558, forbade its présidents and conseillers

70Glasson, Le Parlement de Paris, I, 21-26; Shennan, Parlement of Paris, p. 207.
to sit on any irregular panels. 71

Throughout the tumultuous period of the late sixteenth century, the varied and sometimes contradictory relations between the court and Crown continued as under earlier Valois. In August, 1563, Charles IX was persuaded to declare his majority at Rouen, in the Parlement of Normandy, rather than in Paris. The violation of tradition angered the Parisians and provoked them to draw up remonstrances asserting that all royal ordinances had to be verified and registered in the court at Paris before any other parlement could have cognizance of them. The supporting argument produced on this occasion was that the Parisian court represented the Estates General and therefore had primacy over all other parlements. Such a line of reasoning was demonstrably without historical validity, and it produced an equally unrealistic response on the Crown's behalf.

"'Remember,'" the King told the deputies of the court, "'that your company has been established only to render justice following the ordinances of sovereigns. Leave to the king and to his council the affairs of State; beware of the error of regarding yourselves as the tutor of kings, as the defenders of the kingdom and as the guardians of Paris.'" 72 Continuing in the same vein Charles renewed the injunction of Francis I against the practice of repeated remon-


strances once the first complaints of the court had been rejected. Yet just three months after this order prohibiting delay, the judges were presenting remonstrances once more, and in December, 1565, a royal declaration permitted the Parlement to make and repeat any remonstrances it thought necessary.\footnote{Maugis, Histoire du Parlement, I, 615-19; Shennan, Parlement of Paris, pp. 214-15.}

No less than Francis I or Charles IX, Henry IV sometimes found the Parlement's right of remonstrance and its meddling in matters of State an irritating obstacle to Crown policy. Most historians acknowledge that Henry possessed admirable qualities as a leader of men, yet all of Henry's kindness, tolerance, and political acumen were put to the test in dealing with extreme instances of procrastination on the part of his court. During Henry's reign the Parlement continued its traditional role as defender of the monarchy and guardian of the Crown's rights against outside interests, particularly those of Jesuit Ultramontanism and Spanish influence. Yet in the name of the interest of Crown and kingdom, the Parlement often raised difficulties over financial measures, objecting particularly to creations of office and to increased borrowing through the issuance of rentes as well as to the alienation of the royal domain. On at least one occasion the resistance of the court went so far as to threaten the prosecution of the war against Spain: the fall of Cambrai in October, 1595, was directly attributable to a shortage of funds brought by the court's delay in registration of bursal edicts.
some months earlier. 74

The spring of 1597 witnessed the most severe crisis between Henry and his Parlement, and an examination of the course of events is revealing in several respects. In the middle of March, 1597, news arrived in Paris of the collapse of Amiens' defenses before the Spanish; despite energetic measures, the policies of the government inspired very little confidence and spirits in the capital were generally at a low ebb. Under these conditions and with the King away, the Parlement assembled in plenary session to draw up articles complaining of the misery of the people and the misconduct of the King's affairs. At the same time the court received two financial edicts for consideration; remonstrances on these, together with the earlier articles, were presented to the King upon his return to Paris on April 12. The remonstrances of the Parlement were not well received at such a critical juncture, and Henry insisted to deputies of the court that his kingdom was in danger and that the Parlement should immediately execute his will. Reluctantly, on April 14 one edict alienating part of the royal domain was registered. 75

No sooner was this registration completed, however, than the Parlement ordered the arrest of one Nicolas Parent, a high official in the administration of the gabelle, for "diversion of revenues." Parent's official papers were seized, he was imprisoned, then dragged

74 Glasson, Le Parlement de Paris, I, 91.
75 Albert Chamberland, Le Conflit de 1597 entre Henri IV et le Parlement de Paris (Paris, 1904), pp. 1-5.
before the Parlement to explain what was happening to the King's salt taxes. Henry, now lodged at Saint-Germain near Paris, summoned representatives of the court to account for its treatment of Parent. Neither the King's personal injunctions on this, the 26th of April, nor lettres de jussion on the 5th of May brought the magistrates to comply with the royal will.

An already tense situation was considerably exacerbated on May 10 when the court received an edict creating a président and ten conseillers in the court, together with a lettre de cachet explaining the pressing financial needs of the Crown. Well aware that the collective temper of the court was aroused, Henry's letter offered the judges a generous tripartite arrangement under which the Parlement, Chambre des comptes, and the Crown should supervise the expenditure of revenues resulting from the creation. The court refused the edict and the offer of supervision; Henry retaliated by ordering the exile of parlementaire ringleader Jacques Riviere. With tempers thus aroused on both sides, Henry received the court's

76 Nicolas Parent was a trésorier des gabelles. It is quite possible that the Parlement selected him or his administration for rather brusque treatment because the court's wages were drawn from the salt taxes and were far in arrears throughout the 1590's. On the payment of the Parlement's wages at this time see Maugis, Histoire du Parlement, II, Appendix III, "Note sur la question des gages du Parlement après 1594," 388-93.

77 This seems to be the first instance of a judge being exiled by royal action for disciplinary reasons. The practice would become more common during the 1630's.
deputies at the Louvre on May 13. The scene was a memorable one.

In plain language the King told the magistrates of his will:

"I have sent you an edict which is of importance to me; it concerns my State; peril is eminent; all of you know it. If you delay, my affairs are lost, my State ruined. Instead of working for the expedition of my edicts, you address remonstrances on petty things. You have come to excuse a recognized error. Proceed to the verification, all things ceasing."\(^76\)

In spite of repeated words to the same effect, the deputies persisted in asking the release of Riviere, to which Henry replied:

"Return to the court. I wish to be obeyed and not to have things delayed. I wish to be obeyed. My State is lost. I will conserve it. When the Parlement has completed deliberation and verified the edict, I will consider when it should be given satisfaction; but I am King, I want to be obeyed."\(^77\)

Neither this bluntness nor further lettres de jussion persuaded the court; Henry, having exhausted all other means, determined to use constraint. On May 21 Henry came to the Parlement to hold a lit de justice forcing the registration of ten financial edicts and an eleventh declaration severely limiting the deliberative rights of the court. Citing the interminable delay caused by the rendering of over 200 opinions and the retardation of justice brought thereby, the declaration stipulated that in the future assemblies for verification should be made up of the conservative senior judges in the Grand'Chambre plus the oldest président and the dean of each chamber of Enquêtes and Requêtes, a total of fifty men in all.\(^80\)

\(^76^\)Chamberland, Le Conflit de 1597, p. 36.

\(^77^\)Ibid., citing registers of the court for May 14, 1597.

\(^80^\)Ibid., pp. 55-61. A copy of the edict, which remained a dead letter, can be found in B.N. Ms. fr. 18413, fols. 134-35.
Even after the lit de justice of May 21, the Parlement refused to resign itself to royal orders. Upheaval reigned among the Enquêtes, who, after having been shut out of public affairs, went on judicial strike and refused to perform their duties. The affair was only slowly resolved after June 2, when Henry permitted Riviere to return to the Parlement and agreed to suspend the recent restrictions on the court in exchange for a voluntary loan and acceptance of the creations of office. The court agreed, but acceptance of these conditions did not mean the sub rosa resistance of the court came to an end. Not until December was the last of the eleven new officers received into the Parlement.81

The events of 1597 show clearly that the most diplomatic of rulers might expect difficulty with the Parlement in times of national crisis. Henry IV had found, as Louis XIII would find decades later, that the Parlement saw itself as the spokesman for the nation's overburdened subjects. In resisting the Crown's policies, the judges could maintain that they were only fulfilling their traditional duty to inform the king of ill-advised legislation. A clash was inevitable when these measures became necessary for the preservation of the kingdom. The conflict of interests became all the more complex when the self-interest of the judges was involved, as it was in the creations of office registered on May 21. The exile of Riviere and the resistance of the court after a lit de justice were symptomatic of the willingness of both sides to

carry their case to extremes; these extremes were to be further
accentuated under Louis XIII as the Crown pressed its policy of
absolutism at home and intervention in the Thirty Years' War abroad.

By the beginning of the seventeenth century, the internal pro-
cedures of the Parlement in handling public matters were fully
developed in all essential respects. Discussion of public affairs
was conducted according to the form of judiciary deliberations, the
pattern of which was followed down to the least detail. Whenever
a royal project was revealed, whether an edict, declaration, or
lettre de cachet presented by the gens du roi, the court began by
scrutinizing the document in the Grand'Chambre to determine if all
chambers should be assembled immediately for deliberation. If the
issue were not pressing, or if the court wished to delay, it would
be referred to a committee of rapporteurs (reporters), who examined
the articles and presented conclusions at the session following.
When the committee had finished its inquest, the results were
presented en conseil to the Grand'Chambre, that is to say, to the
Grand'Chambre acting "in council" rather than in a judiciary
capacity. If the issue were of import, the Enquêtes and Requêtes
might be summoned to a full session. 82 In either case final action

82 The decision to assemble all the chambers lay in the hands
of the First President following the consensus of his colleagues the
présidents à mortier. The decision to convene a plenary session was
often of considerable importance because the younger Enquêtes and
Requêtes were more radical than the conservative Grand'Chambriers
and were more inclined to favor measures opposing Crown policy. On
the other hand, tradition dictated that the younger judges were
entitled to participate in matters affecting public affairs; when
excluded, they often resorted to invasions of the Grand'Chambre,
judicial strikes, and other measures of protest.
commenced with a legal commentary by one of the *gens du roi*, who was free to present all views but was duty-bound as the king's attorney to terminate his speech by requiring registration or other action favorable to the king according to the official formula *audito et requirente procuratore generali* (heard and requires the *procureur général*). Then the chambers turned to secret deliberation during which each magistrate offered his remarks in turn, according to rank and seniority.  

If at least a quarter of an hour was allowed for each judge, while the court counted from fifty to 150 present, it is not surprising that deliberations often filled entire weeks, even at two sessions per day. After all opinions were received by the chief clerk, the *président* summarized them and offered a conclusion according to the majority. It was a general rule of the court that all deliberations should be held in secret and that all record lists of the votes (*billets des opinions*) be destroyed immediately after tally in the interests of justice. Very few *billets* have in fact survived, a situation which makes reconstruction of parties and factions within the court impossible.  

The "style" or formal code of the court's discipline always considered that it was a closed body, open only to members regularly received and sworn in and bound by a solemn oath to keep and observe the ordinances and to preserve silence on internal matters. Even the highest personages of the land, members of the royal council, princes of the blood, *secrétaires d'État*, *maîtres des requêtes*, and peers of France retired as soon as the court began to deliberate *en conseil*.  

Occasionally, however, *billets des opinions* were preserved by the clerks for consultation upon need, and in some circumstances the *billets* passed to another chamber, or even to the king or chancellor, when the court found itself divided over a trial or resolution. This was apparently the case for the only surviving *billet*.

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of the court made known, the chief clerk was then ordered to transcribe the decision (arrêt) into the registers under the rubric "It will be said . . ." or "The court orders . . .". 85

Since the thirteenth century the Parlement had maintained continuous registers in which the daily life of the Parlement was recorded. By the seventeenth century these registers were divided into five major series: (1) Ordonnances, containing official and final copies of royal laws, (2) registres du conseil, in which public and political deliberations were recorded, (3) registres des plaidoiries civiles, for civil suits, (4) registres criminels, for criminal trials, and (5) unofficial and unacknowledged registres secrets in which the court sometimes recorded observations and remonstrances prohibited by the Crown. 86 The first four series were con-

des opinions for the period 1624-1642, when on April 26, 1631, the court debated the advisability of registering a declaration of March 30 against Gaston d'Orléans, brother of the king. On this occasion thirty-four judges favored registration and thirty-four were for remonstrances; the names of présidents and conseillers on both sides are given in B.N. Ms. fr. 18413, fols. 127-127v.

85 Maugis, Histoire du Parlement, I, xvi-xvii.

86 After 1636 a sixth series, the registres du conseil secret, appeared to supplement the registres du conseil. The distinction between the judiciary matters recorded in the registres du conseil and the political matters in the conseil secret was often artificial and somewhat arbitrary. The original archives of the Parlement of Paris are conserved almost intact at the Archives Nationales, with the exception of several registers which have been lost or mislaid in other depots. The original registers make up the following series: Série X², Arrets, Conseil, Plaidoiries, Enregistrements des actes royaux, Chambre du domaine, Grands Jours, Coutumes reformées, Correspondance. Série X³, Minutes des Chambres des Enquetes, du Conseil. Série X⁴, Registres criminels. Série X⁵, Minutes des
fided to the chief clerk and his staff who prepared them from rough minutes; the secret registers were held apart by select conseillers who transmitted them from generation to generation. Unfortunately for modern historians, almost all of the secret registers have disappeared, leaving only the registres du conseil to record public and political affairs, and even these registers are deficient in the extreme. Entries are riddled by extensive and systematic silences, such as the daily series recording the twenty-five or thirty sessions considering the great ordinances of the sixteenth century: "The court, all chambers assembled, discussed articles of the ordinance until adjournment." Later entries may clarify previous sketchy information, but nothing can replace material lost through fires, theft, and alterations ordered by both Crown and court for various reasons.

chambres criminelles. Série x, Registres des Requêtes du Palais. Série x, Minutes des Requêtes. The Archives Nationales and the Bibliothèque Nationale possess numerous collections of copies, of extracts, and of tables of registers utilized by jurists. Worthy of particular mention among these collections are those of the parlementaire Lamoignon family (B.N. Ms. fr. nouv. acq. 7979-8500) and those of Joly de Fleury (B.N. Ms. fr. nouv. acq. 2102-2477). The citations in this essay are to eighteenth century copies of registres du conseil and conseil secret, B.N. Ms. fr. nouv. acq. 9890-9894 (Nov., 1623-Nov., 1643) originally held in the library of Lefebvre de Caumartin, Bishop of Blois (1719-1733).

The entire curious matter of the secret registers of the Parlement has been discussed by Madeleine Dillay in "Les 'Registres secrets' des Chambres des Enquêtes et des Requêtes du Parlement de Paris," Bibliothèque de l'Ecole des Chartes, CVIII (1950), 75-123. See also Maugis, Histoire du Parlement, I, xiii-xxv.

Maugis, Histoire du Parlement, I, xvi-xvi.

Information on the registers of the Parlement may be found in A. Grün's Introduction to Actes du Parlement de Paris, ed. E. de Boutaric, I, i-cxxvi, and in R. Filhol, "Les Archives du Parlement de Paris: source d'histoire," Revue historique, CXLII (1947), 40-61. In 1554 the registers of the court recorded that one
In spite of their manifest shortcomings as historical source material, the registers of the court provided the judges with archives superior to any which the other institutions of the Crown possessed. The royal council in particular had no systematic records until règlements of 1616, 1628, and 1630 ordered the secretaries and clerks of the council to keep registers of petitions presented and decisions reached; up until this time the papers recording the official business of the council were considered the private property of the secretaries dispatching or receiving them. Even these règlements apparently

Bertrand Grebert, a parchmentmaker, was condemned by arrêt of February 9, 1493, to be hung and strangled for having torn out and sold the parchment of the registre du conseil for 1443-1451. Sometimes the registers were diverted for private purposes as reported on May 4, 1565. The chief clerk complained that agents were publicly printing and selling copies of the remonstrances on an edict of January, 1561, even though he had kept the original under lock and key and in the custody of a single clerk who worked at home. The Parlement instituted an investigation, the results of which are not recorded. Finally, after Francis I returned from captivity in 1526, he ordered the clerk to bring him all registers made in his absence so that the King might verify that dissenting remarks had been scratched out. For these examples and others through the sixteenth century, see Maugis, Histoire du Parlement, I, xvi-xxiii. The destruction of parlementaire records continued in the seventeenth century. A disastrous fire on March 7, 1618, destroyed many records. On May 13, 1631, Louis XIII ordered the greffier of the court to bring him the sheet of the court's notes bearing the deliberations made on April 26, 1631, when the court had refused to register a declaration outlawing the King's younger brother Gaston d'Orléans. The greffier complied, and the King ripped up the page in the presence of the judges. Glasson, Le Parlement de Paris, I, 138-39.

did little to assuage the situation in the council, for only a few of these registers were drawn up, and the council remained essentially without systematic records throughout Louis' reign. In any case, no minutes of any sort were permitted in the Conseil d'en haut which made secret policy decisions. The result was an obvious advantage for the Parlement in legal disputes with the Crown which were largely based on arguments of precedent. Before the king and his ministers might even be aware of an issue that had arisen in the Parlement, the magistrates would have already searched through their archives, found a suitable legal precedent for their case, and issued an arrêt which might very well conflict with royal interests.


92 Legal arguments on both sides sometimes relied on the citation of precedents which were centuries old. See, for example, the list of criminal trial precedents drawn up by Michel de Marillac while garde des sceaux to lend authority to his essay "Mémoire dressé par le garde des sceaux de Marillac principalement contre l'autorité du Parlement." The precedents in this instance go back to some dubious ones in the sixth century. B.N. Ms. fr. 7549, "Extrait de l'instruction, Juges, et Jugements de plusieurs procès importants" (576-1560), fols. 244-55. See also the arguments presented by garde des sceaux Chateauneuf in addressing deputies of the Parlement at the Louvre on May 13, 1631, in which reference was made to an edict of Charles VIII dated 1495. W. F. Church has noted that both Richelieu and Séguier were careful to prepare themselves with legal advice. To do this, they supplemented official records with documents assembled for them from various sources. Characteristic of these private archives are three volumes stamped with the arms of Séguier now held by the Bibliothèque Nationale as: B.N. Ms. fr. 18321-18323, copies and extracts from the registres du conseil and conseil secret of the Parlement; B.N. Ms. fr. 18367, a collection of manuscript and printed pieces concerning the Parlement from 1543; B.N. Ms. fr. 18410, a collection of accounts of lits de justice, speeches, and deliberations in the Parlements of Paris, Toulouse, Bordeaux, and Rouen between 1369 and 1632.

93 Moote, Revolt of the Judges, pp. 8-9.
The passage of the sixteenth century had witnessed a considerable increase in the political ambitions of the Parlement since the time of Francis I. The system of venality and heredity of offices had greatly strengthened these pretensions; the cohesion of the magistrates grew steadily because of material interests which concerned all the judges. The unity of the court was heightened, too, by continuation of its traditional role as high councillor to French kings. Periodic royal prohibitions against meddling in affairs of State and the delaying tactics of repeated remonstrances remained meaningless gestures as long as monarchs continued to seek out and respect the opinions of their judges. The history of the rapport between court and Crown was thus an increasingly complex one, characterized by spasmodic and often contradictory patterns of royal behavior on the one hand and tenacious insistence on the forms of legality by the Parlement on the other.

Though the 1500's had seen substantial augmentation in the political pretensions of the court, the constitutional framework of what has been called the "traditional monarchy" had not been altered.\(^4\) Accepted theory dictated that the king was the living embodiment of sovereignty in the kingdom. His royal sacerdotum was divine, not of

\(^4\) The term "traditional monarchy" was used by Georges d'Avenel to describe the corpus of theory and practice of French government as it existed until the time of Richelieu. The chief characteristic of this monarchy was a harmony and balance between the theoretically absolute royal powers and the representative tradition as vested in the local and national estates, the royal council, and the Parlement of Paris. According to D'Avenel's thesis, the assumption of power by Richelieu marked the beginning of a fundamentally different "absolute monarchy" in which royal prerogatives were abused at the expense of the rights of subjects and their representative institutions. See D'Avenel, Richelieu et la monarchie absolue, I, 1-144.
the people, having been mystically conferred by birth and confirmed with the ceremony of coronation. So endowed, the king was the unique source of legislation in the kingdom--in the legal shorthand of the seventeenth century, si veut le roi, si veut la loi (as the king wishes, so wishes the law). It was a crime of lèse-majesté to contest his ordinances and his absolute power. These ordinances and other legislation, however, assumed their ultimate form, efficacy, and legality only after having been submitted to the thorough examination of the Parlement acting en conseil.

Parlementaire doctrine held that the court's deliberation and control were born of experience and were imperative in order to restrain the arbitrary exercise of royal authority. The court saw itself, as avocat général Le Maître maintained in 1499, as "the true Senate of the kingdom, where edicts and ordinances of kings take their final form and authority when they are published and registered." Over a hundred years later, First President Achille III de Harlay reminded Henry IV of the same traditional usage: "Edicts are sent to the Parlement not only for verification, but for deliberation according to the ordinary forms of justice." A few years later,

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95 This expression was at least as old as the thirteenth century, when it can be found in the writing of jurisconsult Philippe de Beaumanoir. Beaumanoir proposed only three limitations on the king's authority: (1) the general interest of subjects (2) rule by consultation in très grand conseil, or "very great council," and (3) respect for the laws of God. See Esmein, Cours élémentaire d'histoire du droit français, p. 466.

96 Maugis, Histoire du Parlement, I, 543.

97 Ibid., 522, quoting registers of the court for September 7, 1605.
the jurisconsult La Roche-Flavin wrote that "the parlements have not only been established for the judgment of affairs and trials among individuals, but they have also been destined for public affairs and the verification of edicts." By the middle of the sixteenth century, this point of view had been positively affirmed in written law. Article 2 of the Ordinance of Moulins (1566) maintained that

after our edicts and ordinances have been sent to our courts of parlement, and other sovereign courts to be published there, we wish that they be attended to, all affairs relinquished, except that in case they determine to make some remonstrance to us, in which case we enjoin them to do it immediately. After such remonstrances, having made our will known, we desire and order that publication ensue without recourse to others.

In summary, by the 1600's the court's formerly consultative function had been transmuted into a powerful constitutional strongpoint from which it could challenge, or even block, actions of the Crown it deemed as arbitrary. No more lucid or concise statement of the court's position in this regard can be found than in the words of avocat général Omer Talon when addressing a lit de justice on July 31, 1648:

Formerly the king's wishes were never executed by his subjects without being first approved by all the great men of the kingdom, by the princes and officers of the Crown; today this political jurisdiction is vested in the Parlement; our possession of this power is guaranteed by a long tradition and respectfully acknowledged by the people. The opposition of our votes, the respectful resistance which we bring to bear in public affairs should not be interpreted as disobedience but rather as a necessary result of the exercise of our

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98 Treze livres des parlemens, Bk. XIII, Ch. XVII, No. 1.
99 Isambert, Anciennes lois françaises, XIV, 191.
office and of the fulfilling of our obligations, and certainly
the king's majesty is not diminished by his having to respect
the decrees of his kingdom; by so doing, he governs, in the
words of the Scriptures, a lawful kingdom.

In short, the opinions of the court did not bind the king, but they
should enlighten him; the just and wise monarch was expected to
respect the advice of the court when presented as remonstrances. In
case of insoluble conflict, however, the sovereign nature of the
monarchy required that the king should prevail. In the last instance
the king could restrict the right of remonstrances out of his own
authority. As Cardin LeBret wrote in 1632,

It has been asked if the king can make and publish all these
changes in law and ordinances by his sole authority, without
the advice of his council or his sovereign courts. To which
it is answered that there is no doubt of it, because the king
alone is sovereign in his kingdom, and sovereignty is no more
divisible than the point in geometry. At the same time it will
always be well for a great king to have his acts approved by
the parlements and other principal officers of the Crown, who,
are obliged by oath to serve and advise him with all loyalty.

Talon's speech of 1648 reflected accepted parlementaire doctrine
of the era, but his words, like the doctrine, failed to define at
what point the "respectful resistance" of the court became active
disobedience to the king's authority and therefore illegal. Just as

100 Omer Talon, Mémoires, continués par Denis Talon, ed. J. F.

101 Cardin LeBret, De la souveraineté du Roy (Paris, 1632),
Bk. I, Ch. IX, p. 71. Cardin LeBret, seigneur de Flacourt, was born
in 1558 and pursued a distinguished legal career. He was avocat
général at the Cour des aides, then in the Parlement until 1619.
Being in the Parlement he was breveted as a conseiller d'Etat in the
king's councils on May 7, 1605, and took the oath on June 8. In 1629
we was sent as intendant to Metz; during the 1630's he was associated
with several political trials initiated by Richelieu. In 1632 LeBret
published De la souveraineté du Roy which expressed absolutist
thought current at the time. LeBret continued his councillor career
during the 1640's and 1650's, dying dean of the council in 1655.
the court's jurisdictions in private law were confused and overlapped with administrative attributions, the Parlement's role in the arena of public law was never set out within well-defined constitutional boundaries. The court was traditionally presumed to be the legal guardian of the kingdom's law, but in the seventeenth century, the legal foundation of the monarchy was immensely flexible and comprised many elements within the corpus of public law.

The immediate legislative capacity of the king has already been identified as an adjunct of his sovereignty. The place of the Parlement in this law-giving process has also been sketched out through its historical evolution. In time the products of royal law giving were amassed in a body of royal ordinances, edicts, and declarations which represented the legislative expression of past monarchs in written form. Seemingly concrete and lasting, written royal law

102 Royal ordinances, edicts, and declarations all had behind them the same general authority of the king. The distinctions and terminology were never respected exactly and have no real juridical importance. Esmein, Cours élémentaire d'histoire du droit français, pp. 736-37; Olivier-Martin, Histoire du droit français, pp. 345-53; D'Avenel, Richelieu et la monarchie absolue, I, 77-103. Five printed collections of royal ordinances should be mentioned. The only complete collection of royal acts that were committed to print during the ancien régime is found in the Salle des imprimés of the Bibliothèque Nationale. This collection comprises the Actes royaux, which are original copies of printed royal legislation. The volumes of the Actes royaux are bound and catalogued in the French fashion according to dimension, subject matter, and year issued. Access to the Actes royaux may be gained through A. L. T. Isnard, Catalogue général des livres imprimés de la Bibliothèque Nationale: Actes royaux (6 vols.; Paris, 1910-1967). In addition to the Actes royaux, four other collections of royal ordinances should be mentioned. Unfortunately for historians of the ancien régime, each has shortcomings in chronological coverage or editorial quality. The best presentation for the centuries embraced (1051-1514, reigns of Henry I to Francis I) is Ordonnances des rois de France de la troisième race, published volume by volume between 1723 and 1849 under the successive direction of Eusèbe de Laurière, Denis-François Secousse,
from past reigns was actually open to extensive modification and interpretation. Its provisions could always be overridden by new monarchical utterances arising out of contemporary needs. Moreover, observation of written law was shaped by usage and custom. Article 1

L. de Villevaut, Louis de Bréquignon, Claude de Pastoret, and J. M. Pardessus. During the ancien régime this publication was made under the initiative and authority of the royal chancellor. Publication was resumed during the Napoleonic period under the patronage and direction of the Académie des Inscriptions et Belles-Lettres which pushed it up to the twenty-first volume completing the reign of Louis XII. Volume XXIbis (1847) contains a chronological table. In 1902 the Académie des Sciences Morales et Politiques resumed publication of this work under the title Ordonnances des rois de France: règne de François I. In 1974 the work had been completed through 1537. The Recueil général des anciennes lois françaises depuis l'an 420 jusqu'à la révolution de 1789, published from 1823 to 1827 by Jourdan, Decrusy, Taillandier, and Isambert is best known under the name of Isambert. The Anciennes lois françaises include twenty-eight volumes; a table appeared as Volume XXIX in 1833. The collection, though representing the entire history of the monarchy, is highly selective, incomplete, and marred by mistakes in editing and notation. The deficiencies of the above collections are partially compensated in two others prepared during the ancien régime. The Edits et ordonnances des roys de France, depuis Louis VI, dit le Gros, jusques à présent, edited by Antoine Fontanon and ordinarily so designated, first appeared in 1580. A second edition, revised and augmented by Gabriel-Michel de la Roche Maillot, appeared in 1611. The three volumes of the 1611 edition, though selective and defective, represent a useful supplement to Anciennes lois françaises, as does another collection, Recueil d'Edits et d'ordonnances royaux, sur le fait de la justice et autres matières les plus importantes, which first appeared in 1635 under the editorship of Pierre Néron and Etienne Girard. Ordinarily known as Néron and Girard, the Recueil d'Edits et d'ordonnances royaux subsequently appeared in 1647, 1656, 1666, and 1720. The last edition, revised and augmented by Claude Ferrière and Eusebe Laurière in two folio volumes supplemented legal texts with extensive annotations and commentary. On the printed editions of the royal ordinances see Alfred Franklin, Les Sources de l'histoire de France (Paris, 1877).
of the Code Michaud of 1629 spoke of ordinances "not abrogated by contrary usage" and so officially recognized usage as one form of interpretation of the law. Shaped in this way by custom, the diffuse and flexible nature of French public law was to prove crucial in the development of absolutism, for just and legal arguments could be produced both for the absolutism of Richelieu and for the Parlement's challenge to royal arbitraire.

Above and beyond the written and customary law was a second category of public law which was not subject to royal modification, abridgement, or abrogation. This category was the "fundamental laws" of the kingdom which contemporaries and modern historians alike have postulated as the authentic constitution of the monarchy. Mathieu Molfé, First President of the Parlement, spoke of these laws in 1645 in saying "that there were two sorts of laws in the State: some transient, species of laws of police which changed according to occasion; the others fixed, certain, and immutable, under authority of which the State was governed and royalty subsisted." Writing two and one-half centuries later, historian André Lemaire concluded that the French kingdom was governed by these fundamental laws which represented a constitution appropriate to the nature of the monarchy and the historical circumstances surrounding its evolution. Lemaire cautioned that one should not expect to find a constitution in the modern sense in which public functions are delineated by a written document or collection of titles stipulating laws, rights, obligations,

103 Isambert, Anciennes lois françaises, XVI, 225.
104 Talon, Mémoires, p. 148.
and relationships between prince and subject. There was never a formal juridical act or contract between Frenchmen and their kings establishing sovereign relationships within the State. In terms of written law there was no constitution; a constitution, however, was to be found in certain fundamental laws which kings themselves professed to be inalienable and which could not be abrogated or infringed within the context of legal rule. These fundamental laws were traditional and unwritten, but were nevertheless real and binding, respected by nation and ruler, and explained and commented on by jurisconsuls and historians throughout the centuries. Most importantly, the fundamental laws defined an unalterable framework within which sovereign authority could be legally exercised; hence, to violate the fundamental laws was to violate the true French tradition and was, therefore, to be considered despotism.105

By Louis XIII's reign, a thousand years of tradition had determined that the fundamental laws might be expressed according to certain general propositions. The first general principle maintained that the fundamental laws themselves were an expression of custom, usage, and tradition and were not rooted in a willful constitution by the nation, by the prince, or by any pact. In effect, this most permanent and most fundamental part of the constitution was not the free work of men. "It is not Clovis, it is not Charlemagne," wrote Lemaire, "who have constituted [italics Lemaire's] the monarchy; no more so is it their Franks; rather, it is all of them, and it is still more the innumerable facts, the multitude of circumstances, the

105 André Lemaire, Les Lois fondamentales de la monarchie française d'après les théoriciens de l'ancien régime (Paris, 1907), passim.
From customary usage followed a second principle that neither the king nor the people were permitted to change the constitution and to do so would be purely destructive. The stability of the State depended on the faithful conservation of French traditions. Thirdly, the true French tradition could be found in certain propositions which had come out of the specific historical application, development, or complement of the general principles mentioned above. These could be called "derived" or "secondary" fundamental laws. By the end of the sixteenth century the body of derived or secondary fundamental laws had reached full development, and political theorists were beginning to apply the term _lois fondamentales_ to describe the basic unalterable principles of the monarchy. Reduced to their essential provisions, the universally recognized fundamental laws around 1600 were:

The State is a pure monarchy: the sovereign power is one and belongs to the king alone.

Royalty is hereditary by virtue of a law of succession appropriate to it. It passes without division or diversion to the oldest male child of the preceding king, or to the nearest male heir after him. Candidacy is admitted following the order of primogeniture; women, descendants through women, bastards and their descendants are excluded. Also barred are foreign princes whose accession would bring the kingdom under foreign dominion. The monarch cannot dispose of the Crown, either to living persons or by testament. Domain and Crown are inalienable. The properties of the prince who accedes to the throne are amalgamated with the domain of the Crown. The king is major at thirteen years and one day. A regent

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106 Ibid., pp. 279-80.
governs in case of minority, absence, or insanity of the king under royal authority, that is to say, without power in his own name. The king can make provision for a regency. If this has not been done, the regency is, in principle, attributed to the heir presumptive of the minor, absent, or insane king. The king never dies.

The king of France is Catholic. He assumes a certain responsibility for the Church in the kingdom as conservator of the Gallican Liberties.

The nation is divided into orders. In the Estates General and provincial estates, votes are taken by order.

Provinces and communities are endowed with certain liberties. Custom or individual statutes determine the nature and extent of these liberties.

The king governs par très grand conseil (with a very great council), that is, with the subordinate cooperation of a greater or lesser part, more or less representative, of the nation.

Of these fundamental laws, only the nature of the last two would be in question during the early seventeenth century, and only the question of très grand conseil involved a basic restriction on the development of absolutism. Nevertheless, this single issue was of immense significance because the Parlement's resistance to absolutism would be founded largely upon the claims of the court to act as très grand conseil to the king. The traditional interpretation

107 Ibid., pp. 279-83. The expression très grand conseil was as old as the thirteenth century. Philippe de Beaumanoir proposed counsel as one of three major limits on Crown authority. In some form or another, most theorists after Beaumanoir recognized the need for limited monarchy and most saw limits as a combination of three forms: divine law, fundamental law, and natural law. Parlementaire La Roche-Flavin likened the Parlement to the Roman Senate whose advice and counsel was essential to the glory and endurance of the Roman State. The same comparison could be found throughout the Renaissance period, strengthened until 1515 by the coincidence of the numbers of personnel sitting in the court with the one hundred members of the ancient Roman republican Senate.
held that the king's *têrs grand conseil* had been successively represented by primitive Frankish comitatus and tribal assemblies, then by the court of the first Capetians, next by the court of the first Capetians, next by the Estates General, and finally by the provincial estates and the Parlement of Paris. At times the king had convoked assemblies of notables for purposes of advice or reform, but these usually represented a reduced form of the Estates General, a less extended version of the *têrs grand conseil*.

By the first decades of the 1600's, only the Estates General and the Parlement of Paris represented institutions with the potential to act as *têrs grand conseil*, and there were indications that the Parlement, in spite of the abuse of remonstrances, was more effective than the Estates General in offering council and support to the monarchy. The court had the advantages of a traditional legal heritage and three centuries of continuous existence; it was permanently and conveniently located in the capital; its procedures, however clumsy and prolonged, were no less effective than those of the Estates General. By the end of the sixteenth century, these advantages were becoming more apparent. In 1593 the Parlement had acted decisively to defend the validity of the Salic law and to ensure that the French throne would be occupied by Henry de Bourbon, the legitimate heir; on June 28, 1593, the court resolved to draw up

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108 Lemaire, *Les Lois fondamentales*, 282, 302-15. The possibility that the royal council, the linear and nominal descendant of Frankish institutions and the *curia regis*, could fulfill the function of *têrs grand conseil* diminished after the thirteenth century as it became clear that it was an instrument of the king's government. André Lemaire ignores it as a potential expression of *têrs grand conseil*. 

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a decree defending the fundamental laws of France and requiring that the throne pass to Henry de Bourbon. At the same time an Estates General convened by leaders of the Catholic League was wavering in its allegiance between the attraction of legality and the influences of Spain, of the duc de Mayenne, and the League. The Parlement demonstrated no vacillation; upon hearing of Henry's conversion to Catholicism the court promptly confirmed him as rightful king of France. Upon Henry's death in 1610 the regency of Marie de Medicis was immediately confirmed by the Parlement and not by an Estates General, and by usurping this role, the prestige and authority of the court received a substantial boost. Four years later, in 1614, when the regency seemed about to founder on the rocks of inept statecraft, the Estates General was convened to lend its advice. But the orders utterly failed to agree on any major point and the meeting was adjourned without positive result. After the failure of the meeting of the Estates of 1614, the Estates General's worth as a councillor body was in serious doubt, while the prestige of the Parlement stood at a new high:

It was in keeping with the developments of the previous century that the Parlement should once more assert its superiority over the Estates-General, but the political significance of what it had done on this occasion [Henry's death] was sufficient

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110 Glasson, Le Parlement de Paris, I, 119-20; Shennan, Parlement of Paris, p. 242. In 1484 the regency of Anne and Pierre Beaujeu for Charles VIII was extensively discussed by an Estates General of that year; in 1560 an Estates General approved the regency of Catherine de Medicis for Charles IX. The question of the regency of Marie de Medicis was never submitted to the Estates General.
to convince the court that its political function should be both central and permanent. There was nothing novel about this conviction save the emphasis, and the new emphasis was all important, for it could no longer be doubted now that the Parlement alone shouldered the responsibility for representing to the king the myriad rights and privileges of his subjects, for offering the only constitutional form of opposition to royal actions, for preserving the traditional balance of the French State.\textsuperscript{111}

As the course of events was to show, the Crown recognized the deficiencies of the Estates, and they were not convoked again until 1789. The disappearance of the Estates left the Parlement with widened opportunities and a heightened sense of responsibility to advance its claims; immediately after the collapse of the Estates in 1615, the court began to press its case for a greater role in affairs of State.\textsuperscript{112}

\textsuperscript{111}Shennan, \textit{Parlement of Paris}, p. 243.

\textsuperscript{112}Roland Mousnier, "L'Evolution des institutions monarchiques en France et ses relations avec l'État social," in \textit{La Plume, la faucille et le marteau}, pp. 215-30. Along with the development of feudalism on the land and the coming of the intendants, the author holds the disappearance of the Estates General to be one of the three great institutional modifications of the seventeenth century. Mousnier rightly notes that this "disappearance" was in reality merely a suspension and did not mark any change in the juridical status of the body; the Estates General continued to exist in theory, but the king simply did not convene them.
CHAPTER III

THE PARLEMENT AND THE SEVENTEENTH CENTURY CRISIS

If the reign of Louis XIII could be characterized as having a single distinguishing feature, a quality impressive in both intensity and duration, that feature would be the atmosphere of political and economic crisis which hung over the reign from beginning to end. This atmosphere became apparent after Henry IV's violent end and intensified after the failure of the Estates General of 1614. As the second decade of the century came and went, the peace, prosperity, and general progress made during Henry's rule disintegrated into civil war and religious strife. Vascillation and badly directed statecraft typified the regency of Marie de Medicis, whose uncertain and unfortunate policies produced nothing but a resurgence of old religious tensions and a revival of the political ambitions of the great nobility. The declaration of Louis XIII's majority in October, 1614, changed nothing since the government of France continued to be dominated by Marie and her Italian confidant, Concini.¹ The thrifty

¹Concini and his wife, who took the Florentine name of Eleonora Galigai, were the favorites of Marie de Medicis and exercised the preponderant influence in French government after the death of Henry IV. Concini enjoyed every favor the Queen Mother could bestow; he sat in council; he received immense riches and many titles, including that of marquis d'Ancre, and was later made a maréchal de France. Concini's highest personal goals were those of power and self-enrichment; these dubious qualities plus his Italian origins made him odious to the common people. The Huguenots hated him for his Ultra-montane Catholicism, and many nobles were jealous of his influence.
care of Sully in the finances gave way to waste, inefficiency, and outright corruption in fiscal matters; the savoir faire and political acumen of Henry were replaced by la politique de largesse and other clumsy manoeuvrings. In 1616 alone, Marie was compelled to grant the governorship of Berry and 1,500,000 livres to the prince de Condé in exchange for his good will; over 6,000,000 livres were distributed among his confederates Soissons and Bouillon.  

Changes after Louis' coup d'état of April, 1617, meant little. The inept Concini was replaced by the duc de Luynes, Louis' falconer-turned-favorite, but neither Luynes nor Louis were able to bring firm direction to the government. By 1624 it seemed that the fabric of French society, so laboriously rewoven by Henry and Sully, might

in the innermost circles of government. During Concini's predominance, which lasted until 1617, the young Louis XIII was shunted into the background, ignored, and even insulted by both the Queen Mother and by D'Ancre. In 1616 and 1617 Louis fell under the influence of his falconer, a lowly Provençal by the name of Luynes, who was personable and sympathetic to Louis' frustrations. On April 24, 1617, Louis, urged on by Luynes, attempted to have Concini arrested. Concini was killed resisting arrest, and his wife was later tried and executed for witchcraft by the Parlement of Paris. The feeble leadership of Concini did not come to an end with his demise, for Luynes proved incapable of dealing with fractious nobles such as the prince de Condé and was unable to resolve the fundamental conflict between Louis and his domineering mother. For the early years of Louis' reign, see especially C. J. Burckhardt, Richelieu and His Age, Vol. I: His Rise to Power, trans. Edwin and Willa Muir (London, 1940), henceforth cited as Burckhardt, Richelieu, His Rise to Power; Victor Tapié, La France de Louis XIII et de Richelieu (Paris, 1967); and J. H. Mariéjol, Henri IV et Louis XIII (1598-1643), Vol. VI, Pt. 2, of Histoire de France, ed. E. Lavisse (Paris, 1911), Henceforth cited as Mariéjol, Henri IV et Louis XIII.  

2Burckhardt, Richelieu, His Rise to Power, p. 75.
once again unravel into its constituent threads.\(^3\)

The crisis conditions which appeared in France after Henry IV's death were scarcely unique in the Europe of the time. To the contrary, it is clear that the French situation was part of a larger general European crisis of the same period which troubled most states. In England, religious and political turmoil during the reigns of James I and Charles I indicated the breakdown of the Elizabethan Compromise and the onset of a constitutional crisis of the first order; this crisis climaxed in civil war in 1641. At the same time, severe political crises appeared in Denmark, Sweden, the Netherlands, and Spain. Open Spanish-Dutch warfare in the Netherlands was resumed in 1621 when the Twelve Years' Truce of 1609 expired; the war in the Low Countries merged with the Bohemian Revolt of 1619 to become part of an all-European Thirty Years' War. Catalonia, Naples, and Sicily flared into revolt during the 1640's, and

\(^3\)A complete bibliography of the reign of Louis XIII would be far too lengthy to present here. The best point to begin is with the annotated bibliography of Louis André and Emile Bourgeois, Les Sources de l'histoire de France, XVII siècle (6 vols.; Paris, 1913-1934). The Catalogue de l'histoire de France's eleven original volumes (Paris, 1855-1870) and five supplemental volumes are indispensable for research among the printed sources held by the Bibliothèque Nationale. Also very useful are W. F. Church's "Publications on Cardinal Richelieu Since 1945," Journal of Modern History, XXXVII (December, 1965), 421-44, and Jacques Lelievre's "Esquisse d'une bibliographie d'histoire du droit public français au XVII\(^{e}\) siècle," XVII siècle, Nos. 58-59 (1963), 83-104. To these may be added the bibliographies provided by Marijol, Henri IV et Louis XIII. Extensive bibliographies are also provided by Carl J. Burckhardt in Richelieu and His Age, Vol. II: Assertion of Power and the Cold War, trans. Bernard Hoy (New York, 1970), and Vol. III: Power Politics and the Cardinal's Death (New York, 1970). The first volume in this series does not include a bibliography. See also the sources listed by Georges Mongrédien in La Journée des dupes (Paris, 1961).
as far away as Russia, upheaval and disorder prevailed in a general "time of troubles" associated with the foundation of the Romanov dynasty.

Amid the considerable discussion about the exact nature and meaning of the "crisis of the seventeenth century" which has appeared since the thesis of general crisis was first proposed in the 1950's, certain salient causes and symptoms have been above debate. Historians are now in agreement that the first half of the century was a period of pervasive and widespread economic depression in some way connected with the Price Revolution and shifting trade patterns of the last fifty years of the sixteenth century; a depression in economic activity was continued and aggravated by the Thirty Years' War in Germany, by the collapse of Spain as a world power, and by stagnation in Mediterranean trade which brought the decline of once prosperous Italian states.4

The seventeenth century depression was fundamentally economic in character, but it also had important political corollaries: it was inextricably tied to the working out of a new balance of power between the dynasties of Bourbon and Hapsburg as well as the emergence of what has been termed "the modern State," a form of monarchy in which royal governments enjoyed substantially more authority and effectiveness than ever before. Englishmen of the time knew the political crisis as a clash between royal prerogative and parliamentary rule; after a half century of tension, nine years of civil war, and the execution of a king, Parliamentary supremacy and limited monarchy triumphed. On the continent, governmental development took a different path. In France, the principles of monarchical authority were victorious over representative institutions, corporate and individual rights, and regional particularisms in what is conventionally termed an "age of absolutism." The Spanish Hapsburgs attempted to emulate the French model of centralization, but Olivares' Union of Arms failed to weather revolts in Naples, Portugal, and Catalonia.5 Disintegration of the German Empire during the Thirty Years' War was confirmed at Munster and Westphalia. Though the Hapsburgs maintained a firm hold on the crown lands, they had to admit the permanent loss of the United Provinces which had emerged during the War as a great mercantile

5 On the political turmoil which characterized the mid-century decade, see R. B. Merriman, Six Contemporaneous Revolutions (Oxford, 1938). Merriman was unable to fit the revolts in Naples, Catalonia, Portugal, the English and Dutch revolutions, and the Fronde into a common international pattern of cause and effect.
power. As a result of these changes and others, after mid-century France asserted herself as the major European land power while the Dutch and English contested control of the seas.

In France prevalent European conditions were reflected in an era of popular uprisings which seem to have been both a reaction to, and symptomatic of, general crisis conditions within the society, economy, and government of Louis XIII. Recent studies by Roland Mousnier and Boris Porschnev have confirmed that peasant revolt was endemic in the kingdom throughout the 1620's, 1630's, and 1640's; the same historians and their students have shown that disturbances in the countryside were often related to urban émeutes (riots) and to resistance to royal policies on the part of peasants, townspeople, nobility, provincial assemblies, and even royal officers. The frequency and intensity of outbursts shows a general correlation with economic conditions as well as with the progress of absolutism and centralization during Louis' reign. As early as 1617 and 1618, popular turmoil boiled to the surface each year in one part of the kingdom or the other; the frequency of these disturbances increased throughout the decade of the 1620's to reach a crest in the period 1637-1639. In November, 1623, there were popular riots lasting two days at Rouen; at Poitiers in 1624 urban rioters attacked the houses of royal officials with stones and firearms. In May, 1624, a more serious affair broke out around Figeac and Cahors in Guyenne where a peasant army looted and pillaged the countryside for days on end. In the years following 1625 such upheavals became commonplace. In 1626 there were troubles at Troyes; in 1628 at Amiens and Laval; in
1630, a spasm of revolts shook Angers, Dijon, Caen, and Lyons. The
decade of the 1630's brought no relief, rather, the fury and mag- 
nitude of émeutes and jacqueries increased. There were riots in 
Paris in 1631 over the imposition of a new aide on wine and in 1638 
over the non-payment of interest on the royal rentes, or bonds, and 
the rural revolts of the Croquants of Périgord in 1637 and the 
Norman Va-nu-pieds in 1639 were more serious than any preceding ones. 
In the uprising of the Croquants, for example, no less than 6,000 to 
7,000 men took up arms against the authorities, and in their final 
stand more than 1,000 were killed.

The causes of disaffection were numerous and complex. Some of 
them certainly lay buried deep in the history of the country. Robert 
Mandrou, especially, has seen the tensions of Louis XIII's era as a 
product of the adjustment of "collective mentalities" to long duration 
changes in social conditions. For Mandrou, social conflict had two 
orientations: one a great "dialogue à trois voix among the noblesse 
d' épée, the noblesse de robe, and the bourgeoisie marchande, the other

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6 Roland Mousnier's Fureurs paysannes is the best general source 
on French rural revolt. See also the same author's "Recherches sur 
les soulèvements populaires en France avant la Fronde," in La Plume, 
la faucille et le marteau, pp. 335-69; Boris Porschnev, Les Soulève- 
ments populaires en France de 1623 à 1648 (Paris, 1963); Monique 
Degarne, "Etudes sur les soulèvements provinciaux avant la Fronde; 
la révolte du Rouergue en 1643," XVIIe siècle, no. 56 (1962), 3-18; 
Robert Mandrou, "Vingt ans après, ou une direction de recherches 
fécondes: les révoltes populaires en France au XVIIe siècle," Revue 
historique, CCXLI (July-September, 1969), 29-40; J. H. Salmon, 
"Venality of Office and Popular Sedition in Seventeenth-Century France: 
a Review of a Controversy," Past and Present, no. 37 (July, 1967), 
21-43; Tapié, La France de Louis XIII et de Richelieu, pp. 200-07; 
Mariéjol, Henri IV et Louis XIII, pp. 432-34.
a violent expression of popular upheaval in town and country.\footnote{Robert Mandrou, \textit{Classes et luttes de classes en France au début du XVII\textsuperscript{e} siècle} (Messina and Florence, 1965), p. 13.}

Weakened by the Wars of Religion, the old nobility found its dominant position increasingly embarrassed by economic decline and threatened by the opportunities opened up to the \textit{bourgeoisie} for social advancement into the newer \textit{noblesse de robe}.\footnote{Ibid., pp. 29-62.} Continuing the theme of continuity with the past, Mandrou has also observed that the disturbances of the reign were not the first nor the last of such outbursts, and that it is therefore necessary to see them in a sequence of preceding troubles and those reaching at least to 1676. In brief, it is the long perspective which is important. In addition to economic crisis, he maintains, historians of popular unrest should be equally attentive to locations and cartography: the West, Normandy, Guyenne, the Center (Marche, Berry, Bourbonnais), there is the area most often touched, the most often afflicted by a continuity of troubles. Can one see here a consequence of the larger participation of these provinces, bordering the ocean, in the vigor of the "long 16th century": the ebbing of the years 1620-1680 having provoked a more noticeable slump here than in more continental, more developed regions? But these zones of rural and urban agitation of the 17th century are also the provinces in which the religious wars were most ardent in the preceding century.\footnote{Robert Mandrou, "Les Soulèvements populaires et la société française du XVII\textsuperscript{e} siècle," \textit{Annales: Économies, sociétés, civilisations}, XIV (1959), 761.}

Victor Tapié has also pointed out that popular unrest was rooted deep in the collective psychology of the past:

\textit{In truth, there was scarcely a province in France which had not received from the past some traditions of civil war, some}
because they had been Protestant, others because they had been Leaguers, and, going further back into history, Burgundian, "Armagnac," or Breton. The slightest return of tranquillity or of peace effaced or contained these memories, but as soon as the ravages of misery broke out anew, these sore spirits were resurrected with the confused legends of the wars of other times.

As in past times of great distress, the failure of strong and able leadership during the regency encouraged civil disorder, especially among the great nobility who took the opportunity to raise their provinces against royal authority and among the Huguenots who saw a potential revocation of the Edict of Nantes in the flaccid policies of Marie de Medicis. Out of these motives and for mere private gain, armed bands crossed and criss-crossed large areas of the countryside throughout the second and third decades of the 1600's. Whether carried out by peasants or princes, by rebels or royalists, the depredations of marauders accentuated the misery and hardship of the poor and the uncertainty of the times. Richelieu was able to bring the anarchy of a warring feudality and the rebellion of the Huguenots under control by 1630, but after this time the kingdom was threatened by foreign invasion. In 1636, the infamous "Corbie Year," Spanish forces crossed the frontier, ravaging and pillaging to within ninety miles of the capital.

The role of economic causation and its relationship to the crisis of Louis' reign is not yet fully explored or understood. The

10Tapie, La France de Louis XIII et de Richelieu, p. 372.
economic and demographic indicators available for the first half of the century are scanty and widely scattered; it is to be expected, too, that conditions varied greatly from year to year and from province to province. For these reasons, it is not surprising that the general French scene is as yet unclear. From the studies available at present, it appears that from 1615 the course and relationship of prices and wages were generally unfavorable to urban craftsmen and artisans. During the first third of the century, at least, prices were generally rising and wages lagged behind the rise. For the rural peasantry, the rise in prices may have meant prosperity to those with a disposable surplus of foodstuffs. It is more probable, however, that rising prices were a reflection of shortages and increasing demand linked to a rising population. The first half of the century was marked by frequent violent cyclical variations brought about by seasonal shortages and poor harvests. Such fluctuations were certainly characteristic of the entire agricultural history of the Old Regime, but the amplitude and frequency of short-term oscillations were often abnormal during the first half of the 1600's.11

The studies of Goubert for the Beauvais and Mousnier for the kingdom as a whole indicate that the French population was rising

11 For the general economic conditions of Louis' reign see the works previously cited in notes 3 and 4 and Pierre Goubert, Beauvais et le Beauvaisis de 1600 à 1730 (2 vols.; Paris, 1961).
steadily until the decade of the 1640's. In the Beauvais, for most parishes, the level of population reached a figure in the 1640's that was not equaled until the beginning of the nineteenth century. On the eve of the Fronde the total population of the kingdom was to reach or even surpass twenty million, a height that had not been attained since the fourteenth century. Between the fourteenth and seventeenth centuries, the French population had oscillated between a minimum of fifteen and a maximum of twenty millions; these limits were relatively fixed and were closely related to disease, famine, and the limited agricultural productivity of the French economy. By the era of Richelieu the demographic level may have outstripped production techniques, for as Mousnier maintains, "France is above all an agricultural country, and the agricultural technique of the times does not allow enough productivity [for population] to exceed the maximum level, nor is it regular enough to avoid abrupt jolts." 

The seething unrest of Frenchmen is easily understood when the fiscal demands of the Crown and the distribution of the royal tax

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burden is considered. Henry IV and Sully had managed to accumulate a sizable surplus through careful direction of the finances, but Marie de Medicis abandoned their stewardship. Henry's nest egg was consumed a few years after his death, and the expenses of government began to edge upward, a trend sustained after Louis' coup d'état of 1617. The costs of civil wars and campaigns against the Huguenots supported the rise during the 1620's; no sooner were these major outlays suspended than Richelieu began a costly involvement in international politics, secretly buying alliances, influence, and information. After May 19, 1635, when France's war turned from cold to hot, it became necessary to conduct a financial campaign paralleling the military and diplomatic effort. The inevitable result was a dramatic escalation of revenues collected. After the figures supplied by Mallet, royal revenues averaged about 40,000,000 livres a year during the 1620's. In 1632 this rose to 57,000,000 livres, becoming 72,000,000 in 1633 and 120,000,000 in 1634. In the critical year of 1635, the total revenues collected amounted to no less than 208,000,000 livres, a figure dropping the next year to 108,000,000 and stabilizing at about 90,000,000 livres per year until the end of the reign. It should be noted that these revenues represent sums bons aux trésoriers de l'épargne, that is to say, monies accounted for by the central treasury. What sums beyond these were spent in unaccounted ways for fortifications, military logistics, garrisoning of troops, and so forth remain unknown.  

13 See Appendix I. Numerical data taken from the tables of Jean-Roland Mallet, Comptes rendus de l'administration des finances du royaume de France pendant les onze dernières années du règne de...
The enormously increased taxation of the 1620's and 1630's was distributed inequitably among various social classes so that injustice was added to exaction. The taille, principal direct royal tax, fell almost exclusively on the peasantry. During the first three decades of the 1600's, this tax remained virtually stable at a level of about 8,000,000 livres assessed under Henry IV. By 1633, however, the Crown found it necessary to increase the amount of the taille, and by 1637, the year of the Croquant revolt in Périgord, the taille produced about 20,000,000 livres, or twice the amount it had during the 1620's. Much the same was true of the indirect taxes which also bore heavily, though not exclusively, on the rural and urban lower classes. Like the taille, the aides, traites, entrées, octrois, and gabelles remained relatively constant until 1632, when they began to rise substantially. The average amount collected through these indirect taxes during the 1630's was about one-third greater than the amount taken in each year during the 1620's.¹⁴ Heavy taxes burdened the peasantry, but they also affected the landed nobility as well, for increased royal collections meant a decreased ability to pay the seigneurial dues. Except for this factor, the nobility and clergy remained largely exempt from levies. The important special case of taxes on the royal

¹⁴Mallet, Comptes rendus des finances, pp. 198-212.
officers and on office holding will be considered later.\textsuperscript{15}

The research of Roland Mousnier and Boris Porschnev and their students supports the probability that popular unrest was closely related to economic hardship and the burden of taxation by showing that the majority of risings began as an attack on royal fiscal agents which sometimes became a general clash between rich and poor. In the countryside revolt usually began with assaults on persons and property representing those who affirmed new taxes or exercised the office of \textit{slu} where these officials were newly introduced into \textit{pays d'états}.\textsuperscript{16} Sometimes, as Porschnev has pointed out, the peasants attacked those persons or property representing any king of feudal oppression: on these occasions the \textit{seigneurs}, their \textit{châteaux}, its fruit trees or vines were the victims of peasant wrath. Much the same pattern could be discerned in urban areas. Symbols of municipal or royal authority or economic well-being associated with tax collections, such as the \textit{hôtel de ville}, \textit{greniers de sel}, and the houses of royal officials, the

\textsuperscript{15}See infra, pp. 141-45.

\textsuperscript{16}After 1627 the Crown attempted to introduce its own tax agents for the \textit{taille}, the \textit{slus}, into the \textit{pays d'états} of Dauphine, Burgundy, Provence, and Languedoc. The reform, had it succeeded, would have eliminated the provincial rights of these provinces in matters of finance and gone far to introduce administrative uniformity throughout the kingdom. The reform, however, was maintained only in Dauphiné, where the estates ceased to meet. Georges Pages, \textit{La Monarchie d'Ancien Régime en France de Henri IV à Louis XIV} (Paris, 1928), p. 104; Mariéjol, \textit{Henri IV et Louis XIII}, pp. 402-06.
mayor, or tax assessors, were set upon. 17

Popular risings before the Fronde were, then, indicative of a profound economic and demographic crisis in French society. The causes of the crisis were complex, because natural factors interacted with man-made ones to intensify the troubled nature of the times. Riot and rebellion were a response to increased taxation feeding the maw of internal and foreign war; they were also probably associated with long-term movements in prices and a crisis in the ability of gens de rien to eke out a subsistence; they were directly linked to a general crisis in government and society brought by the challenge of the Crown to local and individual rights and privileges. Roland Mousnier has shown that unrest provoked by such conditions cut across all class lines when peasants followed their seigneurs into rebellion. In these instances, which Porschnev's Marxist view cannot accommodate, the vertical ties of clientage, patronage, and mutual benefaction proved stronger than horizontal barriers of socio-legal division. The peasantry and artisans, most numerous and most touched by suffering, provided the dynamic for violence, but the nobility, and even ecclesiastics, were often indifferent to, and sometimes actively involved in, demonstrations of discontent.

In this crisis, the King could not even rely on his officials to enforce Crown policies. Mousnier, together with his students

Monique Degarne and René Pillorget, have provided ample evidence to show that royal officials at all levels often incited and sometimes organized resistance to policies of absolutism and centralization. Frequently, it seems, when called upon to implement orders from the council or from intendants, the officers of the venal bureaucracy preferred to defend their own and local interests rather than execute their obligations to King and State.

At Aix-en-Provence in 1630 and 1631, when the royal government attempted to transform the province into a pays d'élection, it was président Coriolis of the Parlement of Provence who, along with other officers of the court and bourgeois of the town, directed the revolt of the Cascavoeux. The revolt, which infected most of Provence during the winter of 1630, coincided with a period of poor harvests, plague, and the passage of troops into nearby La Rochelle and the duchy of Savoy. The Parlement of Aix was also particularly disturbed by the expiration of the paulette at the end of 1629; when intendant Dreux d'Aubray arrived in the province to enforce establishment of the élus, one faction of the parlement headed by Coriolis and his nephew directed agitation and violence against the intendant. Some of the rebels swore to cut their throats rather than see the élus introduced into the province; several houses of financiers were burned while the bourgeois garde de ville of Aix refused to march against the rioters. 18

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Many of the same conditions could be found at Moulins in the summer and fall of 1640. A royal tax collector had been murdered and his money stolen. In quelling the ensuing disorder the governor, the comte de Saint-Gérard, encountered continual difficulty with local municipal and royal officials. In writing Chancellor Ségüier on August 11, Saint-Gérard accused the lieutenant-général of the Présidial of Moulins, who was also mayor, of having abandoned him at a moment of need. On August 15, the governor wrote Ségüier again to say he had been obliged to imprison an échevin of the city who had let a rioter escape from his custody. He accused the judges of the présidial of favoring those in revolt, and he asked for commissaires to investigate and prosecute the affair. This was done.

An intendant, Humbert de Chaponay, was sent to Moulins to deal with the guilty. He informed Ségüier after his arrival that it would be necessary for him to judge the guilty himself "because of favors and protection that all these murderers and thieves receive on the part of the principal officers and magistrates of this city who openly favor their crimes against the will of the King plainly manifested to them." Chaponay added that he hoped to administer a "severe and exemplary chastisement" to the culpable to ensure the safety and security of the King's subjects. Whether or not Chaponay had his

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19 Mousnier, Lettres et mémoires adressées au chancelier Ségüier, I, 481, from B.N. Ms. fr. 17374, fol. 72-73, De Chaponay in Moulins to Ségüier, January 23, 1641.

20 Ibid. See also Mousnier, "Les Soulèvements populaires," p. 357.
way with the troublemakers is not recorded.

The same pattern of official instigation and bourgeois co-operation was found in many other cases, even among the sovereign courts of the provinces. As early as July 15, 1630, garde des sceaux Michel de Marillac could write concerning troubles at Laval and Angers that

"I do not think it would be possible to imagine anything more prejudicial to the authority of the King, or to his affairs, especially in the present state of affairs. All are filled with sedition in France. The parlements punish no one for it. The King has given judges for these trials and the parlement stops the execution of these judgments, and consequently the seditions are authorized. I do not know whether to hope or to fear from that, seeing the frequency of these upheavals, of which almost each day brings us a new opinion."\(^\text{21}\)

Marillac's accusations of parlementaire indifference to sedition were not without cause, at least among the provincial parlements. The revolt of the Parlement of Aix in 1630-1631 has already been mentioned. At Dijon in 1630 the Parlement of Burgundy bore a heavy responsibility in the uprising of the Lanturelus; at Bordeaux in 1635 the bourgeois guard stood aside while the parlement incited disorder. Involvement of the sovereign courts was obvious, too, in the troubles at Rouen in 1639 where the attitude of the parlement was such that the King interdicted its functions, along with those of the Cour des aides.\(^\text{22}\)


Monique Degarne has described the interaction of royal officials and their common animosity towards the intendants in the revolt of the Croquants of Rouergue in the summer of 1643. The causes of the upheaval in Rouergue were much the same as elsewhere: plague, poor harvests, rising taxation, and inequitable division of the taille appear prominently here. The reports of intendants plus lists of those arrested indicate that most participants in the troubles were ordinary peasants, vine workers, laborers, artisans, and tradesmen. A sprinkling of nobles was also involved. The rebellion in Villefranche-en-Rouergue had the support of the présidal of the city and a faction which centered about the city fathers; the local court, together with the city magistrates, were suspended from their functions by royal order after July, 1643. The présidal did not content itself with inciting disorder in Villefranche, for reports of the intendants show that it maintained a constant liaison with the nearby Parlement of Toulouse. That parlement, second oldest and most prestigious after that of Paris, showed itself thoroughly sympathetic to the rebel cause. On June 5, conseiller Juillard reminded the court of seizures made in enforcing the taille. The fault for local disorders, he said, lay not with local officials but with the exactions of the intendants. At least some of the judges addressed by Juillard were hardly disinterested observers of these intendants and the collection of the taille, being themselves landlords who had not paid the taille for years. This evasion was patently illegal in Languedoc, a pays de taille réelle where all landholders were liable
for payment. Following Juillard's speech the court issued an arrêt which suspended all commissions not verified in the parlement. Conscious of the undisguised hatred thus demonstrated towards him, intendant Jacques Charrenton wrote Saguier on June 29 that

"Messieurs of the Parlement of Toulouse are proposing to make great complaints against me out of hatred for the views I have given His Majesty concerning that which they have done contrary to the authority and service of the King. I beg you to consider that they direct it more towards the intendancy than towards my person, angered at having a controller of their actions so near and so exact."

Degarne concluded that several other groups of royal officers such as the trésoriers de France showed an animosity no less great in regard to the intendant for similar reasons.

Several general reasons can immediately be identified for the behavior of the judges in the Parlement of Toulouse as well as other royal officials found in collusion with resistance to the King's authority. All of these causes had an ancient common ground in the establishment of the royal bureaucracy during the fifteenth and sixteenth centuries, in the introduction of venality and the paulette, and in subsequent effort of the Crown to tax its officers as well as to supervise their growing independence after 1610. In recovering from the debilitation brought by the Hundred Years' War, the Renaissance monarchy had strengthened its ties with Frenchmen.

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24 Ibid. See also the primary documents provided by Mousnier in Lettres et mémoires adressés au chancelier Saguier, II, Appendix III, "Mémoires sur diverses séditions," 1112-132.
everywhere in the kingdom by gradually assembling an elaborate bureaucracy to conduct provincial administration in the king's name.\textsuperscript{25} Quite typical of this process was the fashioning of machinery to collect deniers extraordinaires such as the taille, which were now, more than ever, imposed by regal right outside the domain. By the end of the sixteenth century, this financial machinery extended through several levels, from the \textit{sixes} at the grassroots through the \textit{receveurs} at provincial level to the four \textit{intendants des finances} in Paris.\textsuperscript{26} At the same time, the Crown further consolidated its grip on the countryside by erecting a sophisticated judicial apparatus which was utilized not only for the execution of royal law but also for administrative tasks in conjunction with noble governors.\textsuperscript{27} Particularly noteworthy among these tasks was the court's function of disseminating knowledge of new royal legislation within their jurisd-

\textsuperscript{25}"Renaissance Monarchy" is here used to encompass the reigns between Charles VII (1422-1461) and Henry III (1574-1589). The qualities of the Renaissance Monarchy and its bureaucratization of France are discussed by J. Russell Major in \textit{Representative Institutions in Renaissance France} (Madison, Wisconsin, 1960), pp. 3-20, and by Christopher Stocker in "Office as Maintenance in Renaissance France," \textit{Canadian Journal of History}, VI (1971).

\textsuperscript{26}Certain provinces, those deemed \textit{pays d'états}, remained outside the region within which the royal financial officials operated. In these, collection of the taille and other \textit{impositions royaux} were made through the estates of the province. In all areas of the kingdom, indirect taxes such as the \textit{gabelles}, \textit{aides}, and \textit{traites} were never collected by royal officials but were farmed under contract to \textit{traitants} and \textit{fermiers} whose private agents collected in the king's name. These exceptions to the regular financial apparatus limited its operations but in no way affected its original \textit{raison d'être}.

\textsuperscript{27}Gaston Zeller has postulated that Renaissance administration was largely effected through the combined activities of the \textit{gouverneurs} and the provincial \textit{parlements}. See Zeller, "L'Administration monarchique avant les intendants."
dictions, ensuring that subordinate courts as well as subjects were kept abreast of declarations, edicts, and arrêts posited as law. Like the Parlement of Paris, the nine provincial parlements put down brigandage, regulated commerce, ministered to the poor, and dealt with myriad details of fairs, markets, bridges, roads, education, and health within their ressorts. The administration of these functions made the royal courts, especially the parlements, vital links between the centralized royal authority in Paris and the various provinces that made up the kingdom.

During the fifteenth and sixteenth centuries the royal bureaucracy had demonstrated its worth to king and country. It had accumulated numbers large enough to make France the most thoroughly bureaucratized of the great European states while establishing a reputation for loyalty and effectiveness in furthering the king's interests. Beyond this, the establishment of a regular civil service had helped fill the royal treasury, provided a means of maintenance for Crown servants and clients, and had laid down a ready path for social advancement through an otherwise restricted social system. As long as the Renaissance monarchs respected local privileges and customs, sought to impose a modicum of taxes, and

28 In 1505 the royal bureaucracy—officers as well as clerks, sergeants, notaries, and miscellaneous agents—counted about 12,000 members in a nation of 15,000,000 inhabitants and 480,000 square kilometers, or one official for each 1,250 inhabitants and for each forty square kilometers. Major, Representative Institutions in Renaissance France, p. 5. This figure had risen to about 40,000 by the early seventeenth century, or one official for every four hundred subjects in a kingdom of about the same extent. Moote, Revolt of the Judges, p. 6.
associated their central authority with decentralized provincial institutions, the royal bureaucracy proved highly effectual. Unfortunately for the interests of Louis XIII and Richelieu, however, the civil service policies and governmental institutions which had proven sufficient in the Renaissance Monarchy showed themselves to be of limited value, even restrictive and ennervating, to royal authority in an age of absolutism. The helter-skelter pyramid of courts, bureaus, officers, and jurisdictions piled up since medieval times had quite adequately answered the limited needs and objectives of Renaissance rule, but this jumble was less amenable and often antagonistic to exactions demanded of it by Louis and Richelieu.

What accounts for the independence exhibited by royal officials during Louis' reign? At the outset it should be noted that there was not, and could not be, any universal explanation. The bureaucracy was far from monolithic. The interests of an élu in Orléans were vastly different from those of a président in the Parlement of Brittany, and both had little in common with a secrétaire du roi in Paris. True, all of the officers could claim to participate in the public power of the Crown, but real uniformity ended there. The entire body of officials was broadly split vertically along functional lines into financial and judicial officers. Both categories were fissured irregularly across horizontal lines of power, prestige, tradition, and ancienneté. Embedded in the diverse mass were curious anomalies like the maîtres des requêtes, presumably magistrates but just as often fulfilling the role of administrators. Almost all of
the officers were touched by the paulette, which represented their common interest in office holding. Yet even the paulette had its exceptions and exemptions. A few officers were still outside its regime in the seventeenth century. Others, like the sovereign judges, were so prestigious and so powerful politically that they were able to escape many of its more onerous aspects. Despite this mélange of various identities among the officers, some common factors for opposition to royal policies can be suggested.  

Part of the answer lies in the consistently ad hoc policies the Crown pursued in instituting, organizing, and recruiting its civil servants. In multiplying the number of parlements, for example by creating the Parlement of Normandy out of the former ducal exchequer, or by making that of Burgundy out of the erstwhile ducal court, the Crown almost inevitably elevated pre-existing local institutions to the status of royal parlements. In so doing, kings successfully flattered local ambitions, eased the transition to centralization, and seemingly created stronger bonds with the province, but the particularist traditions of the courts so elevated were actually only given royalist trappings rather than truly transmuted by their assumption of the king's name and seals. The personnel of the provincial courts continued to be drawn in large measure from the

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29 On this question see especially Moote, "The French Crown Versus its Financial and Judicial Officials" and the same author's Revolt of the Judges, pp. 3-63.

30 See supra, p. 46, n. 10.
locality; the law practiced before such courts continued to be as much the local custom as the royal ordinances. The same paradoxical assimilation of local offices by royal personnel had infiltrated other parts of the bureaucracy by the 16th century. The filus, originally medieval agents locally designated by the various dioceses to collect subsidies they had granted the king, had been integrated into the royal bureaucracy during the fourteenth century as the most humble financial agents of the pays d'élection. Sometime royal offices had resulted from other ad hoc circumstances. The prévôts and baillis, for example, had originated as independent commissioned delegates of the king, wholly under his control and at his disposal. These commissions had gradually been subverted into regular heritable offices by the fifteenth century, usually being held as honorary sinecures by local gentlemen. When the interest of these officers conflicted with that of the Crown, it is hardly surprising that regional ties, familial orientation, material values, or customary law sometimes proved more tantalizing than allegiance to a distant king.

Self-interest and independent attitudes among all officials were greatly encouraged by traditional mores of office holding in Renaissance France. Since medieval times, offices had been distributed by king and noble alike among loyal retainers, servants, and clients.

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The understood intention was that the recipient should exploit the position for personal and familial ends, i.e., for his maintenance. Salaries were usually low or non-existent, but ample opportunities existed for the officer to compensate himself through legal fees, court costs, or charges for his public services. Sometimes this meant that the discharge of official obligations would be wanting, or at other times excessive, but disadvantages of the system were held to be of little consequence when placed alongside advantages accruing to the donor. Offices were a convenient and honorable bequest, suitable for nobleman as well as commoner, and the gift of them a highly satisfactory means of acquiring followers devoted to one's service.33

As survivance established itself, so too did the tendency for a family to capture a royal office and regard it as part of its patrimony. During the sixteenth century, the distribution of offices gradually became "royalized" and subjected to sale rather than gift. The independence of functionaries was further fortified after 1604 by the introduction of the paulette, which simplified and sanctioned centuries-old practices. Through the purchase of office, individuals and families found rich opportunities for public service, social advancement, and material reward, but at the same time kings also came more and more to understand that the regalian right to create offices had a potential to produce revenue even after posts had been

33 Stocker, "Office as Maintenance," passim.
sold and seemingly alienated. Officers, in short, could be taxed for their cherished privileges.

The net result of Renaissance practices and the introduction of venality was the creation of a "new feudality" based on office holding, a theme first developed by Georges Pagès in 1928 when he wrote that

royalty had long availed itself of officers in order to divest the feudality of public power, to leave the one-time masters of the soil nothing but the privileges of honor and useful rights. But the officers did not work solely for royalty. They had come to form, by their own admission, a semi-independent body which doubtless lent its support to the Crown, but which also assumed to know royalty's interests even better than it knew them itself, and thought to enlighten and control it. Then venality of offices— it, too, the work of kings— assured heredity to them. A little later, royalty perceived that it had reconstituted by its own hand a kind of new feudality. 34

Roland Mousnier returned to the same expression in summarizing the situation in the civil service at the beginning of the sixteenth century:

Officers of all categories are recruited especially among the notable and rich families of each locality. If one recalls that certain families monopolized several offices, where they are well enough rooted to provide for them like a patrimony, and if one considers that they join the authority given by riches and long residence with the investment of royal authority, the part of public power that they possess, then perhaps one could conclude that these families share with the king the administration of the kingdom, that royal authority is greatly tempered by ownership... that the kingdom is under the subordination of rich families and that it looms as a new form of feudality. 35

At least as late as the Wars of Religion, however, the "new feudality"

35 Mousnier, La Vénalité des offices, p. 33.
worked for, instead of against, royal interests. Until this time
the admission of proprietary rights of office holders was a minor
matter in comparison with the revenues returned. And perhaps equally
important during troubled times like those endured by the last Valois,
the "new feudality" tended to exclude private parties from the dis-
tribution of royal offices for their own advantage and profit.36

Thus by the second decade of the 1600's, the French bureaucracy
contained within itself diverse and not always harmonious possi-
bilities. In the past it had usually served its royal masters well.
During the fifteenth and especially during the sixteenth centuries,
the bureaucracy had become an acknowledged and accessible path for
upward social mobility. It was a useful instrument for the diffusion
of royal orders and a potential source of revenues. The Crown
recognized its need for servants, as well as the necessity of re-
warding and providing for these servants, but it chose to associate
them with, rather than to separate them from, a gnawing fiscal
appetite. The venal system worked well enough for both parties as
long as officials were not required to unduly violate their local,
kindred, or propertied interests.

The latent possibilities for insubordination which slumbered in
the venal bureaucracy were awakened to active widespread resistance
when shaken by the crisis of Louis' reign. The first symptoms of
an involvement by the officialdom in the crisis appeared in 1614

36 Stocker, "Office as Maintenance," 42-43.
when, after a general assault on venality by the clergy and nobility in the Estates General, it seemed that the Crown might act to suppress the paulette. Unnerved by this possibility, the sovereign courts launched a cacophony of protests. Deputations from the Parlement of Paris saw the King on January 2, 1615, to be followed two days later by deputies from the parlements of the provinces. Under pressure from the officers, threatened by overtures made to the Parlement by the prince de Condé, and uncertain as to how to replace the lost revenues of the Parties casuelles, Marie decided to delay suppression of the paulette until 1618.37

By 1618, however, Louis had seized the reins of government from his mother, and for personal reasons he decided to allow the droit annuel to lapse. On January 15, 1618, an arrêt du Conseil revoked the annuel and dispensations from the forty days clause. A storm of remonstrances from the Parlement and the Chambre des comptes of Paris ensued, but Louis held firm. Usually pious and idealistic, Louis felt obliged to honor promises made to the Estates General three years before; furthermore, the suppression of venality appealed to his sense of justice and thus to the well-being of the kingdom. Eternally jealous of his regal rights, too, the freedom to dispose of offices fitted in well with Louis' concept of his kingly obligations.38

37Mousnier, La Vénéalité des offices, pp. 275-76.
38Ibid., pp. 281-82.
This kind of royal idealism, however, was destined to survive just two and a half years. The revolt of the Queen Mother in 1618, followed by religious civil wars, inaugurated an era of growing deficits in the balance of royal revenues which compelled a restoration of the droit annuel. After 1624, with a drift towards absolutism at home and military involvement abroad, fiscal exigencies became pressing, then imperative. At first the Crown reacted to these pressures as it had at similar times in the past. It raised taxes, floated loans, debased the currency, and finally sought refuge in still more extraordinary measures. During the 1630's the monarchy came to the end of its financial rope, and swinging over the pit of bankruptcy, its fiscal policies became more and more irregular. A study of Appendices I-III will indicate why these fiscal techniques poisoned the rapport between the Crown and its servants. Between 1604 and 1620 (with the exception of the period 1618-1619), the paulette had represented a regularized tax on the officers (the droit annuel) amounting to one-sixtieth of the assessed value of the office; at the same time the creations of office remained relatively restrained so that total income from the Parties hovered around eight to ten percent of royal income. During the 1620's, however, the Crown discovered that it could effectively wring its own bureaucracy for funds after additions to the taille and indirect taxes on the peasantry could no longer be countenanced. It did this primarily through a combination of adroit management of the
paulette, forced loans from the officers, and creations of office. 39

Recourse to these singular practices began to manifest itself after the rebellions of 1618-1620. In exchange for renewal of the paulette privilege, in July, 1620, the officers were required to advance the Crown five percent of the value of their office within nine months and one percent annually thereafter for the remaining eight years of the agreement. The initial five percent loan would be returned to the officers as a deduction made against another flat fee of twelve and one-half percent due at first resignation, technically for the privilege of survivance. Resistance to these unprecedented terms was too great, however; the officers, led by the sovereign courts, refused to pay. Adjustments had to be made. In February, 1621, the sovereign courts, maîtres des requêtes, and trésoriers de France were satisfied by an agreement giving them the right of heritability upon payment of a droit annuel of one-sixtieth and a resignation tax of twelve and one-half percent. In compensation for losses so engendered, the Crown raised the exactions levied on lesser officials. This discriminatory treatment toughened the resistance of the lesser officials so that a final settlement for them was not arrived at until March, 1621. At that time, judicial officials below the sovereign courts were subjected to an immediate loan of three percent and other officials five percent. All were liable to a resignation tax of twelve and one-half percent. The officers accepted these terms, and the custom of negotiating the

Extortionate techniques were revived in 1630-1631 when the Crown again elicited huge sums through manipulation of the paulette and by threats to abolish survivance all together. When all agreements were eventually completed after more than two years of negotiation, the officers of finance had been squeezed for a loan of twenty-five percent. The highest judges received the same preferential gratuity that they had been granted in 1621, while those from the présidiaux and lower courts were forced to pay seventeen to twenty percent in loans plus the usual droit annuel of one-sixtieth. These dealings proved to be so profitable and the demands of war so great that the contractual term of nine years was not allowed to run its course. In 1636 the agreements of 1630-1632 were scrapped, and all functionaries except the Parlement of Paris were asked to make an immediate payment of the droit annuel due across the next six years. Once again, discriminatory treatment was utilized to split the magistrature across its horizontal layers to prevent a unified resistance from developing. The sovereign courts were exempted from any advance; other officers were assessed various amounts during the course of complex bargains effected after 1637.

Ibid., pp. 284-91.

The Parlement was granted the paulette through a special concession in connection with the agreement to register some edicts. See infra, p. 522.

Mousnier, La Vénalité des offices, pp. 291-301. Mousnier has described the exact requirements presented on each occasion that the paulette was renewed during the 1620's and 1630's.
While dangling the paulette before its officials, the Crown also
extracted funds from the upper echelons of its financial officials
by forcing them to lend money in exchange for salary increases or
for the right to collect higher taxes. The officer's increased income
was considered to represent interest on a loan to the Crown capi­
talized at ten to fifteen percent. The result was the generation of
large sums. For example, in 1637 the receveurs des tallies had to
accept 250,000 livres in hereditary salary increases; among them the
receveurs had to collectively remit 3,500,000 livres to the
treasury.\(^4\) The wage increases were compulsory; the officers had
either to accept them or to see their offices suppressed. Having
once contributed a lump sum to the treasury, the officers' woes were
not over, because old salaries as well as increases were usually far
in arrears. Moreover, the salaried interest returned on offices,
ever very large, was further eroded by a reduction of one-fourth
universally applied to the wages of all royal officials in 1639, 1640,
and 1641, a cut which rose to three-eighths in 1642-1643.\(^4\)

Throughout the crisis years of the 1620's and 1630's, the Crown
also expanded the practice of creating hundreds of new offices for
sale. Because no complete lists of civil servants exist for the first

\(^4\) Ibid., p. 412.

\(^4\) Ibid., pp. 455-62. These efforts to cut costs were applied
to the sovereign courts. See B.N. Ms. Mélanges de Colbert 326,
fols. 2-14v, for reductions made in the pensions, special salaries,
and gratuities given the judges of the Parlement during the early
1640's.
half of the 1600's and because of suppressions, modifications, and unsold offices, it is impossible to accurately estimate either the total number of royal officials or the exact additions to their ranks during Richelieu's ministry. Even French authority Mousnier has contented himself on this point by saying that "it is certain that the number of offices was very great," and that "it is difficult to know it [the number] with precision." Nevertheless, it is plain that sales of office were crucial to royal finances during the 1630's, for between the years 1627 and 1642 there were no less than one hundred forty-five creations of offices. Most of these acts provided for the sale of several offices, created wholly new institutions, or established entire categories of new positions. The very substantial yield from these operations is shown in Appendix III. In 1630, creations of new offices brought in twenty percent of royal income; in 1633, twenty-five percent; in 1636, nineteen percent; in 1642, six and one-third percent.

Royal officers feared and opposed new creations as eroding their own investment. The effects of this policy of venality seem at first to contradict these fears, for all during the first thirty-five years of the century there was a steady rise in the value of almost all

45 Mousnier, La Véralité des offices, p. 128.
46 Ibid., pp. 130-32.
47 For the derivation of these figures, see notes to Appendices I-III.
offices, high or low. A twelve-fold rise in the prices of offices in the Paris Parlement during the epoch 1597-1635 has already been noted.\footnote{See supra, p. 35.} It is interesting, though, to observe that at Paris the price of offices did stabilize for a time after 1635. The price of a conseillership was 120,000 livres in 1635 and the same in 1637; perhaps this was due to a large creation of twenty conseillers in December, 1635. In the Parlement of Rouen a similar relationship between the prices of a conseillership and external factors can be traced through a continuous series of reliable figures:

<table>
<thead>
<tr>
<th>Year</th>
<th>Price (livres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1593</td>
<td>7,000</td>
</tr>
<tr>
<td>1622</td>
<td>40,000</td>
</tr>
<tr>
<td>1626</td>
<td>66,000</td>
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<td>1628</td>
<td>68,000</td>
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<td>1629</td>
<td>70,000</td>
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<td>1636</td>
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<td>85,000</td>
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<td>1640</td>
<td>67,000</td>
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<tr>
<td>1641</td>
<td>25,000</td>
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<tr>
<td>1642</td>
<td>55,000</td>
</tr>
<tr>
<td>1643</td>
<td>62,500</td>
</tr>
</tbody>
</table>

Mousnier believes that at Rouen the prices of offices were influenced by new creations and by the politics of the paulette. The dip in prices after 1633 could be attributed to threats of creations in 1633 and 1635, and there was a recovery in 1637 due to a reduction in newly created offices and the prolongation of the droit annuel for six years under the generous conditions of 1604. The fall in price after 1640 could be accounted for by the interdiction of the court after the Va-

\footnote{Mousnier, \textit{La Vénalité des offices}, p. 361.}
hand, there are also figures to show that the value of two offices growing in political significance in Richelieu's government, those of the maîtres des requêtes and the secrétaires d'État, escalated without check during the first four decades of the 1600's. From 1621 to 1642, the price of an office in the corps of maîtres des requêtes went from 102,000 to 180,000 livres; the extremely influential office of secrétaire d'État attained 180,000 livres in 1608, 350,000 in 1622, and 700,000 in 1643.\(^5\) For the less important, but far more numerous, offices comprising the bulk of the bureaucracy Mousnier gives few figures because few continuous series are available. He suggests, however, from fragmentary evidence that "it is possible that they increased much less in price, and that the price of certain ones, especially in the category of offices of judicature, diminished."\(^5\) Mousnier concluded by asking, "Is there not a contradiction between the great heights we have found, which implies great demand, and certain traces of slump that we have encountered?"\(^5\) Nothing of the sort, he says, because

height and slump do not concern the same offices or, for the same offices, are not produced under the same circumstances. Those of the conseillers of the parlements, in particular, increase in price since they are the least undermined by edicts of creation, and the most favored by the conditions of the [droit] annuel. They also contract as soon as the king throws new ones on the market; for them, too, as soon as the

\(^5\)Ibid., pp. 360-63.

\(^5\)Ibid., p. 364.

\(^5\)Ibid.
150

officers enter conflict with the king, sales slow down or cease. There is no contradiction: there are different conditions, and it is always necessary to take into account the times, the places, and the events. 53

All of the above evidence suggests that the combined operations of the Parties casuelles became steadily more important as a source of revenue for the Crown as Richelieu's ministry progressed. Further study may show that along with the greatly expanded operations of the traitants, fermiers, and financiers, the wholesale effort to tax the bureaucracy was part of the transition to the financial establishment of the early modern State in France. By 1600 the great private Renaissance banking houses had been ruined; in any case their capacity would have been sorely strained by the demands of the Thirty Years' War. Certainly the ordinary tax base of the monarchy was inadequate, falling as it did upon a basically inelastic agrarian economy whose productivity was limited by the techniques of the times. Perhaps during the first half of the seventeenth century new national systems of credit were being organized in which tax farmers and royal officials together supplied the government with the vast sums of ready money it required. 54

Without pursuing these possibilities, however, other conclusions

53 Ibid.

appear reasonably justified. Squeezed by loans and threatened by the loss of the investment, the officials of Louis XIII's France found themselves drawn towards an attitude of evasion, corruption, insubordination, and even connivance at insurrection. The attraction was made all the easier by the assault on Renaissance traditions of independent, exploitative office holding which were remote from modern conceptions of dutiful obedience among civil servants. In effect Louis and Richelieu pressured not only the traditional feudal independence of the noblesse d'espée but also the "new feudality" of the Renaissance bureaucracy. And, as with the monarchy's reduction of les grands, the objective was never the destruction of an estate but its subjection to royal will and royal needs.

As has been seen the French bureaucracy was far from being a compact, uniform, homogeneous group. Hence, the effects of royal policy and the tactics of bureaucratic opposition were necessarily as varied as the officers' duties, powers, location, and opportunities. Magistrates at all levels largely had to content themselves with judicial retribution—presentation of remonstrances, delay in verification of edicts, contrary decisions, procrastination in receiving new colleagues, and, upon extreme provocation, going on judicial strike. Reduced salaries and heavier taxes might be made up to a degree through increases in the épices (court costs) and other judicial fees paid by litigants. As a result the power and impact of resistance among lesser judicial officials was of correspondingly less consequence than among the sovereign courts, especially the
sovereign courts of Paris.

Financial officials, on the other hand, found greater chance to recoup their losses through shady dealings, a factor that the Crown itself liked to take advantage of when assessing the droit annuel, survivance dues, and forced loans. Other types of official behavior were also incomptable with the needs of the royal administration. Elus, receveurs, trésoriers-généraux, and trésoriers de France sometimes reacted to royal pressures by delaying the assessment of vitally needed taxes or by contriving a variety of malversations. Friends, neighbors, kin, and the locally powerful or rich were treated with favoritism; the poor and unprivileged suffered the consequences of official rapacity. In normal times, behavior of this sort was more or less acceptable, but it rapidly became intolerable when it short-changed the treasury or stimulated popular revolt.

What was perhaps typical of the behavior of some was reported to Chancellor Séguiier by intendant De la Ferté from Mortagne (Perche) in August, 1636:

In the execution of the commission which it has pleased you to give me . . . I have uncovered the greatest thefts on the widest scale and in the most arrogant fashion which I have ever heard of, because I think that in this Election [of Perche] they have stolen more than one hundred thousand écus in various years. The complaints of poor people and the proof have come to me from all sides.55

Intendant Alexandre de Sève, in Auvergne, could report that he had found the accounts of several receveurs "in such disorder that some-

55Mousnier, Lettres et mémoires adressés au chancelier Séguiier, I, 294, from B.N. Ms. fr. 17372, fol. 152r", De la Ferté in Mortagne to Séguiier, August 7, 1636.
times it has been necessary to tour the parishes in order to get at
the truth," and that he had found an embezzlement of 25,000 livres
in a single account which had been examined by the Chambre des
comptes. And in an edict of May, 1635, the King denounced the
attitude of the staffs making up his provincial bureaux des finances:

For some years, they [the trésoriers-généraux] have made them­
selves so obnoxious in the execution of our edicts and com­
missions that it seems that they want to directly oppose and
frustrate them, from which we have received a very great
prejudice to our affairs by the delay which they bring to
them.  

The edict went on to outline a shuffling of personnel in the bureaux
des finances for each of the généralités along with the addition
of new officers called intendants-généraux.

Though a common front among the officers was unlikely, the
capacity of the civil service to obstruct royal policies remained
enormous. Evidently something more than mere reform in existing
institutions or periodic manipulation of the paulette were required
to deal with the complex crisis conditions of the 1630's, and in fact

56 Ibid., 618, from B.N. Ms. fr. 17381, fols. 25-26, De Sève
in Riom (upper Auvergne) to Ségulier, January 18, 1644.

57 Isambert, Anciennes lois françaises, XVI, 443.

58 The généralité was a district in the financial administration
that virtually coincided with a province. Since this edict provided
that new officers called intendants-généraux would be added to the
bureaux des finances, historians long believed that the edict of
1635 actually instituted the much more important and widely known
intendants de justice, police, et finances, or more simply, the
intendants des provinces. The error in identification was perhaps
originated by the editors of Anciennes lois françaises, who mis­
takenly associated the creation of the venal offices in the bureaux
with the Crown's use of the commissioned agents called the intendants.
See Isambert, Anciennes lois françaises, XVI, 442, n. 1; Dareste,
La Justice administrative, p. 97, n. 1.

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long before the edict of 1635 Louis XIII and his ministers had adopted more effective methods of government to combat the inadequacies that characterized the bureaucracy. Two of these measures amounted to significant milestones in the evolution of the royal administration. At the center of government, the royal council was narrowed as princely councillors were excluded from it. While this took place during the late 1620’s, Richelieu was gathering around him a reliable team of créatures dependent on him and devoted to his interests. Several of these men, professional administrators all, found their way into the posts of secrétaire d'Etat or surintendant des finances from which they came to supervise the tasks of daily government after 1630. At the same time, the organizational structure of the Conseil d'Etat became distinctly more specialized along functional lines of finance, internal administration, and justice. Carefully distinguished among the men who conducted business in the Conseil d'Etat were those with the right to attend the exclusive Conseil d'en haut, now, more than ever, an intimate circle of the King's most trusted advisers. These changes and others had produced by 1635 an efficient and loyal central control mechanism for the implementation of royal authority.59

Centralized authority, however, had to have direct contact with the problems besetting it. To suppress revolt, try dissident nobles,

59 Orest Ranum, Richelieu and the Councillors of Louis XIII (Oxford, 1963); Mousnier, "Le Conseil du roi"; D'Avenel, Richelieu et la monarchie absolue, 1, 40-56; Dareste, La Justice administrative, pp. 53-93.
handle military logistics, assure tax collections, and supervise recalcitrant officers, Louis XIII and his ministers returned to a time-honored expedient, the use of the extraordinary commissioned agent. There were two distinct species of these commissaires operative in Louis XIII's era. One type, drawn from the ranks of the conseillers d'État and maîtres des requêtes, found themselves assigned to short-lived judicial panels or chambres charged with political trials and financial investigations, usually in or near Paris. Intendants, on the other hand, were also drawn from among the conseillers d'État or maîtres but operated individually as commissaires département in the countryside. The efficacy of both types came from the complete control the king had over them, and it was this same quality of control which so clearly distinguished the commission from the office. 60 This control was both legal and

60 Regular officers such as the maîtres des requêtes were usually chosen to hold commissions, though conseillers d'État, parlementaires, and other gens de robe were occasionally selected. Because of this, some authors have tried to controvert the differences between officiers and commissaires. J. H. Salmon has written, after A. D. Lublinskaya, Vnutrennija Politika Frantsuzskogo Absolutizma, 1633-1649 [The Internal Politics of French Absolutism, 1633-1649] (Moscow and Leningrad, 1966), that "the clear distinction drawn by Mousnier between the holders of venal office and the commissaires must also be questioned. The intendants, with one exception, were drawn from the maîtres des requêtes, who sat in the parlement and, under the chancellor's direction, provided the administrative staff for the business of the royal council. These officials owned their offices, although they did not posses [sic] any property rights in the additional posts they might be granted as commissaires. Thus the chancellor had full power to revoke their commissions as intendants but he did not directly control their tenure of office within the collegiate body of the maîtres des requêtes." "Venality of Offices and Popular Sedition in Seventeenth Century France," 33.
Commissioned powers were non-venal, temporary, and immediately revocable. In selecting their bearers, considerations of ability, political reliability, and callousness could rule supreme. The effectiveness of most *commissaires* was further enhanced by the fact that they were drawn from the ranks of councillor personnel, making them in effect striking arms of the council. The extent of the powers vested in *commissaires* varied with the job at hand, but a general three part enabling formulary remained the same: the King recognized some particular administrative problem, empowered the *commissaire* to deal with it as he saw fit, and admonished all officers and subjects to cooperate with him to the fullest extent. So wielded, royal power could cut through time and distance as well as circumvent the most perverse bureaucratic ineptness, corruption, or insubordination.

The most common *commissaire* found in Louis XIII's France was the *intendant*, and because the *intendants* played an important role in both controlling and provoking the Crown's functionaries, some understanding of their origins and operations is requisite to any explanation of the bureaucracy's part in the crisis of the reign. Although much remains unclear about the origins and functions of the early *intendants*, it is certain that the idea of sending individual *commissaires* into the provinces did not originate during Louis XIII's reign. The expedition of such agents was nearly as ancient as the monarchy itself, Charlemagne having sent members of his court into the countryside as *missi dominici* to bring justice and royal authority.
directly to the diverse peoples of his empire. In lieu of a regular civil service, the *missi dominici* effectively satisfied the rudimentary requirements of the Carolingian Empire. The collapse of the Empire brought with it a recession in royal authority which lasted well after the establishment of the Capetian dynasty in the former Frankish kingdom. In recovering and extending central authority over their growing domain, the early Capetians returned to the use of *commissaires* on mission. The *prévôts*, the earliest royal officers in the domain, as well as the *beillis* who followed and supervised them, probably originated as *commissaires* whose tours had become so protracted and regularized that they were finally fixed in one location as permanent officials. Sons followed fathers in the same area, and these once temporary agents were gradually transformed into the basic elements of the bureaucracy.  

As the bureaucracy grew, however, and as *survivance* took hold during the fifteenth and sixteenth centuries, the Crown found it harder and harder to adequately oversee thousands of officials scattered over many provinces. The normal difficulties of communication and distance were carried to impossible levels by the decay of orderly government after 1560. Under these conditions the *commissaire* was again the logical solution to the Valois' need to make their presence felt in distant or troubled areas of the realm. From

61 The thesis that parts of the royal administration developed out of the regularization and fixation of *commissaires* is presented by Pagès in "La Vénalité des offices dans l'ancienne France," 477-95.
the early sixteenth century, *maîtres des requêtes* had been selected for *chevauchées* through the countryside to inquire into the conduct of officials as well as to bring immediate relief to humble subjects entangled in lengthy judicial proceedings or oppressed by inequitable or iniquitous tax collections. During the Wars of Religion these duties of the *maîtres* were confirmed and regularized at law. The three great ordinances of Orléans (Article 33), of Moulins (Article 7), and of Blois (Article 209) authorized *maîtres des requêtes* to make their tours and "to receive complaints from all persons and to insert them in their proces-verbaux" for presentation to the council upon return.⁶² In addition to the *chevauchées* of the *maîtres*, other *commissaires* were sent out irregularly to deal with financial and military problems. The edicts on the * taille* for 1583 and 1600 conferred on these *intendants de justice, police et finances où armées* the right to hear appeals from taxpayers concerning the division of the * taille* between parishes and among the inhabitants of each parish. Henry IV found various *commissaires dépatis* an indispensable instrument in rebuilding his kingdom, and under him the use of *commissaires* was further expanded, with many designated as *intendant, intendant de justice, or intendant de finance*. The use of *intendants* continued throughout the early part of Louis XIII's rule, employed, as in the past, to enforce the collection of new taxes, to reinforce controversial legislation, to assist military

⁶² Isambert, *Anciennes lois françaises*, XIV, 73, 191-92, 430-31. The phraseology employed in each ordinance is virtually the same.
operations, or to oversee the regular officers in their duties.\(^3\)

Considering the Crown's historical reliance on commissaires, it is not surprising that Richelieu frequently resorted to the use of the temporary judicial commission to handle crucial administrative problems. A necessity for constant and thorough management of the machinery of justice became evident to the Cardinal well before the Day of Dupes, bringing Richelieu to outline specific recommendations to deal with what he later described as "the thorny objections of the parlements which obstruct all things."\(^4\) In several memoranda prepared for the King, and later in the Testament politique, the Cardinal sketched out plans to send both panels and individual commissioned agents into the provinces. As early as 1625, Richelieu had toyed with the idea of an ambulatory chambre de justice which would tour the countryside as a travelling assize, hearing complaints about malpractices in the regular courts and hastening the overlong processes of justice. According to this plan, the chamber would be a form of grandes jours made up of members of the sovereign courts: four conseillers from the Parlement of Paris, two from Toulouse, and one each from each of the other six parlements. It is worth noting that the presidency of the chamber would have been in

\(^3\)Zeller, Dictionnaire des institutions, pp. 116, 142-45; Doucet, Dictionnaire des institutions, I, 425-36; Edmond Esmonin, Études sur la France des XVII\(^{e}\) et XVIII\(^{e}\) siècles (Paris, 1964), pp. 25-26; Mousnier, "État et commissaire," in La Plume, la faucille et le marteau, pp. 179-80; Dareste, La Justice administrative, pp. 94-100.

the hands of two conseillers d'Etat, which would effectively place control of hearings and audiences in the hands of members of the council and thus beyond the interference of regular magistrates. 65

Ten years later, Richelieu returned to the same scheme in the Testament politique, proposing

to send into the provinces from time to time chambres de justice composed of conseillers d'Etat and maîtres des requêtes carefully chosen to avoid the thorny objections of the parlements which obstruct all things, in order that this company, receiving complaints which could be made against all sorts of persons, no quality being excepted, could immediately deal with them.

Richelieu's plans for the touring chambre de justice never materialized, probably because the use of individual intendants proved more practical and effective in coping with what increasingly became a fiscal crisis after 1635. The Cardinal himself certainly recognized the practical advantages of individual commissaires in both the judicial and financial role, since he wrote in the Testament politique that

because it is impossible to send such companies into all the provinces at the same time . . . I think that it would be very useful to frequently send into the provinces some carefully chosen conseillers d'Etat or maîtres des requêtes, not only to carry out the functions of intendant de justice in capital cities . . . but [also] to go into all provincial places to inquire into the behavior of judicial and financial officers, to see if impositions are levied in conformity with the ordinances and if the receveurs vex the people with injustice, to discover the methods used in exercising their charges.


66 Richelieu, Testament politique, p. 246.
to learn how the nobility governs, to stop the course of all sorts of disorders and especially the duress of those who, being rich and powerful, oppress the weak and poor subjects of the King.

A more precise statement of the activities of the intendants during the 1630's can hardly be found. During this decade the intendants steadily grew in numbers and powers to become the most powerful agents of the king in the countryside. After December, 1633, intendants were sent out to regulate division of the taille among parishes and households. By instructions given in May, 1634, these commissaires were expected to judge appeals from excessive taxation, redicide the taille if necessary, and to scrupulously inquire about local economic conditions in order to inform the council about future règlements. These missions naturally resulted in friction with plus, bureaux des finances, and trésoriers de France when their bureaucratic inadequacies, injustices, and peculations were exposed. Despite the fact that the officers' shortcomings were becoming more and more obvious, it seems that at least until the mid-1630's, the intendant's role was intended to be that of overseer and supervisor, rather than executor, of administrative tasks. The government did not intend to supplant the ordinary officers but sought to extract useful, honest service from them.

These intentions did not prove workable. Hostilities between officials and intendants continued to grow, as did the king's fiscal

67 Ibid., pp. 246-47.
needs. The reform of 1635 in the bureaux des finances proved to be a failure. These factors, along with popular uprisings and military activity, pushed the Crown towards a reliance on intendants instead of officers. Sometime between 1637 and 1641--losses in the intendants' reports to Chancellor Ségurier make it impossible to be more exact--the intendants underwent a crucial transformation. They began to carry out, rather than merely to supervise, the division and assessment of the taille; this, in turn, brought their introduction into all the généralités. The règlement des tailles of August 22, 1642, confirms that by this time the council had entrusted the intendants with the essential power to levy the taille, taillon, crues, and other impositions destined for the maintenance of troops. Commissions for the collection of these taxes were jointly addressed to intendants and trésoriers de France. The trésorier was reduced to the role of technical councillor. The intendant now had the right to preside over the bureau des finances and to tour the elections in company with a trésorier. If he or the flus proved perverse, the intendant could make the division in conjunction with other officers or notable persons. In addition to the assumption of these immensely important financial responsibilities, the intendants were also saddled with a host of miscellaneous duties which brought them into conflict with ordinary officers.  

Introduction of the intendants, therefore, further aggravated a civil service already alienated by unprecedented conditions of

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office holding. According to the testimony of Richelieu's Mémoires, upon Henry IV's death in 1610 Marie de Medicis had found it expedient to placate the animosity of ordinary officials towards commissions by suppressing fourteen extraordinary commissions and fifty-eight others verified in the parlements. This gesture seems to have been purely a temporary one, founded upon Marie's momentary need to woo the officers, for the use of commissions continued unchecked throughout the next decade. For reasons that will be seen later, the Parliament of Paris hardly mentioned the issue in its great reform remonstrance of 1615, but in 1626 thirty First Presidents and gens du roi of the sovereign courts in attendance at the Assembly of Notables utilized the opportunity to demand suppression of the intendants de justice. In Article 14 of a twenty-three point charter of grievances, the parlementaires spoke out on their own behalf and that of the less articulate judges beneath them:

Your parlements receive a great prejudice from a new usage of intendants de justice which are sent into the jurisdictions and territories of the said parlements...their functions, which they hope to hold for life, which are without legislative base, establish a chief and supernumerary of justice and are created without paying any finance. They correct the heads of subalternate courts and overcharge your salary costs, forming a kind of justice calling parties by virtue of their [royal] mandate and seizing clerks of court. From this [behavior] comes a variety of disadvantages, among others, the undermining of the jurisdiction, censure, and vigilance of your parlements, officers of the sénéchaussées, bailliages, prévôtés, and other subalternate judges. Moreover, they take competence of various cases, appeal from which they direct to your council.

70 Richelieu, Mémoires, I, 75.

In this article, the magistrates catalogued most of the complaints against the intendants, and one may assume that it more or less accurately reflected the contemporary magisterial view since it was issued by representatives of all the parlements. The judges indicated a number of affronts. They felt the intendants' powers were dubious because they were based on councilliar authorization and not legislation. Furthermore, as agents endowed with the dernier ressort, their powers conflicted with those of the parlements, which made them both a "chief" and a "supernumerary" of justice. From the officers' point of view, this could only result in illegal practice and injury to their functions. Beyond this, the absence of venality and the ambitious attitudes of the intendants added insult to injury.

The protest of 1626 went unheeded, and the Assembly of Notables represented the magistrature's last opportunity during Louis' rule to present a united front against the intendants. Nevertheless, the provincial parlements continued to be the implacable enemies of the intendants, as the intendants' reports to Séguier testify. With the expanded employment of these commissaires, it seemed that the Crown was assiduously seeking to reduce their functions, a reduction which could only mean diminished prestige and income. This point of view was at least partially substantiated after 1637 when the intendants began to assume the administrative responsibilities of the slus, bureaux des finances, and trésoriers de France. Lacking the power of remonstrance, the protests of these officials remained more muted than those of the sovereign courts even though they were more offended.
by the intrusion of the intendants.\textsuperscript{72}

The reaction of the officers to the intendants represents the final link in a circular chain of cause and effect which deeply entangled the civil service in the crisis of Louis' reign. The stage for this national crisis was set by natural conditions of depression prevailing in France in the first decades of the century: rising population, limited production, periodic famine and plague. Factors like these were accompanied and compounded by long-term adjustments in economic and social relationships between the noblesse d'\textit{épée}, noblesse de robe, and the bourgeoisie; the anxieties of these groups as well as the peasantry were sharpened by the absence of able leadership after Henry IV's death. Amid this setting Richelieu determined to follow an ambitious and expensive policy which placed serious demands on the resources of the country. The decade of the 1620's represents a period of counterpoise: the problems of the

\textsuperscript{72}Despite their inability to bring pressure on the Crown under Richelieu's ministry, the trésoriers and \textit{élus} had resources that would become significant during the Fronde of 1648. Since 1599, the trésoriers de France had been organized into a professional association, complete with dues and representatives in Paris charged with defending their interests. In 1641 the \textit{élus} had been allowed to follow the trésoriers in organizing a permanent syndicate; like the company of trésoriers, the \textit{élus} had a charter, dues, maintained a secretary in Paris, and were recognized by the Cour des aides, Chambre des comptes, and the Conseil d'État. During Louis XIII's rule, at least, the influence of these financial officers seems to have been minimal. With the outbreak of the Fronde, however, the trésoriers and \textit{élus} succeeded in influencing the courts of Paris to demand the withdrawal of the intendants. Roland Mousnier, "Recherches sur les syndicats d'officiers pendant la Fronde: Trésoriers généraux de France et \textit{élus} dans la Revolution," in \textit{La Plume, la faucille et le marteau}, pp. 301-33; Moore, Revolt of the Judges, pp. 93, 129-30, 143, 147, 160.
Huguenots, the nobility, and national leadership were resolved, but the material and spiritual expenses of these achievements substituted other equally grave problems in French society. After the Day of Dupes the French crisis broke in force as the effects of Richelieu's policy worked themselves out.

For the officials, these effects were represented by significant departures from past governmental practices. Finding the traditional tax base to be inadequate, the Crown turned to new sources of wealth in the tax farmers and officials. Having traditionally enjoyed a certain independence in their offices, the officers were now confronted with stringent demands both on themselves and on the country. Torn between official obligations and their natural sympathies, the civil service proved insufficient in meeting royal expectations. The Crown then resorted to the use of commissaires who, in effectively answering the requirements of centralization, further ulcerated the feelings of the officers. The larger elemental relationship at work during the height of the crisis has been summarized by Salmon in writing that

it can be said, at least, that . . . the tensions within the ruling classes took the form of antagonism towards the commissaires of the central government; the demands of foreign war increased the financial burden on the lower classes and often coincided with famine and pestilence; the consequent risings of the masses further divided the upper classes and increased the monarchy's reliance on the commissaires.\(^7^3\)

Exactly how the officers' role affected other elements in society is

still being debated. As Salmon has noted, further agreement [about the role of the officials] is prevented by differing assumptions about the articulation of society. To Mousnier the integration of venal office-holders within local communities provided the focus for risings; to Porschnev the exploitation of the peasantry resulted in spontaneous lower-class revolt in which a class of "feudalized" bourgeois office-holders momentarily made use of peasant initiative. Both explanations assumed that French society in the seventeenth century experienced a critical change of direction which foreshadowed, if it did not predetermine, the subsequent history of the ancien régime.

Salmon might have added that agreement on an explanation would be rendered problematical, since the officialdom, like society, encompassed a variety of different elements whose part in the crisis was shaped by a diversity of locations, public functions, traditions, and social ranks.

In light of the involvement of the royal officers in the crisis which gripped France during the early seventeenth century, the relations between the Crown and the Parlement of Paris assume a crucial importance in the development of French absolutism. If during the first half of the century, there was any single institution of French government which might have offered a serious challenge to the development of absolutism, that institution was the Parlement of Paris. Far more than any provincial sovereign court or corporation of lesser officers, the Parlement possessed the unique potential to block the augmentation of royal authority and limit the use of the king's prerogative. In 1610 over 300 years of continuous

\[\text{\cite{Ibid.}}\]
evolution had endowed the Parlement with a heritage of power, prestige, and respect in public affairs unsurpassed by any other institution of the kingdom. Supreme court, administrative and police agency, councillor to kings, the court had grown with the monarchy and powerfully aided its development. Unlike the sovereign courts of the provinces, the Parlement of Paris was a truly national body: among the parlements it alone had sprung from the curia regis and it alone could claim the councillor heritage this ancestry implied. Sitting as the Court of Peers, the greatest figures in the land were cognizable before it; in common cases its legal jurisdiction was recognized over all the central portion of the realm.

Yet more importantly for the exercise of royal authority, the court had a singularly eminent niche in the realm of public law. The court was recognized by French kings as the foremost guardian of their ordinances and as legal counsel in times of crisis. Though theoretically the power to legislate was exclusive to the sovereign alone, in reality the Parlement had also come to have a singular part in the legislative process. By the seventeenth century it was a hallowed legal tradition that the Parlement's approval was requisite to the legality of royal law. Whether or not that approval was enthusiastic and sincere or forced and merely technical was also highly meaningful to the success of any law, so great was the Parlement's influence on lower courts, jurisconsuls, and the legal community at large. Therefore, in a monarchy resting upon a foundation of law, the Parlement's procedures of registration and remonstrance
represented important limitations on royal power unmatched by any other governmental institution. Moreover, after 1615 its responsibilities as well as its ambitions were sharpened by the demise of other traditional representative institutions such as the Estates General.

Defense of a traditional and balanced monarchy, however, represents only the institutional face of the court. Especially after the reign of Henry IV, the judges of the Parlement were passionately involved with the preservation of their interests. As the highest magistrates in France, the judges' offices brought them an official standing equal to that of the Crown's great officers and only just below that of the Chancellor and ministers of State. Even without the ownership of their offices, the judges would have been deeply engaged in conserving their corporate position; when the factors of venality and the paulette were added during the sixteenth century, preservation of precious personal and familial property rights was mingled with corporate interests. By the early 1600's the magistrates knew their own interests as well or better than their public responsibilities, and during Louis XIII's reign defense of interests and discharge of responsibilities brought the Parlement directly into a collision with Richelieu's extension of royal power.

Since the Parlement's elite social position and its firm constitutional foundation endowed it with qualities, duties, and interests not shared with any other corps in the State, the court's unique place in the body politic ensured that its relations with
royal authority would assume an exceptional place in the crisis of Louis' reign. The Parlement's individuality ensured, too, that in a general encounter of French officials with Crown policy the court's nature would generate a role quite unlike that of other, lesser, institutions. Issues which sent ripples of anxiety through the bureaucracy as a whole sometimes failed to affect the Parlement at all, or touched it only tangentially, while at the same time the contentions coming out of parlementaire politics were not necessarily those raised by officials in other parlements, other sovereign courts, or the civil service at large.

The paulette provides a ready sample of how the Parlement stood apart in matters affecting the bureaucracy. Throughout the ministry of Richelieu the Parlement demanded, and got, exclusive treatment in paulette negotiations befitting its elevated status. Discriminatory handling of the Parlement did not originate with Richelieu, for when the paulette was renewed in 1620 the Parlement, along with the other sovereign courts, refused payment of the new and higher rates born in the declaration. After eight months of wrangling with his judges, Louis consented to give the sovereign courts their privileges on the same terms which had prevailed since 1604. The magistrates had only to pay the former droit annuel rate pegged at one-sixtieth instead of contributing the three percent loan extracted from subordinate magistrates or the five percent taken from the financial officers. A favorable precedent had been set, a precedent which Richelieu found difficult to abandon. In the
paulette negotiations of 1630, 1636, and 1639 the parlementaires were eventually treated more leniently than other officials, receiving either outright exemptions or markedly lower assessments. The malleability thus induced was deceptive and shortlived. Across the eighteen years of the Cardinal's ministry, discrete treatment heightened the Parlement's privileges, inflated its collective ego, and stoked the fires under its resolve to defend its immunities.

More than any other institution, the Parlement was the victim of judicial abuses which were an outstanding feature of Richelieu's absolutist practices. These abuses took on many guises, but all had

75 The use of the paulette as a disciplinary measure has been subject to a variety of interpretations befitting its complexity. Mousnier suggests that the royal policy of using the paulette to divide and rule was a successful one when considered for the bureaucracy as a whole over the reigns of Henry IV and Louis XIII. "This passion of the officers for the droit annuel," he writes, "their anxiety that it might not endure, enables the king to hold them in line. In order to have the annuel, the greatest number of officers remain loyal to the king and maintain the people in their loyalty. To have the annuel and to have it under better conditions, the sovereign courts separate themselves from the other officers, weakening the 'fourth estate,' that of the gens de robe who aspire to the government of the kingdom, prostrate themselves before the sovereign, [and] register bursal edicts and even political edicts." A little further, Mousnier continues that "fiscal exigencies become such that until the end of the reign of Louis XIII, the question of the annuel was added to that of creations of offices to provoke discontent, resistance, and rebellions all over the kingdom. Without the division that the annuel, accorded under unequal conditions, maintained between the officers of the sovereign courts and the others, the situation, already bad, could have become very dangerous." Le Vénalité des offices, pp. 307-08. See also the remarks on pages 599-600 and those in Les XVIe et XVIIe siècles, pp. 168-69. Lloyd Moote, conversely, has written that "while one can agree substantially with Mousnier's emphasis on the immensity of the task before the monarchy, it is debatable that the financial security of the official hierarchy provided a satisfactory solution. The story of the Fronde indicates that bribery was not always sufficient." "The French Crown Versus its Officials," 147.
a long historical tradition and most were intimately related to the rapid evolution in the royal council which accompanied the growth of absolutism. From its emergence in the fourteenth century, the Parlement had been engaged in a running contest with royal efforts to set the council over the sovereign courts as a superior judicial body. Despite periodic attempts to redress the situation, by the seventeenth century the council had appropriated many attributes of a sovereign court, legitimately adjudicating necessary appeals to the king but also issuing evocations for prerogative judgment and pronouncing judicial arrêts which quashed decisions of the sovereign courts. Under Richelieu the practice of evocations was utilized to shield tax farmers, privileged communities, and favored individuals from the processes of ordinary justice. Councilliar authority was of immense consequence in public affairs, because by wrapping the arbitrary judicial power of the king in the cloak of legitimacy provided by the phrase fait par le roi en conseil, the Parlement's deliberations could be cut short, effectively shutting the court out of affairs of State. This had happened in 1615 when the court assumed a posture of State reform, issued a great remonstrance, and proposed to assemble the peers; it would happen again in 1631 on two important occasions involving the use of commissaires.

In fact, when the institutional veneer is stripped away, this issue of judicial arbitraire is revealed as the nuclear problem in the establishment of absolutism and centralization in the French monarchy, for it represents the essential opposition of royal power
confronting the older, limiting agents of a traditional monarchy. The triangular association between the king’s judicial arbitraire, councillor development, and the functions of the Parlement has been succinctly summarized by J. H. Shennan in writing that during the reign of Louis XIII the new men [the secrétaires d'État] in the King’s Council could have little patience with the Parlement's cumbersome political machinery, the inadequacy of which had been revealed on more than one occasion during the reign of Henry IV. . . .

Increasingly, as the king consolidated his control over the state, the chief cause of tension in the kingdom was to become the struggle between two opposite needs, that of the sovereign to take whatever political measures were deemed necessary by his professional advisers and that of the Parlement, which sought to maintain the king in his obligation to respect the law. The crown's future was to be bedevilled by the pull of these opposite forces and ultimately its inability to solve the dilemma was to decide its fate.

Thanks to the power of councillor arrêts, by the end of 1632 the Crown had established a shaky victory on the issue of councillor superiority. This victory, while not yet consolidated, was doubly meaningful, because it also helped break the Parlement's resistance to commissaires, the instrument par excellence of the absolute monarchy in criminal justice.

The monarchy's reliance on judicial commissions was a spectacular and infamous practice which could be traced to the Parlement's unique jurisdiction over cases of lèse-majesté and those of the dukes and peers. This competence created embarrassment when Richelieu sought to root out conspiracy in high places or to attack his political enemies through judicial procedures; since the Parlement

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76 Parlement of Paris, pp. 248-49.
was not likely to return the thoroughly reliable verdicts required in such trials, the Cardinal turned to the use of pliable handpicked judges selected from among councillor personnel and armed with total powers. The Parlement complained loudly of resulting injustices in the trials of maréchal Louis de Marillac (1631), the duc de la Valette (1639), and in the operations of the Chambre de l'Arsenal (1631), only to have their remonstrances cut short by arrêts du Conseil or by the King's personal orders.

Richelieu's high criminal commissions hardly concerned magistrates outside the Paris Parlement, and sensing that the provincial parlements would prove pliable in cases with little impact on their rights, Richelieu sometimes referred sensitive cases to them for prosecution. This was the case in 1632 when the Parlement of Toulouse summarily condemned the duc de Montmorency, a duke and peer, to death for rebellion and lèse-majesté. In the same way in 1633 the Parlement of Dijon condemned and executed in effigy the ducs d'Elboeuf and Montpensier for having fled the kingdom with Gaston d'Orléans. In the same year the new Parlement of Metz executed Francis Alpheston and Blaise Rouffet Chavagnac for plots against Richelieu's life. By complaisantly rendering decisions such as these, the behavior of the provincial parlements provided a curious, yet logical, contrast to their colleagues in Paris.  

In comparison with their stand against judicial commissaires,

77 Le Mercure français, XIX, first pagination, 47-48; Fayard, Aperçu historique, II, 91-93; Church, Richelieu and Reason of State, pp. 234-36, 319.
the judges in Paris seem to have been little concerned with the intrusion of the intendants which so aggravated the other elements of the civil service. This was probably because the intendants usually operated in outlying areas of the kingdom which fell under the jurisdiction of other parlements, because the intendants were not regularized in all généralités until sometime after 1637, and because their functions tended to develop in the direction of financial rather than judicial tutelage. Nevertheless, the registres du conseil and conseil secret show that the Parlement occasionally protested the use of maitres des requêtes as individual commissaires extraordinaires, a term the court preferred over intendant. An instance of this occurred on July 15, 1626, when the procureur général reported that some maitres had undertaken the execution of commissions not verified in the court and "in order that this disorder cease, required that provision be made for it." The court put the matter into deliberation and made very express prohibitions and inhibitions to all maitres des requêtes, conseillers [d'Etat?], and other officers, and to all others of whatever quality and condition that they might be, of executing any commission or of performing any act of justice by virtue of letters bearing an attribution of jurisdiction for whatever cause that might be, in civil or criminal matters, which have not been verified in the court, at penalty of ten thousand livres fine and of suspension from their charge.

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78 A survey of the intendant's letters to Ségurier in the period 1633-1642 indicate that most of them were written in provinces in the south of France or along the northern frontier. Mousnier, Lettres et mémoires adressés au chancelier Ségurier, I, passim.

79 B.N. Ms. fr. nouv. acq. 9890, fol. 748, July 15, 1626.

80 B.N. Ms. fr. nouv. acq. 9890, fol. 748, July 15, 1626.
The judges followed this up by admonishing all minor officers of justice to ignore the maitres' commissions. The next day orders were issued that prisoners held in the Fort l'Évêque prison by virtue of such commissions should be transferred to the Conciergerie in the Palais under the Parlement's surveillance.  

In February, 1631, the Parlement encountered the problem of commissaires once again, this time because of a criminal prosecution made by a certain maître des requêtes named Le Maistre against one Antoine Brillet, an avocat du roi in Angers. Brillet had appealed to the Parlement, which took up his case on the legal grounds that "the said Le Maistre, being of the corps of the said court [of Parlement] could not be prosecuted in [any] other place." On February 7, the matter was discussed and handed over to the gens du roi who took it to the garde des sceaux. The next day, February 8, the gens du roi reported back to the court that "the king had found the affair of consequence and that he wanted to deliberate on it in council." In the meantime all maitres had been forbidden to consider it further. The court was not satisfied. On February 11, the judges sent remon- to the King about the use of commissaires in Brillet's case, along

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81 B.N. Ms. fr. nouv. acq. 9890, fols. 750-51, July 16, 1626.

82 Probably Louis Le Maistre, sieur de Bellejambe, received as a maître des requêtes in 1626, who held commissions in Picardy between 1636 and 1643, and died in 1666. Mousnier, Lettres et mémoires adressés au chancelier Séguiier, I, 152-55. The case may have come out of troubles in Angers during July and August of 1630.

83 B.N. Ms. fr. nouv. acq. 9891, fol. 72, February 8, 1631.

84 B.N. Ms. fr. nouv. acq. 9891, fol. 73, February 8, 1631.

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with two other examples. On February 12, the garde des sceaux answered the remonstrances by repeating the King's word that matters would be suspended. At this point the issue disappears from the court's registers, undoubtedly pushed aside by far more pressing matters surrounding the trial of Marillac and the flight of Gaston d'Orléans from the kingdom. 85

Mention of commissaires did not reappear in the court's registers again until September, 1631, when the court attacked the Chambre de l'Arsenal. Sitting irregularly in Sully's munitions plant, this assembly had been created in mid-June under the disguise of an investigation into counterfeiting. The Parlement had no objections to these endeavors, but by November it became quite clear that the maîtres des requêtes at the Arsenal were becoming a kangaroo court dedicated to the administration of prerogative justice for all sorts of crimes. The Parlement found the operations of these commissaires intolerable and moved to block them. After a stormy affair during which parlementaire deputies were summoned into the King's presence at Metz and there thoroughly browbeaten, the court was forbidden to consider matters of State. This injunction was interpreted to include not only the Chambre de l'Arsenal but discussion of any commission, and since no further debate on the problem appeared during Richelieu's ministry, it was a significant victory for the principle of absolute monarchy.

A final example drawn from the early years of Richelieu's

85 B.N. Ms. fr. nouv. acq. 9891, fols. 75ff., February through July, 1631.
ministry serves to underline the self-serving attitude that prevailed among all the parlements and their foremost dedication to affairs concerning only their locality and their privileges. Sometime during 1625, Richelieu conceived the creation of a centralized royal administration over colonial, marine, commercial, and naval affairs, a jurisdiction which since medieval times had been diffused among ports, provincial estates, parlements, and even individual seigneurs. Such royal naval authority as there was belonged to the grand amiral de France et Bretagne, a dignity dating to the Renaissance Monarchy and conferred as an honorific right upon a great noble family. Guyenne and Provence each had their own admirals and admiralties independent of the grand amiral. These ancient authorities exercised a chaotic pattern of rights to maritime justice, port duties, salvage rights, customs, and naval service. Richelieu rightly understood that France could have neither successful colonies, a thriving water-born commerce, nor a powerful navy without first having centralized coordination and direction securely in the hands of a royal appointee.86

The Cardinal launched his project late in 1626. By edicts of August and October Richelieu was granted the imposing title of grand maître, chef et surintendant général de la navigation et commerce de France. Far more than a grandiose label, the office carried with it uniform authority over the administration of ports, seamen, and

maritime justice. The grand maître was charged with drafting conventions with those wishing to form commercial companies, colonial endeavors, and those engaged in land or sea traffic, as well as preparations for war, coastal security, and the protection of sea traffic. These edicts, in effect, created a sort of ministry of marine for the first time. They were complemented by a further edict of January, 1627, suppressing the office of grand amiral and uniting its functions with those of the grand maître.\footnote{Boiteux, Richelieu, "grand maître," p. 100.}

All of Richelieu's ambitions for maritime enterprises, however, hinged about the reception of the parlements required to register the new arrangement. These courts included that of Paris, for binding legality over all the kingdom, and the parlements of the coastal provinces of Brittany, Guyenne, Normandy, Languedoc, and Provence, to bind each of their regions. A comparison of the reaction of the Parlement of Paris, which had little to lose in the affair, with the courts of the coastal provinces, reveals once again the singularly elite independence of the Paris Parlement as well as its influence over its lesser brethren. Richelieu first presented his program to the Parlement of Brittany in August, 1626, forecasting that that province's maritime interests and extreme particularism would raise the greatest objections. This proved true. In spite of repeated injunctions, the Bretons refused registration for months and in March, 1627, decided to delay any further action until the provincial estates could meet at the end of the year. This procras-
tination was intolerable to the Cardinal, who turned next to the Parlement of Paris. That court had relatively little interest in overseas affairs nor had it yet been soured by the domestic travail that would follow the Day of Dupes. On March 8, 1627, procureur général Molé received the edicts of August and October; the court smoothly registered them on the 13th, and Richelieu took the oath of office as grand maître on the 18th. 88 This registration probably prompted other courts to fall into line, for the Parlement of Rouen registered without difficulty on April 16th, the Parlement of Rennes on the 24th— but with reservations— and the Parlement of Bordeaux on the 16th of May. The courts at Toulouse and Aix never approved the measures, and Richelieu's authority as grand maître was not recognized in Languedoc and Provence until 1631. 89

The Parlement was moved by royal financial operations in a very particular way. In the government of the ancien régime, no single body was invested with the "power of the purse" to be found in the contemporary English Houses of Parliament. To be sure, this entire concept was inappropriate to the French mode of government as it was practiced in the seventeenth century. Approval for royal levies could come in a variety of ways reflecting the hodge-podge of responsibilities in the kingdom's government. Certain royal levies, for example, had virtually come to be considered a Crown prerogative by the 1600's. In contrast to his brother-in-law across the Channel,

88 Ibid., pp. 102-04; Molé, Mémoires, I, 419-48.
Louis XIII could decide in council the amounts and division of the impositions, those taxes like the taille, taillon, and subsistance which had been approritioned and imposed by royal right for so long that they had been accepted as customary. But the assessment of impositions was readily enforceable only in the pays d'election; Brittany, Languedoc, Provence, and scattered border provinces jealously guarded their right to consent to taxation through their provincial estates. Other taxes, among them the indirect gabelles, aides, traites, and octrois were created and assessed in a complicated way which essentially gave the Crown control over them. After conception and gestation in the Conseil des finances, the creation of new indirect taxes or increases in their rates nominally had to be submitted to the Cour des aides or Chambre des comptes for registration, but the resistance powers of these courts were substantially less than that of the Parlement. Additionally, after registration the collection of indirect taxes was always farmed out through contractual arrangements made in the Conseil des finances, which furnished another opportunity for the Crown to interfere with their application. Rate agreements made between Crown and farmer behind the closed doors of the council room usually remained a matter for conjecture, and in reality the farmers often simply collected whatever they could. If subjects complained about this and sued in a royal court, the Crown could shield the farmer by an evocation to the council. The Parlement, therefore, could really do very little about the taille, which was assessed without parlementaire consultation, and the judges were equally impotent to combat the rise in
aides, traites, gabelles, and other indirect taxes. In any case, since the magistrates were exempt from these duties, their own status was not directly jeopardized by alteration in tax rates.

In a last category of revenues, though, the Parlement of Paris could wield a negative kind of veto "power of the purse." When the monarchy was in great fiscal need, as it usually was in the 1630's, the Parlement's right of verification could be brought into play to sidetrack or even to modify edicts alienating the domain, issuing rentes on the Hôtel de ville of Paris, or creating offices. The Crown's heavy reliance on these types of measures during the financial crisis of the 1630's and 1640's made it proportionately vulnerable to parlementaire politics.

The Parlement was especially aroused when the Crown attempted to enlarge its ranks. From 1597 until 1631 the Crown had circumspectly honored the integrity of the court and resisted the temptation to add new posts to it, even though the value of parlementaire offices would have made such creations a lucrative proposition. In December, 1630, an effort was made to create two maîtres des requêtes and five conseillers, but the Parlement protested and the edict was not registered until eight months later in a lit de justice.90 Even then the court won a reduction in the number of new conseillers from five to four. In 1635, however, with fiscal needs skyrocketing, the Conseil des finances decided to offer twenty-four conseillerships

90B.N. Ms. fr. nouv. acq. 9891, fols. 59-60, 119-33, December 30, 1630, and August 13, 1631.
for sale. When the edict was presented in a lit de justice held December 20, 1635, violent agitation broke out which rapidly escalated into a major confrontation with the Crown. Before matters were smoothed over with a compromise, five judges had been ordered out of Paris and the Chambre des enquêtes had gone on judicial strike against the new conseillers. Though a reduction in the number of creations to seventeen had been conceded, the Parlement raised continual trouble with the reception of men into these new positions for another decade.

As the ministry of Richelieu matured, royal relations with the Parlement remained stormy. In August, 1636, at the height of the so-called "Corbie Year," some members dared to raise dissension while the kingdom was demonstrably in danger from a Spanish invasion. In 1638 the court became embroiled in a reduction of the interest on government bonds based on the credit of the Hôtel de ville of Paris; excitement surrounding the rentes blended with the affair of the conseillers and with creations of procureurs and maitres des requêtes to maintain tension at a high level. After years of embittered relations, the Crown acted decisively to end the court's resistance; a royal declaration registered in a lit de justice of February 21, 1641, conclusively restricted extrajudicial activities of the judges and limited their right of remonstrances. This edict was untested by any major disputes to that parlementaire politics were calm until the death of Louis in 1643 resurrected the judges' political ambitions once again.
The extent and intensity of that resurrection during the regency of Anne of Austria was unmistakably exhibited on May 13, 1648, when the Parlement issued a startling arrêt decreeing a union with the other sovereign courts of the capital, summoning them to send deputies to assemble in the Chambre de St. Louis within the Palais. The subsequent events in this, the Fronde parlementaire, represented the nadir of the seventeenth century crisis in France and the greatest institutional challenge to royal authority that the Bourbons faced before the Revolution of 1789. The Parlement's pre-eminent part in the Fronde has been extensively studied and need not be repeated here. The arrêt d'union of May 13 had not spelled out the precise purpose of the union, which only became evident during the summer. Between June 30 and July 29, thirty-two deputies of the courts, fourteen of the from the Parlement, addressed themselves to a complete overhaul of the judicial and financial administration of the kingdom. The principle of monarchical sovereignty was never controverted, but by the end of July the judges had formulated twenty-seven articles expressing their major grievances against two and a half decades of councillor government, the use of commissaires and intendants.

91 The bibliography of the Fronde is extensive and only the most important works need be mentioned here. The latest essay, A. Lloyd Moote's The Revolt of the Judges, is presently definitive for the participation of the Parlement. The constitutional questions of the Fronde are treated in Paul Doolin's The Fronde (Cambridge, Massachusetts, 1936). Ernst Kossman, La Fronde has been superceded by Moote's study but remains valuable for its diverse insights.
excessive taxation, farming of the taille, forced verifications, creations of office, arbitrary imprisonment, and other abusive practices associated with the absolutistic administration of Richelieu and Mazarin.

But however dramatic and revealing the articles of the Chambre de St. Louis were, they were only the culmination of many years of strained relations between the Crown and its chief servants which reached well back into Louis XIII's rule. As the most recent historian of the Fronde has pointed out,

in 1610 a major revolt by officiers against the royal administration was still inconceivable to the king, his officials, and his other subjects. What made that revolt finally possible were the drastic governmental policies forced on a hesitant monarch and his consummate politician-minister by internal strife and foreign war. Without knowing or willing it, Louis XIII and Cardinal Richelieu prepared the Fronde by undertaking an administrative revolution which profoundly changed the way in which the government of France functioned.

The expression "administrative revolution" used by Moote to describe the policies of Richelieu may be questioned when applied to the Parlement of Paris, for the history of the Parlement between 1624 and 1642 reveals no significant administrative innovations in regard to that distinguished corps. The instruments of Louis XIII's and Richelieu's parlementaire policy, with the exception of juggling the paulette, were nothing more than a continuation of the means, methods, and tactics used by strong monarchs since Renaissance times to circumvent or override the Parlement. Nevertheless, there can be

92Moote, Revolt of the Judges, p. 35.
little doubt that the seeds of rebellion which flowered in Paris in 1648 were planted during the preceding reign and had their roots deep in the conflict between the Parlement's defense of "the true French tradition" and the rise of what is conventionally called absolute monarchy. The real distinction of this conflict lay in the unparalleled intensity of the discord inspired by the leadership of a minister determined to make the king supreme in France and France supreme in Europe.
CHAPTER IV

RICHELIEU, ABSOLUTISM, AND THE PARLEMENT

The principles of absolutism so intimately associated with the ministry of Richelieu and with the seventeenth century as a whole were implicit in the French monarchy from the earliest Capetian era. The French had very early arrived at the idea that the king held his power from God and not from the people. Merovingian, Carolingian, and early Capetian kings were popularly elected by tribal assembly, but no one questioned that the essence of royal sovereignty was divine and that this Christian basis of royal power was conferred in the ceremony of coronation when the royal sacerdotum was mystically bestowed by a high Churchman. Having been once divinely ordained, the power of the king could not in theory be checked by any earthly or secular restraints. The extinction of the ritual of election after Philip Augustus and erosion of Papal pretensions after Philip the Fair further strengthened the reality of royal power. The theoretical implications inherent in divine right monarchy were explored as early as the fourteenth century and had been more or less fully developed by jurisconsuls during the sixteenth century. Little elaboration would take place after this time. When legal commentators of the seventeenth century wrote that Louis XIII was in
principle *absolutus legibus*, or above all earthly law, they merely reiterated a view expressed by Beaumanoir in the thirteenth century and probably held before his time.\(^1\)

Yet at the end of the sixteenth century, as in the thirteenth, the moral and practical limits to royal authority were extensive and very real to king and subjects alike. The prince had to take into account certain checks in exercising his divinely ordained obligations: every jurisconsul maintained that the sue of royal authority was legitimate only within the bounds of divine law, natural law, the fundamental law of the realm, or some combination of these. Interpretation of the fundamental law varied, but all commentators agreed that the government of France was a monarchy in which sovereignty resided in the person of the king, that the Crown must devolve upon the nearest male Catholic heir, and that the king should not alienate the royal domain. Traditionalist writers, certainly in the majority before Richelieu's ministry, equally maintained that the lawful monarch must respect the principles of *très grand conseil* and conserve the traditional customs, privileges, and rights of subjects, both individually and collectively. Every monarch should be aware of his divine obligation to "rule justly," that is, with due respect for the general principles of good kingship and with a scrupulous eye for the web of ties which held every estate, council, municipality, guild, province, corporation, and court of justice in obedience to the sovereign.

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How then did the "absolute monarchy" of Louis XIII diverge from the expectations of the traditionalists? One brief answer has been provided in a recent article by François Dumont. The absolutism of the seventeenth century was, he maintains, a "recovery of the true nature" of the essential monarchial principle through the abridgment of traditional usages which restricted the exercise of that sovereignty. This fulfillment process was the determining characteristic of the French monarchy of the seventeenth century, but it remained incomplete, even under Louis XIV. "Absolutism" in France never meant absolute power, for down to the Revolution kings continued to face limitations on the exercise of arbitrary power. The "absolute monarchy" of Louis XIII was, therefore, only relatively absolute in comparison with the usages of traditional monarchy.

The contribution of Richelieu to the growth of French absolutism has been treated in a wealth of literature devoted to the Cardinal's personality, career, and the mechanisms of his ministry. Though the

2 "Royaute Francaise et monarchie absolie au XVIIe siecle," 3-29.

3 Ibid., p. 18.


person and influence of Louis XIII remain less well known than those of his chief minister, it is now conventionally accepted that Richelieu's policies were largely responsible for the transformation which took place in the monarchy before mid-century. The contribution of Richelieu to this transformation lay not in the novel formulation of absolutistic theory, already well established by his time, nor in the development of new instruments of Crown authority, for the effectiveness of his agents had been proven by long usage. Rather, the singular ingredient provided by the Cardinal lay in his immense qualities of intellect, leadership, and ambition for power. These were allied with the relentless pursuit of a program to augment royal power in the interests of the glory and grandeur of the French State. Early in the Testament politque, the Cardinal succinctly laid down the four principle objectives of his ministry. "I promised him [the King]," Richelieu related, "to employ all my industry and all the authority that he pleased to give me to ruin the Huguenot party, humble the pride of the great nobility, reduce all his subjects to their duty and to raise his name among the nations to the place it should have."^6

The moment for such a program was opportune. Upon being called into the council in April, 1624, Richelieu found respect for royal authority at a low ebb. A dozen years later, writing retrospectively in the Testament politque, Richelieu described the conditions he found prevalent in 1624:


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When His Majesty resolved to give me entry into his councils and his confidence in the direction of his affairs, I could say with truth that the Huguenots divided the State with him, that the great nobility conducted themselves as if they were not his subjects, and the most powerful provincial governors as if they were sovereign in their charges. I could say that the bad example of one and the other was so prejudicial to this kingdom that the most regulated companies [the parlements] sensed their derangement and in certain cases diminished your legitimate authority as much as they could in order to bring theirs beyond the bounds of reason. . . . I could say that foreign alliances were mismanaged, individual interests preferred to those of the public and, in a word, the dignity of the royal majesty was so disparaged and so different from that which it should be through the fault of those conducting your affairs that it was almost impossible to recognize it. 7

By this time the French crisis had been deepening for a decade; during these years the monarchy had drifted without real direction in spite of Louis' intense desire to be the image of his respected and effective father. Some of the country's problems could be attributed to economic conditions which accompanied the general European crisis, but weakness and division in the innermost circles of government encouraged disorder, increased mismanagement of finances, and lessened the prestige of the monarchy. Louis, while intelligent and willing, was crippled by severe psychological imbalances which prevented him from adequately filling his father's shoes. Insecure and suspicious, timorous and yet ever desirous of esteem, Louis represented a mass of contradictions within himself which infected the administration of the kingdom. It was essential that he rely on firm and able ministers, yet until 1624 Louis had been either unable to find such men or unwilling to submit to their tutelage. The chief influence in Louis' life, and thus also in the councils of State, remained the domineering and inept Marie de Medici. Under these circumstances

7Ibid., pp. 94-95.
it is not surprising that Richelieu entered an arena characterized by cross purposes and absence of long range policies. Although the uncertainty and conflicting currents at the highest levels of French government remained throughout the first years of Richelieu's ministry, the thrust of his policies soon became clear and, after 1630, dominated the entire French political scene.

The essential statement of Richelieu's response to the difficulties of the kingdom can be found in his Testament politique, prepared during the 1630's and dedicated to Louis. Unlike Richelieu's Mémoires, which were intended as a massive history of the reign, the Testament politique combined documents, personal remembrances, and oral information with projects of reform, notes on the parlements, and maxims of conduct into a unique statement of Richelieu's political philosophy. As he noted in his dedicatory epistle to Louis, the Testament was conceived in the shortest and clearest terms of which I am capable, as much to follow my own inclinations and customary manner of writing as to accommodate myself to the temperament

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8 The long and acrimonious debate over the authenticity of the Testament dating to the eighteenth century has now been reduced to a question of the exact mechanism of its preparation. The most convincing proof of the authenticity of the Testament was provided by Gabriel Hanotaux in 1880 through the publication of Maximes d'État et fragments politiques du Cardinal Richelieu. The phraseology of the maxims and many passages in the Testament are almost identical, and Hanotaux drew them from an original manuscript with marginal notations indicating their inclusion in the Testament. For the origin and composition of the Testament, see the Introduction to the Louis André edition and extensive commentaries listed in Church's "Publications On Cardinal Richelieu Since 1945."
of Your Majesty, who has always desired that one come to
the point in a few words and who gives as much credence to
the substance of matters as he distrusts the long discourses
that most men use to express them.9

The Testament is, therefore, a highly personalized rendition of views
Richelieu though necessary to transmit to his sovereign "for the
regulation and guidance of your realm."10 Never theoretical, these
views were essentially expressive of Richelieu's experiences in the
hard school of political necessity. As Henri Sée has remarked,
"they expose his doctrine, scarcely doing any more than expressing
his political practices."11 Sée's observation is bolstered by the
clear connection between the Testament and Richelieu's maxims of
statecraft, discovered and published in 1880 by Gabriel Hanotaux.12

Of the ideas which made up the Cardinal's weltanschauung, the
prism through which all others should be seen is the nature and
expression of authority within the State. Richelieu was first and
foremost an authoritarian. "In fact," writes a recent commentator,
"it may be said that an all-encompassing concept of authority
provided the foundation of his entire political system."13 As an
aristocratic high Churchman moving in the intellectual currents of

10Ibid., pp. 90-91.
12As Maximes d'Etat et fragments politiques du Cardinal Richelieu,
ed. Gabriel Hanotaux (Paris, 1880). See supra, p
13Church, Richelieu and Reason of State, p. 83.
the Baroque milieu, it is hardly surprising that Richelieu found the highest expression of authority in the time-honored principles of divine right monarchy. Inherent in the concept of divine right was a theoretical framework which provided for a pre-existing, eternal, and divinely ordained hierarchy of authority extending from the highest to the lowest members of society. This hierarchy, of course, agreed closely with the realities of society and institutions as they existed in the Cardinal's time. At the head of the earthly hierarchy was the king, "the true image of God," whose "monarchial government more than any other imitates that of God . . . , all sacred and profane political philosophers teaching that this type of regime surpasses all those which have ever been put into practice."\(^1\)

Above all other considerations it was important that the king be powerful. Richelieu put this in straightforward terms. "Power," he wrote at the beginning of a long passage in the Testament, "is one of the most necessary things to the grandeur of kings and to the success of their government, and those who have the principal conduct of a State are particularly obliged to omit nothing which might contribute to rendering their master so authorized."\(^1\)\(^5\) Power took on many forms, all of which contributed to the entirety of the prince's respect and public image. The prince should be powerful by his reputation; he should maintain sufficient military forces

\(^{14}\)Richelieu, Testament politique, p. 307.

\(^{15}\)Ibid., p. 372.
to ensure respect among other princes; he should enjoy adequate revenues; he should possess the hearts of his subjects.

Richelieu realized very well that the human element in monarchs was often distracted or disinterested in the exercise of power, and he made provision for it. "If the sovereign cannot or does not wish to have his eye continually on the map or the compass, reason makes it desirable that he give the charge of it to some individual above all the others," to a first minister who would have "superior authority," because "there is nothing more dangerous in a State than various equal authorities in the administration of affairs."\textsuperscript{16}

Though the minister might be powerful, as Richelieu was, and have the principal conduct of affairs, as Richelieu did, ultimate authority still resided in the king: "Whatever authority that a minister might have, it cannot be great enough to produce certain effects, which require the voice of a sovereign and an absolute power."\textsuperscript{17} The unity and direction provided by one person were essential. All government of many persons was to be avoided, as reason showed clearly that that which is committed into the care of many was much less assured than decisions of one . . . because, while there are many wise men of probity, the number of fools and evil ones is always the greater. Experience teaches everyone that there are no revenues more badly managed than those of communities.\textsuperscript{18}

\textsuperscript{16}Ibid., pp. 306-07.

\textsuperscript{17}Ibid., p. 276.

\textsuperscript{18}Ibid., p. 399.
Indeed, Richelieu recommended that the maximum number of royal councillors should be four, and that one should have superior authority "which moves all the others while being moved only by his own intelligence." The recommendation matches almost perfectly the actual power structure which emerged in Louis' council after 1635, when Richelieu directed the activities of two surintendants des finances and two favored secrétaires d’Etat who formed the core of the Conseil d’Etat.

Absolute royal power did not mean despotism or the abuse of power, for the king was subject to the will of God, to high moral obligations, and to the satisfaction of the public interest. The king should constantly be aware that his power is from on high; kings as kings "are obliged to carefully use their power to the ends for which they received it from heaven, and what is more, not to abuse it by extending the exercise of their royalty beyond the limits which are prescribed to them."20 The power of kings also had practical limitations, for the indiscriminate use of power would cause the loss of it. As Richelieu warned the king in 1629, "kings who avail themselves of their authority to despoil or oppress those who are inferior to them in force, without any right other than the force of their arms, will lose themselves by the abuse and the excessive extent of their power."21

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19Ibid., p. 306.
21Ibid.
Above all, the public interest should be the sole criteria for the exercise of regal authority; public interest should always prevail over private ones:

Public interests should be the unique objective of a prince and his councillors, or, at least, both are obliged to give them special consideration and to weigh them more than those of individuals. It is impossible to conceive of the good that a prince and those of whom he makes use in his affairs may do if they religiously follow this principle, and one cannot imagine the evil that happens to a State when private interests take precedence over public ones and the latter are ordered according to the former.22

Below the king ranged a great interlocking mosaic of units arranged in an organic whole which made up the State. This definition of the State is particularly important in light of his philosophy of reason of State. While not spelled out in the Testament or other writings, it appears that for Richelieu the State and society were one and the same. The State, then, is the assembly of constituted bodies of which the kingdom is composed, the ensemble of communities not the government and the functionaries opposed to the rest of the nation. Richelieu's conventional organization of the State and its units is apparent in Part I of the Testament, in which the minister successively treated the clergy, nobility, and Third Estate. Each of these orders had a well-defined place in the social pyramid; to each belonged certain duties, privileges, customs, and traditions. The three great social orders were further subdivided into lesser groups, corporations, and colleges, each with an established and

divinely ordained niche in the scheme of things. The royal officers found themselves in the uppermost level of the Third Estate; below them ranked men of commerce, professional people, and peuples bas.23

Regardless of station in life, be it high or low, the individual could only find fulfillment in his place, performing his God-given duties to the best of his ability and obeying those superior to him. Obedience was crucial, since around it hinged the good of the polity:

Kings are kings only as long as their authority is recognized and they demonstrate their favor. They cannot ensure the effect of these if they are not religiously obeyed, since an individual's disobedience has the potential to disrupt a design from which the public would receive much benefit. Obedience is the true characteristic of the subject.24

In the early seventeenth century, however, Frenchmen of all classes were not in obedience to the Crown; they were, in Richelieu's view, oblivious to the needs of the State, which, in effect, came more and more to mean the interests of the king and the Bourbon dynasty. "One of the faults of France," he wrote as a maxim, "is that no one is within his duty. The soldier speaks of what his captain should do. The captain imagines faults in his maître de camp. Neither the one nor the other are doing their duty."25 This behavior was especially evident during the decade of the 1620's, and it is worth noting that three of the four major goals announced for the Cardinal's ministry

23Ibid., pp. 150-235.

24Richelieu, Lettres, II, 321. A marginal notation on articles proposed to the Assembly of Notables in 1626.

25Richelieu, Maximes d'Etat, maxim LV, pp. 33-34. A similar passage can be found in the Testament politique, p. 300.
at the beginning of the Testament were directly concerned with the submission of Frenchmen to royal authority. Achievement of the fourth objective, international glory and grandeur for the King of France, was also highly dependent on accomplishment of domestic tranquility.

Out of Richelieu's view of royal power and the definition of the State came the famous doctrine of reason of State. Phrased in its simplest and broadest definition, reason for State meant the application of man's natural rational faculties in guiding the State's affairs. In Richelieu's words, "Man having been made reasonable, he should act only by reason, since to do otherwise would be contrary to his nature and thus contrary to He who is the author of it." It logically followed that reason should be the guiding principle for the statesman; to employ the capacity of reason meant to institute the reign of reason in every action and "to wish only for that which is reasonable and just." Strict adherence to this principle could only result in orderliness and obedience, since "it is impossible that subjects will not respect a prince if they know that reason is the guide for all his actions." In essence, Richelieu held that "authority constrains obedience, but reason persuades for it." 29

26 Richelieu, Testament politique, p. 325.
27 Ibid.
28 Ibid., 326.
29 Ibid.
Reason of State was, however, much more than reason guiding the State. It actually meant the establishment of dual standards of justice and morality concerning private actions and those involving the welfare of the State. Because of the philosophical and ethical considerations implicit in the concept, voluminous commentaries have been produced on the morality of reason of State. For the purposes of this discussion, only the application of the doctrine to issues affecting the Parlement of Paris will be examined in detail. These issues were extremely important, even critical, however, because they represented the nexus of the struggle between absolutism and the usages of the traditional monarchy. It was in the administration of justice that reason of State found its purest and most contested expression, for it was through the apparatus of justice that the laws of the State were enforced, that obedience of subjects was secured, and that the interests of the State and all within it were fulfilled.

In Richelieu's vocabulary, as in that of his contemporaries, the concept of "justice" included not only the adjudication of private disputes between members of the polity, but also the function of the police of the kingdom, the maintenance of order, and the pursuit of certain administrative obligations. Taken in this broad sense, the highest responsibility of the French Crown, as with all governments, was the maintenance of justice within the State. This was, according to Richelieu, a divine commission, accorded to kings and magistrates for the preservation of the common good:

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God has not wished to leave vengeance in the hands of individuals, because under this pretext each would exercise his passions and trouble the public peace. He has put it into the hands of kings and magistrates, according to the rules that He has prescribed for it, because without example and chastisement there is no injustice and no violence which will not be impudently committed to the prejudice of the public repose.\textsuperscript{30}

This concept of justice also had strong overtones of social conservatism. As an aristocrat, a Christian, and a Churchman, Richelieu held it was the king's obligation and duty to preserve the status quo in society, with each order and estate in its traditional place. Reduction of orders and individuals to obedience did not mean an equivalent reduction of social privileges; to the contrary, enforcement of justice meant preservation of the existing social order:

As a whole can subsist only through the union of its parts in their natural order and positions, so this great realm cannot flourish if Your Majesty does not compel the bodies of which it is composed to continue in their order, the Church holding first place, the nobility the second, and the officials who lead the people the third.\textsuperscript{31}

Here Richelieu was specifically concerned about the threat to the integrity of the State presented by "certain officiers" of the magistracy who, with the attitudes of nouveaux arrivistes, were pretending to an unjustified prominence in the social and political order:

I say this [the above] boldly, because it is both important and just to arrest the course of the enterprises of certain officiers who, inflated with pride, be it because of great property that they possess or the authority which their official duties give them, are so presumptuous as to want to


\textsuperscript{31}Richelieu, \textit{Testament politique}, p. 256.
have the first place when they should only have the third. This is so contrary to reason and contrary to the welfare of your service that it is absolutely necessary to stop the progress of such undertakings, since otherwise France can be nothing more than she has been... a monstrous body which, as such, can have neither subsistance nor duration.32

This reference was almost certainly made concerning the hautes robes in the parlements and financial courts who in Richelieu's day were in the process of elbowing their way into the Second Estate.

From the nature of justice and the regal duty of enforcing it, the Cardinal went on to the most effective means of administration of police and justice. In conducting the kingdom's affairs, Richelieu argued that two principles, the use of rewards or punishments, should guide both minister and monarch. The latter principle, however, was to be much preferred over the former and, in the event, inspired the policy most often followed in public matters. "I put punishments," he wrote in the Testament, "before rewards, because if it were necessary to do without one or the other, it would be better to dispense with the last rather than with the first."33 Here Richelieu again manifested a fundamental suspicion of human nature:

Experience teaches those with long practice in this world that men quickly forget rewards and, when heaped with them, they expect even more, and often become both ungrateful and ambitious at the same time. It teaches that punishments are a surer means of constraining a person within his duty, since people are less likely to forget what has made an impression on their emotions. This is more powerful over most men than reason, which has little effect over many minds.34

32 Ibid.
33 Ibid., p. 338.
34 Ibid., p. 339.
The point is made plain: what mattered was that the law be enforced in the interest of obedience. Many times Richelieu reiterated the certitude of punishment as a restraint to the violation of law. In 1629 he advised Louis that "kings should be severe and exact to punish those who trouble the police and violate the laws of their kingdom."\(^{35}\) Indulgence, he later wrote in the Testament, "had often brought it the kingdom to very great and deplorable circumstances."\(^{36}\)

Not to rigorously enforce the laws of the State was to undermine the authority of the king, disrupt the body of the State, and lead to further disorders. As Richelieu wrote to Louis in 1629,

> It is so dangerous to act with indifference to the execution of the laws of the State that I can only remark that it seems His Majesty could not have enough warmth and vigor for the observation of his, particularly the edict on duels. One could truly say that His Majesty and his council will answer for all the souls lost in this diabolical way if they could stop them by the rigor of penalties due such a crime. There is nothing so ordinary [now] as to commit an error in a matter of State, as to disobey a commandment of the king, as to ignore the execution of his edicts, his ordinances, and arrêts of his justice. Up until now such disorders have been committed with impunity, but deficiencies of this nature are of such consequence by their example and aftermath that if one is not extraordinarily severe in chastising them, the estates cannot subsist.\(^{37}\)

Severity was never pleasant, and it would be far more agreeable to do without it, but other choices were even less palatable. It was much preferable to be strict with the enforcement of law than to live in a state where the laws were weakly enforced or enforced erratically and without reason:


It is, said the consul Fronto, a great pity to live under a prince who never wants to remit the rigor of the law. But it is still greater [a pity] to live in the country of another, under whom all things are allowed and who, by pusillanimity or nonchalance, pardons without discretion all things done there contrary to law and to reason.38

Enforcement of law required not only certainty and severity but application without favoritism, for one of the worst evils that could come to any state was a government which employed favor over justice and reason. As the minister wrote in the Testament, "A kingdom is in a bad state when the throne of this false goddess (favor) is raised above reason."39 The same thought is projected in another maxim which reveals the close association, even interchangeability, in the minister's mind between reason and justice: "Very often in the court of princes, the throne of justice is set a step below that of favor."40

Consideration of all these factors meant that the administration of justice was a delicate matter, for prudence, insight, wisdom, and resiliency of will were all requisite. The king must be neither too lenient and bring on disorder, nor find himself a tyrant by excessive punishments. The question of prudence was particularly important in crimes involving the State where the good of all was involved:

For example, he [the prince] can pardon someone of a passing thought of troubling the State, if he is truly repentant of it, and if he has the appearance of not repeating the error. But

38 Richelieu, Maximes d'Etat, maxim CXXXIX, p. 63.

39 Ibid., maxim CXVII, p. 53, n. 8; Richelieu, Testament politique, p. 361.

40 Ibid., maxim CXVII, p. 53.
if he recognizes that one is continuing in his malevolent design, he is obliged in all conscience to punish it, and he cannot pass it by without trespass. He can remit a disobedience of one of his subjects, but if by reason one could see that in the future he would abuse this pardon to boldly scorn his commandments, if he believes that by forgetting this fault it will give cause for others to disobey after his example, to the prejudice and repose of the State, he is obliged to punish this crime, and cannot exempt it without committing a greater one.  

From these assertions it was only a small and logical step to distinguish between crimes involving the State and others of a purely private nature. In making this distinction, the application of reason of State led to a double standard of justice which Richelieu was unafraid to express in the baldest of terms. The passage in the Testament enouncing this doctrine is based on earlier maxims of State which Richelieu had probably maintained early in his career. The final version reads:

Ordinances and laws are wholly useless if they are not followed by vigorous execution, and although in the course of ordinary cases justice requires authenticated proof, it is not the same in those which concern the State, because in such cases what appears to be conjecture must sometimes be held sufficiently convincing, since plots and conspiracies formed against the public well-being are ordinarily conducted with such cunning and secrecy that there is never any conclusive evidence until they strike, by which time they are beyond remedy. It is necessary in such occasions to sometimes begin by acting whereas in all others it is necessary to have enlightenment through due process of law by witness or by irreproachable evidence.

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42Richelieu, Testament politique, pp. 343-44. Earlier versions of the same philosophy can be found in two maxims of State published by Hanotaux; the passage of the Testament politique is certainly developed from these maxims which were incorporated almost verbatim. The first of these maxims reads: "In affairs of State, it is not like others; in the one it is necessary to begin by information through legal process, in the other by execution and possession." Hanotaux notes that this paragraph in the original was struck out.
The implications in the maintenance of such doctrines were manifestly great and are made all the more significant since Richelieu unhesitatingly pursued them throughout his career. The minister was aware of the dangers inherent in the application of reason of State to matters of justice, and he sought to qualify and justify the risks. In defending his philosophy of justice, he wrote that

this [passage above] seems dangerous and in fact it has something perilous which can only be corrected by the perception of a judicious and penetrating mind which, wise in the course of affairs, should certainly know the future by the present, as mediocre judgments through the observation of things. But in as much as the consequence of this maxim is dangerous only for the individual, it does not cease being admissible, seeing that the loss of individuals is not comparable to the public well-being and the danger can fall only on some individuals whereas the public receives its benefit and advantage. This maxim is good for great minds and could open a path to tyranny to mediocre ones.\(^43\)

Essentially, then, Richelieu was cognizant of the dangers in his position, but he was also confident that a minister of superior perception could negate the attendant risks through prudence and by stopping short of the most arbitrary measures. The lynchpins of

[\(^43\)Richelieu, *Maximes d'Etat*, maxim CXXV, p. 57. An almost identical passage can be found in the *Testament politique*, p. 344.]
the system were the perspicacity and judgment of the prince and his councillor without which reason of State would collapse into despotism.

This brief summary of Richelieu's political philosophy illustrates the extent to which Richelieu was willing to violate traditional values and processes of justice in the kingdom. They are also suggestive of a novel standard of political justice raised up to justify the abridgement of historic limits on royal power. These standards, sometimes defended under the guise of State needs, have often been held to be unwarranted and unconstitutional in the context of French precedents. Henri Sée, twentieth century student of French political ideology, has gone so far as to remark that "that which is striking in the government of Richelieu is a very marked tendency to despotism. Without hesitation and without scruples, he put himself above all legal forms."\textsuperscript{44} However debatable these, or other moralistic comments may be, the result of the Cardinal's ministry was a ruthless distortion of previous procedures of justice, a warpage of customary usages in favor of the immediate needs of the monarchy and the State.

Nowhere was the Cardinal's employment of the mechanisms of justice in the establishment of absolutism more evident than in his development and application of the charge of \textit{lèse-majesté}. At the beginning of Richelieu's ministry, the definition of treasonous behavior had been subject to hazy interpretation and considerable

\textsuperscript{44}Les idées politiques, p. 48.
flexibility. Before the seventeenth century, charges of lèse-majesté had usually been leveled against noble conspirators, rebellious Huguenots, and regicides. In the absence of any clear distinction at law between the security of royal persons and that of the commonweal, a great many rather ordinary crimes could also be construed as lèse-majesté if they flagrantly contravened the king's will or seemed to threaten public well-being. The charge could be used to describe violations of dueling laws, and it served equally well against perturbateurs du repos public, or "disturbers of the king's peace."

Most often, however, it carried implications of treason. An ordinance issued at Villers-Cotterets in 1539 attempted to define the offense as "conspiring, plotting, or acting against our person, our descendants, or against the common weal (république) of our kingdom." Forty years later, the Ordinance of Blois elaborated the meaning of lèse-majesté by applying it to those who henceforth enter into any association, collusion, agreement, or offensive or defensive tie with princes, potentates, republics, or communities within or without the kingdom, directly or indirectly by themselves or through intermediaries, verbally or in writing, or who make any levy or muster of gens de guerre without our express permission, leave, and license.

A declaration issued shortly after Henry IV's death reinforced prohibitions against private levying of troops, amassing of arms and munitions, or establishing strongpoints.

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45 Isambert, Anciennes lois françaises, XII, 590. This edict is not to be confused with the longer and more famous Ordinance of Villers-Cotterets of the same year.

46 Ibid., XIV, 424, art. 183.

47 Ibid., XVI, 6-8.
Thus defined at the beginning of Richelieu's ministry, lèse-
maîsté provided a ready legal means of suppressing the disloyalty
which then plagued the kingdom. The Cardinal understood quite clearly
that the charge would play a large part in his plans for strengthening
royal authority over insubordinate subjects, and soon after entering
the council he began to formulate recommendations for clarification
and expansion of the concept of treasonous behavior. These proposals
were among a package of reforms presented to an Assembly of Notables
held at the end of 1626.48 The Assembly's timing was opportune for
a discussion of high treason. The Chalais conspiracy had been broken
during the preceding summer and a leading conspirator, the comte de
Chalais, executed in August. Deputies to the Assembly were carefully
selected to produce the desired results. Dominated by thirty
judicial officials of the sovereign courts, but also attended by a
baker's dozen from each of the First and Second Estates, the makeup
of the Assembly served as a useful sounding board and propaganda
agency for a wide variety of reforms.49 The preponderance of
judicial officials among the nobility increased chances that possibly
controversial revisions in the definition of lèse-maîsté would find
a sympathetic reception, and in fact this proved to be the case.

48 On the Assembly see Jeanne Petit, L'Assemblée des notables,
1626-1627 (Paris, 1937), and the account of Paul Ardier, L'Assemblée
des notables tenue à Paris en années 1626 et 1627 (Paris, 1652).

49 The delegates are listed in Petit, L'Assemblée des notables,
Appendix III, pp. 233-45. The Parlement of Paris sent three
representatives: First President Nicolas de Verdun, second président
Jérôme de Macqueville, and procureur général Mathieu Mole.
In the early weeks of 1627, with the Assembly in full swing, Richelieu delivered several specific measures against conspiracy.\(^50\) The Cardinal's objectives were twofold: to widen and sharpen older ordinances regarding treason, and to muster popular opinion behind a tough policy of enforcement. To directly propose such before an assembly of judicial officials alone would probably have carried easily, since the judges' esteem for harsh laws was notorious, but objections could be expected from the nobles and Churchmen present. Accordingly, Richelieu adopted a devious manoeuvre: it seemed to him, he told the Assembly, "more expedient to impose severe penalties and to immediately enforce them without moderation than to retain the austerity of the former ones, to which, nevertheless, one never intended to stoop."\(^51\) Marginal notations on original drafts, though, reveal that the Cardinal probably never had any sincere intention of leniency.\(^52\) In any case, the lawyers of the parlements carried the

\(^50\) The entire program of measures complete with Richelieu's marginal notations on them are presented in Lettres, II, 315-22. The printed version is based on D'Avenel's examination of five copies of the propositions. See Lettres, III, 315, N. 1.

\(^51\) Ardier, L'Assemblée des notables, p. 132.

\(^52\) See, for example, the notation on one manuscript draft beside the article on disobedience that "There is a complete proposition under the title of amassing arms and levies. It seems to me that it is not necessary to think of lesser penalties, but to accumulate all and especially to render the deprivation of charges more prompt and without semblance of trial \[sans figure de procès\]." Richelieu, Lettres, II, 321, n. 3. On another copy of his proposals he wrote that "Kings are kings only as long as their authority is recognized and they demonstrate their favor. They are unable to ensure the effects of these unless they are religiously obeyed, since disobedience by one individual is capable of arresting the course of a plan whose effects will benefit the public." Lettres, II, 321.
day for severity. The Assembly decided to retain all the rigor of
the old ordinances—an infamous death with confiscation of property
and offices—and asked for their enforcement. In this way Richelieu
managed the public's approval for his politics of repression while
shifting some of the opprobrium for such policies onto the shoulders
of the Assembly.

It only remained for the Assembly to sharpen the definition of
crimes of lèse-majesté. Without much discussion a comprehensive
article was drafted conforming closely to former motifs. To be
declared contumacious rebels liable to confiscation of body, property,
and charges were all those who raised troops without the king's
permission; who amassed reserves of arms, powder, or lead; who founded
or kept cannon without royal commission; who entered into leagues or
associations among subjects or foreigners; those who fortified cities,
strongpoints, or chateaux; those who might hold public or secret
assemblies without permission. The last provision was even extended
to the governors and lieutenants-generals of the provinces, great and
powerful noblemen who often used their posts as springboards to
rebellion. Similarly declared rebels were any French subjects who
departed the kingdom without first notifying local magistrates.
Finally, tacked onto the end of these proposals was a genuine
innovation. All slanderers, authors, editors, and printers of
defamatory libels or pamphlets could be charged with lèse-majesté.

As indicated by Petit, Assemblée des notables, p. 197, n. 9,
the présidents of Rennes, Pau, and Rouen favored more severe
penalties. The reaction of the deputies from Paris is not recorded.
Thus formulated by the Assembly, these provisions were incorporated into law in Articles 170-78 of the Code Michaud of 1629, and even though the Code was not put into effect, its statutes represented French law on lèse-majesté for the remainder of the reign. Having secured a firm legal foundation on which to act, Richelieu operated within accepted law whenever possible but did not hesitate to choose wholly arbitrary measures when these were necessary to further his objectives. Louis' full confidence came late in 1630, and after this time Richelieu repeatedly employed accusations of lèse-majesté against his own political enemies as well as those plotting against the monarchy. The two categories were hardly differentiated in the minister's eyes, but conspirators often had another view. For them it was not a question of disloyalty to Louis but resistance to an erosion of traditional feudal values brought on by a tyrannical Cardinal. No serious moral dilemma arose in instances of outright armed rebellion, as in the duc de Montmorency's raising of Languedoc in 1632, but grave questions were raised in the minds of many when Gaston d'Orleans fled the kingdom in 1631. Negotiations with foreign princes and domestic treason soon ensued. The King's brother and heir was above prosecution for lèse-majesté, but Richelieu ruthlessly pursued his clients, followers, and servants who had chosen allegiance to him over loyalty to Louis. Feudal principles had always upheld such behavior as justified, but in Richelieu's view the claims of the State were higher than those of personal loyalty.\textsuperscript{54}

\textsuperscript{54}W. F. Church has brilliantly developed this theme in \textit{Richelieu and Reason of State}, pp. 176-84.
The increase in royal power envisioned by the Cardinal inevitably meant a confrontation with the Parlement of Paris which represented the highest and most prestigious judicial and administrative corporation below the royal council. If the Cardinal's goals for the kingdom were to be met, an adjustment of the traditional role of the court within the structure of the monarchy would be necessary. Since the court's heritage included a voice in the management of royal affairs, Richelieu found it necessary to curtail its interference in matters of State and to whittle down its independent councilliar role. Yet the Cardinal's philosophy is regard to the Parlement and its role within the monarchy was not determined solely by considerations of royal power, the implementation of reason of State, or any calculated readjustment of relations between Crown and court. Indeed, his outlook on, and treatment of, the Parlement represented a sophisticated blend of the realization of ideal goals for power with an aristocratic familial background and a high measure of shrewd political know-how.

By birth and genealogical lineage Richelieu was, and always considered himself, an aristocrat. His father and paternal ancestors were authentic, if humble, noblesse d'épée from Poitou; among his forebears was Francoise de Rochechouart, Richelieu's paternal grandmother, a representative of one of the great families of the realm. On his mother's side, however, Richelieu had to acknowledge

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55Nor was it largely dependent on the circumstances of the moment, an impression generated by George D'Avenel in his massive four volume Richelieu et la monarchie absolué.
members of non-aristocratic robe families from the Parlement of Paris.
The Cardinal's mother, Suzanne de la Porte, was the daughter of
Francois de la Porte, a distinguished avocat before the court.
Richelieu's maternal grandmother was Claude Bochart, member of an
outstanding parlementaire dynasty which, beginning in 1466, sent
seven consecutive generations into the sovereign courts of the king. 56

The influence of old family ties apparently remained strong
after Richelieu assumed a political career. In 1628 Jean V Bochart,
Seigneur de Champigny and de Noroy, Richelieu's distant relative,
was made First President of the Parlement, even though he had not
previously been a président à mortier and had pursued an active
career with the royal council as an intendant and surintendant des
finances rather than rising through the ranks of the Parlement.
According to at least one source, Bochart's appointment as First
President was made through the influence of Richelieu. 57

56 Gabriel Hanotaux and Duc de la Force, Histoire du Cardinal de
Richelieu (6 vols.; Paris, 1933-47), I, 41-43; Francois Bluch,
L'Origine des magistrats du Parlement de Paris au XVIIIe siècle
(Paris, 1954), pp. 95-96; Jean-Baptiste de l'Hermite-Souliers and
Francois Blanchard, Les eloges de tous les premiers presidens du
Parlement de Paris depuis qu'il a este rendu sedentaire jusques a
present; ensemble leurs genealogies, epitaphes, armes et blasons
(Paris, 1645), pp. 85-86.

57 B.N. Ms. fr. 11427, "Memoires sur les familles du Parlement,
de la Chambre des comptes, de la Cour des aydes, du Grand Conseil
et du Conseil," fol. 60, notes of Champigny "that Cardinal Richelieu,
his relative, made him surintendant des finances, then First President
of the Parlement in 1628." The appointment remained largely an honor,
as Champigny never actually presided over the Parlement. His duties
were assumed by Nicolas Le Jay, the second président à mortier.
Of noble extraction on his father's side, Richelieu naturally assumed the social and political attitudes associated with his noblesse and with the station of a bishop and cardinal. Important among these attitudes was one common to both upper estates, that the royal officers in general and the robins in particular were parvenus intent on climbing the social ladder by any means possible. Such class attitudes are most plainly reflected in the Testament politique in which, as has been seen, the Cardinal demonstrated a certain condescension and even arrogance towards those of the Third Estate. Yet however imbued with the aristocratic outlook of his order towards ordinary officers and magistrates of the robe, Richelieu had to be able to master his hauteur in favor of a more realistic appraisal of the standing, merit, and ability of the judges in the Parlement and other sovereign companies. However ambiguous the social status of the judges in these courts may have been in the early seventeenth century, no one doubted their elevated standing. Elite social position was reinforced by enormous political power and prestige, so that as a realistic and pragmatic statesman Richelieu was compelled to grant the sovereign judges a sincere, if grudging, respect. Respect of this sort can be found in the Cardinal's comments upon the death of the famous and very able Achille III de Harlay in 1616. Richelieu devoted a long passage in his Mémoires to eulogizing the virtues of the late First President, noting his probity, integrity, and "inflexible courage in matters of justice."

men retained passions of loyalty towards their former institution. It is probable, though, that experience with the court instilled in them some professional understanding and respect, if not loyalty, for their former colleagues. These feelings were doubtlessly reinforced by a web of familial ties with sons, sons-in-law, brothers, brothers-in-law, uncles, and other relatives serving in the Parlement.

Out of the attitudes associated with Richelieu's robe and aristocratic ancestry evolved a technique of negotiation, compromise, management, and supervision in the interests of royal authority of the State. As in other areas Richelieu's parlementaire policy was completely dependent upon Louis' authority, confidence, and cooperation. Until 1630 these factors were uncertain, but after the Day of Dupes they matured into a working relationship in which Richelieu fulfilled what the King desired but was incapable of achieving himself. In foreign affairs this meant statesmanship dedicated to the greater grandeur of France; in dealing with the men in the Palais de Justice it meant sustained application, a shrewd awareness of human nature, and the facility for daily give-and-take while keeping long-range goals in mind.

Louis himself had none of these qualities. In trying to deal with the judges' legal dodges, severe weaknesses of Louis' personality were revealed to everyone around him and even to himself in moments of introspection. At the bottom of these limitations lay contradictory psychological shortcomings in the King's character. On the one hand, Louis had inherited a troubled, insecure, and mercurial temperament incapable of calm, rational, and methodical
Thus by family background and social station, Richelieu entered public service with a due respect for the high robe as a profession and for the magistrates' traditional place in the monarchy. Among other factors the influence of robe personnel among Richelieu's associates should not be discounted, though the degree of this influence is certainly debatable. Many of Richelieu's créatures had at one time been associated with the milieu of the Parlement which supplied many royal administrators. This was true, for example, of Pierre V Seguier who had been a président à mortier from an important parlementaire family before being made garde des sceaux in 1633 and Chancellor in 1636. Three of the four most important and influential royal councillors after 1635 also came from a parlementaire family. The Le Bouthilliers, who supplied two of Richelieu's most devoted créatures in the Conseil d'Etat, Claude and Leon le Bouthillier, were trained in the Parlement. Claude le Bouthillier, whom Richelieu helped make secrétaire d'Etat in 1628 and surintendant des finances in 1632, had begun his career as conseiller in the Parlement in 1613. Leon le Bouthillier, Claude's son and also a créature of Richelieu, had been conseiller in the Parlement before coming into possession of his father's office of secrétaire d'Etat in 1632. Finally, Claude Bullion, surintendant des finances between 1632 and 1640, began a lengthy civil service career as conseiller in the court.⁵⁹ Time spent in the court, of course, does not necessarily mean that these

negotiation with the Parlement. In this Louis was the sad heir of his mother. But Louis was also the child of Henry le Grand, Henry the well-beloved, Henry the image of the great and just king. The second Bourbon was not unintelligent: he knew his father's reputation and willed it for himself. Unfortunately, when treating with his judges this craving for self-respect all too often became a singleminded desire for obedience. Often, too, it was frustrated by eruptions of impatience and a temper pathetically petulant in its outraged helplessness.

Examples of this behavior were legion, the most famous being an interview between Louis and deputies from the Parlement held at Metz on January 30, 1632. The audience climaxed months of the most obstinate sort of indifference to royal orders regarding the Chambre de l'Arsenal, and Louis' patience was at an end. The hearing began smoothly enough, but when First President Nicolas Le Jay tried to justify the court's actions, Louis lashed out that "you were established only to judge between Master Peter and Master John, and if you go on with your enterprises, I will cut your nails to the quick,"60 The incident has rightly been noted by almost every historian of the period as characteristic of the lack of rapport between Louis and his judges.

Whatever faults Louis had, he was still the embodiment of sovereignty, and as King his subjects were presumed to have more respect for his person or his signature than for any minister. As his ministry progressed, therefore, Richelieu preferred to set the

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60Mariéjol, Henri IV et Louis XIII, p. 395; Glasson, Le Parlement de Paris, I, 144.
King or the symbols of his authority against the Parlement rather than address the court himself. Only once, in January, 1634, did Richelieu officially speak during a *lit de justice*, and this occasion, it should be noted, was a non-controversial one. During everyday interviews, too, the Cardinal preferred to be unobtrusive. Richelieu's hand, though, guided and directed the King wherever possible. Most of their joint decisions were probably worked out in conversation, but sometimes the prompting took the form of lengthy memoirs like the "Avis au Roy" of 1629. Sometimes, too, Richelieu dictated letters or speeches of the King intended for the Parlement. As early as 1627, Richelieu wrote to the Parlement under Louis' name to hasten the passage of several fiscal edicts needed for the siege of La Rochelle. This practice became more frequent after 1630 as Richelieu assumed primary control of parlementaire policy.

When a prolonged bout with the judges ended with a visit to the Louvre on March 17, 1636, Richelieu wrote out Louis' lines in the scenario.

A year later, on March 1, 1637, the Cardinal again cued the King when he had to lecture a deputation about disrespect for his edicts. On this occasion he wrote:

> The King, having heard Mme from the Parlement, will tell them:
> That the edict about which they have made remonstrances was registered in his presence, and that it concerns his authority that it should be executed;

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62 See infra, p. 238.
That they have solemnly promised to obey him and have received concessions from him on these grounds;
That if the kings his predecessors had once conceded that the company should not include registry clerks in the resale of the domain, they had done it at a time when the necessities of the State were not as great as they are at present;
That since venality did not prevent the officers in question from being faithful, discreet, and capable, one should be able to say the same of présidents and conseillers;
In conclusion, Messieurs, reason requires that I be obeyed, and I want to do as reason requires.64

In general Louis tried to follow Richelieu's guidance in regard to the Parlement, but sometimes this tutelage tested his own faith that severity would cure all. Before the meeting at Metz, for example, Richelieu and Louis had tried to break the court's resistance by sending five judges into exile. The subsequent meeting had inflamed Louis, but a settlement was reached a few weeks later and Richelieu advised the King to release the offenders. Louis rather skeptically accepted the advice in a remarkable letter which provides an insight into the way he thought the judges should be handled:

Mon cousin,

I will gladly agree to that which you have asked of me in regard to the five robes, although it is pleasurable to see them take a little stroll following my court. The more one eases up with such men, the more they abuse it. When one of my musketeers is a quarter of an hour late to drill, he goes to prison. If one disobeys his captain when he gives some command into his keeping, he is demoted, and in case he should disobey it [the order] he loses his life. It will be said that the robes longues will freely and boldly disobey me, and that I will remain down wind

64Ibid., 758-59. On the back of the original one of Richelieu's secretaries wrote, "That which the King said to M's from the Parlement of Paris, the 1st of March, 1637." The original note is in the handwriting of Chancellor Séguiier, but it was almost completely redone in the margin by a secretary writing under Richelieu's dictation. The first line of the revision is in the Cardinal's hand. See D'Avenel's notes 2 and 3, p. 758.
of it, and that these seigneurs will win their case while pretending to leisurely take breakfast in their buvette [the Parlement's refreshment bar] and then spend three hours seated on my fleurs de lys. By an arrest [du Conseil?] given at Ste. Menehould, it will not be thus. It is ordered that you will be less ready and less apt to have pity on these seigneurs after they have been penalized for having erred in that which they owe to the master of the shop, who is fonder of you than ever. At Ste. Menehould, this 12th of February, 1632.65

Since the minister's relations with the Parlement were ultimately determined by his place in the King's confidence, the evolution of Richelieu's philosophy in regard to the court should be correlated with the overall progress of his political career. A sequence of three phases is evident. The concurrence of the last two of these phases with Richelieu's public service and with the growth of French absolutism after 1624 is unmistakable and reinforces conventional opinion that Richelieu's career should be organized into three parts: the pre-ministerial period to 1624; a rise to power, 1624-1630; mature ministry, 1631-1642.

The first of these periods, 1610-1624, encompasses the regency of Marie de Medicis and the prevailing influence of Concini and the duc de Luynes. During this time governmental policy drifted without firm purpose or long-term direction; the royal council was dominated by the Queen Mother and a faction known as the "Gray Beards" left from Henry's reign. With the exception of extensive and important parlementaire remonstrances after the Estates of 1614 and dissension over the paulette in 1618 and 1620, relations between the Crown and

the Parlement were generally untried. The court's demands of 1615 were suppressed by an arrêt du Conseil while at the same time the feelings of the judges were placated by promises and by the renewal of the paulette on favorable terms. For the remainder of the decade and into the 1620's the court held itself aloof from the intrigues of the princes which dominated domestic politics of the period.

In the period before 1624, Richelieu was in a position of political responsibility only briefly and had no opportunity to develop a working rapport with the Parlement. As a shrewd observer of men and events, however, the future minister undoubtedly developed a realistic appraisal of the Parlement's public functions in relationship to royal power. A more detailed assessment of Richelieu's views during this time is difficult because of a paucity of documentation. His written references to the Parlement during the period before 1624 are extremely limited, being confined to occasional passages in the Mémoires. There seems to be no revealing evidence in the Cardinal's correspondence before his ministry. Even the Mémoires, setting forth his version of the history of the reign, were prepared during the 1630's and consequently were colored by later intervening experiences which tended to alienate the minister from the Parlement. Moreover, the Mémoires touch only the most important parlementaire affairs and very often the account of these is obviously based on official documents. It is also highly probable that the Mémoires were drawn up in part to justify the Cardinal's program and to help immortalize his accomplishments. All these
factors detract from the value of the *Mémoires* as a source of *parlementaire* relations, but given their limitations, occasional passages help reveal Richelieu's attitude towards the Parlement in the historical situation preceding his ministry.\(^6^6\)

Examination of the scanty material available shows the Cardinal early as a political realist with considerable insight into the historical role of the Parlement, as well as a politician with a thorough understanding of the contemporary distribution of public powers within the monarchy. The Parlement had a long history of supporting the Crown in times of crisis as well as subjecting it to criticism; by the time the *Mémoires* were assembled in the 1630's, the negative aspect of the court was much more evident to Richelieu than its positive qualities. Nevertheless, looking back from twenty years after, Richelieu objectively noted instances during the regency when the Parlement entered the realm of affairs of State to uphold royal rights, maintain the Crown's authority, and, in general, to preserve the integrity of the monarchy. The Cardinal's remarks concerning these occasions are particularly important when his absolutist royal position is born in mind.

Richelieu acknowledged the Parlement's role in public affairs, for example, when the court intervened in the crisis which followed Henry IV's assassination. As Richelieu recorded in his *Mémoires*, upon Henry's death Chancellor Brulart de Sillery let

\(^6^6\) An excellent commentary on the *Mémoires* and the Testament *politique* may be found in Church, *Richelieu and Reason of State*, 472-504.
himself be intimidated by threats on his life coming from the comte de Soissons and hesitated to affix seals to the declaration confirming Marie as regent. In these pressing circumstances the Parlement did not hesitate to act. Henry had been killed at four o'clock in the afternoon of May 14; upon receiving the news, First President Achille III de Harlay clambered out of his sickbed, assembled the Parlement, and led deliberations as to what should be done. Before seven o'clock on the same evening, the court had, in the Cardinal's words,

concluded unanimously that it would be better to do too much than too little on this occasion, when it would be dangerous to have arms crossed, and that they could not be blamed for declaring the will of the late king as it was known to all of them who had the honor of being near him. On this basis and others similar, they exceeded in this encounter most usefully the limits of their power.67

The last sentence is most interesting. Richelieu freely recognized that in this critical time the Parlement had overstepped the limits of its authority and had done it in the public interest:

Upon Chancellor Sillery's hesitation to act the Parlement did not do the same; to the contrary, the public interest compelled it to pass beyond the limits of its power to assure the regency to the Queen, although the parlements had never become involved in similar affairs.68

In effect, the Cardinal admitted that the unprecedented action of the court had been justified; the action met with Richelieu's approval,

67Richelieu, Mémoires, I, 42.

68Ibid., 41. An account of the events of May 14 and the Parlement's large role in these events can be found in Roland Mousnier, The Assassination of Henry IV, trans. Joan Spencer (New York, 1973), pp. 21-23, 50-60. The lapse in Chancellor Sillery's courage is not mentioned by Mousnier.
and he acknowledged that the court had acted with the best interests of the kingdom at heart.

In the unsettled period of tension which followed the establishment of the regency, there were other occasions for the Parlement to demonstrate its usefulness and loyalty. Richelieu carefully recorded, for example, the Parlement's suppression of Jesuit works which smacked of regicidal doctrines and thus threatened the public order of the kingdom. On June 8, 1610, immediately after Henry's death, the Parlement condemned *de Raging et Regis Institutione* by the Spanish Jesuit Mariana to be burned by the public hangman as containing passages praising the assassination of tyrants. In 1612 a new work by the Jesuit Becanus surfaced in France. This book was condemned by the Parlement, and two years later Suarez' *La Défense de la foi catholique, apostolique, contre les erreurs de la secte d'Angleterre* was ordered burned by the Parlement as teaching it was permissible for subjects to conspire against the person of sovereigns. On this occasion the court went further than before. Four Jesuit fathers were summoned before the court and enjoined to make known the Parlement's decisions through their sermons. While containing no overt comments of approval, the context of Richelieu's remarks show that he considered the Parlement's censorship beneficial in damping the religious fervor of the Jesuits and in preserving royal authority amidst Ultramontantist doctrines.69

69 *Ibid.*, 59, 61, 149, 202-03.
In 1614 Richelieu participated in the Estates-General of that year as representative of the First Estate. His account of the Estates is largely concerned with the difference of the three orders over the issue of the paulette. In this instance Richelieu dryly recorded the rancor without noticeable prejudice to the Third Estate, which desired the continuation of the droit annuel opposed by the First and Second Estates. The entire work of the Estates had, the Cardinal reported, no result except to subject the provinces to the payment of their deputies and to let everyone see that the excessive corruption of the regency had not been rectified.70

Following the failure of the Estates of 1614, the Parlement of Paris took advantage of the opportunity to present a massive series of remonstrances calling for reform in the government. Richelieu presented an exact account of the remonstrances. Unfortunately the account is plainly based on official documents with almost no personal comment and thus Richelieu's authentic opinion is almost impossible to discern. The affair was touched off, according to Richelieu's account, by the great princes who sought to explicit the Parlement to their advantage:

[After failing the Estates] they turned then towards the Parlement and tried to produce there the effect that they had not been able to in the Estates. They sowed in this body jealousy against the government, persuading them the judges that after having been of service in the declaration of the regency, they had not been given the part they deserved in the great affairs treated there. These words were not without their promise to assist them to maintain their authority, and to support the occasions when they should be near their Majesties.71

70 Ibid., 245.
71 Ibid., 245.
The agitation of the princes was successful. Four days after the adjournment of the Estates, the Parlement assembled and demanded a convocation of the peers, dukes, and great officers of the Crown, together with the Chancellor, to advise on propositions to be made for the service of the King. This decision was quashed by an arrêt au Conseil, the text of which the Mémoires largely reiterated, and was reinforced by a personal reprimand at the Louvre on the 9th of April. These admonitions notwithstanding, the Parlement proceeded to draw up lengthy remonstrances and presented them on the 22nd of May, together with "some weak examples to prove that at all times the Parlement had taken part in affairs of State, and that kings had been accustomed to send them treaties of peace so that they might give their advice." These remonstrances were rejected by an arrêt du Conseil and another royal warning to the gens du roi at the Louvre. With this suppression the remonstrances of 1615 remained quashed, and Richelieu's account comes in an abrupt end without concluding remarks which might elaborate his opinion on these events. With the passing of the remonstrances of 1615, relations between Crown and court stabilized and remained relatively undisturbed until the suppression of the paulette in 1618 excited

72 Ibid., 246.

73 The text of the remonstrances of 1615 and related arrêts du conseil may be found in Molé, Mémoires, I, 20-57. A comparison with the account in Richelieu's Mémoires indicates many similarities to these official documents, probably indicating that the Cardinal's version was based on them.
the Parlement once again. Unfortunately, Richelieu's Mémoires present no comment on this affair or on other encounters before the Cardinal entered the council in 1624.

After Richelieu entered the council in April, 1624, a second phase in Crown-parlementaire relations gradually became evident. As Richelieu's policies emerged between 1624 and 1630, friction between the royal council and the court began to increase; the deterioration, however, took place slowly and factors other than the Cardinal's influence played an important part. It should be remembered that Richelieu's entry into the council in no way guaranteed his security before the King or ensured acceptance of his recommendations. The King remained nervous and psychologically insecure in separating himself from his mother; he continued to rely on her advice as well as on that of the dévot party until the Day of Dupes (November 10, 1630). This indecisiveness was mirrored in the royal council which remained divided between the party of the bons français and the dévot faction led by Pere Berulle and Michel de Marillac.74

74 Along with Vincent de Paul and François de Sales, Bérulle was one of the chief figures in the great Catholic revival of the early 1600's. A mystic and visionary, Berulle had introduced the Carmelite Order into France and founded the Oratorian Order. In political matters Bérulle was deeply attached to Marie de Medicis, to the King's younger brother Gaston d'Orléans, and to the Marillac brothers. With these, as with others of the dévot party, Berulle was hostile to England and favored an Ultramontanist and pro-Hapsburg policy of peace and co-existence within the framework of a greater Catholic Europe. Michel de Marillac, born in Paris in 1563, had followed a career as a magistrate and statesman; he had as well a sincere interest in religion and affairs of the Church. In 1586, at the age of twenty-three, Marillac had entered the Parlement of Paris as a conseiller. At first an ardent supporter of the Catholic League, Marillac rallied to the cause of Henry IV and with his support was made a maître des requêtes in 1595. Marillac continued to
The factions of the *bons français*, with whom Richelieu associated himself, and the *dévots*, who came to be his political enemies, had coalesced out of the complex politics of the early period of Louis' reign. Neither group was an organized party; rather, each was a loose fraternity of important persons in Church and State holding like opinions on the issues of the times. Each group was relatively small and largely confined to the court circle. The *bons français* strongly resembled the former *politique* faction that had represented moderate Catholic opinion during the Wars of Religion.

Like the politiques, the *bons français* were numerous among jurists,

serve both Henry and his wife, and he was rewarded with the dignity of conseiller d'État in 1612. Attached to Marie de Medicis, he was charged by her with the establishment of the Carmelites in the Parisian faubourg Saint-Jacques. Thanks to the influence of the Queen Mother, he was made surintendant des finances along with Bochart de Champigny in 1624 and garde des sceaux in 1626. Between 1626 and 1629 Marillac was principally concerned with drafting a revision of French law which became the ill-fated Code Michaud of 1629. Along with his brother Louis, who had pursued a military career, Marillac fell from grace after the Day of Dupes in 1630, was arrested, and died in prison in 1632. The principal characteristics of Marillac's personality were piety, solemnity, severity, and high personal integrity. After his imprisonment in 1630, Marillac produced translations of the Psalms and a famous translation of the *Imitation of Christ* by Thomas a Kempis which went through more than fifty editions. The bibliography on Michel de Marillac is not extensive. The best complete biography is that of Edouard Everat, *Michel de Marillac: sa vie, ses œuvres* (Riom, 1894). Supplementing this was two short works by nineteenth century lawyers. See Camille Arnaud-Menardiere, *Essai sur Michel de Marillac* (Poitiers, 1857), and Euxpere Caillemer, *Etude sur Michel de Marillac* (Caen, 1862). The anonymous collection entitled *Documents historiques sur la famille de Marillac* (Paris, 1908), contains some very worthwhile pieces, though the commentary is often a panegyric on behalf of the Marillac family. Standard histories of the reign and of Cardinal Richelieu may be used to supplement these biographical essays. Especially noteworthy is George Mongrédien, *La Journée des dupes* (Paris, 1961). See also the important article "Autour du 'grand orage': Richelieu et Marillac, deux politiques" by Georges Pagès which appeared in *Revue historique*, CLXXXIX (1937), 63-97.
Gallicans, magistrates, and royal officers. In foreign affairs they favored a vigorously anti-Hapsburg foreign policy, even at the expense of Papal relations and international Catholic interests. In domestic affairs the bons français maintained the tradition of religious tolerance established by Henry IV and put the interests of religion after those of the State and of France. The dévots, conversely, put the interests of Catholic Christianity before those of the State, especially in foreign affairs. Wishing to unite Christian interests in Europe, the dévots essentially strove to recover the res publica Christiana of pre-Reformation Europe. Since this would require the leadership of the Papacy and co-existence, if not outright co-operation with the Hapsburg Empire, good relations with these powers were desirable above the national interests of France. With peace abroad, royal attention could be directed towards domestic reform and improvement of the lot of the common folk. The conflicts with Richelieu's objectives should be obvious.75

The dichotomous nature of forces at work within the council was crucial for Richelieu's relations with the Parlement before 1630. Between 1626 and 1630 Michel de Marillac, dévot and political rival of Richelieu, held the post of garde des sceaux. As such Marillac's position vis-à-vis the court was at least as important as Richelieu's in the capacity of chief minister. In the absence of an effective

75Church, Richelieu and Reason of State, pp. 9-10; Tapieé, La France de Louis XIII, pp. 138-41; Mongrédien, La Journée des dupes, pp. 3-46. The last work is particularly valuable for its vivid and incisive portraits of the principals in the politics of the 1620's.
chancellor, the garde des sceaux was both officially and personally interested in the course of daily affairs of justice and administration. It was Marillac, for example, who presided over the sessions of the Assembly of Notables. Between 1626 and 1630 Marillac's letters to Mathieu Molé, procureur général of the Parlement, indicate that he, and not Chancellor D'Aligre, conducted most official business with the court. The King and Richelieu also wrote Molé directly, but the frequency of their correspondence was much less than that of Marillac.

In addition to frequent contacts with the Parlement, Marillac was especially interested in reform of the central administration and of justice. Between 1626 and 1629 he was absorbed in the revision of French law which was to become the Code Michaud. At exactly the same period he was also attempting to reform the royal council by a series of règlements. As a result of his reform

76 Etienne d'Aligre, Chancellor of France from 1624 to 1635, never enjoyed an active or influential role in public affairs. Disgraced in 1626 after having been frightened during the appearance of a conspiracy by the comte de Chalais and others, D'Aligre was stripped of all official duties, including custody of the seals which were given to Marillac. Marillac remained garde des sceaux until just after the Day of Dupes, when he was replaced by Charles d'Aubespine, Marquis de Chateauneuf. Chateauneuf remained just two years and was replaced by Pierre V Séguiier, former président à mortier of the Parlement. With the death of D'Aligre in 1636, Séguiier became chancellor and custody of the seals reverted to him.

77 See Molé, Mémoires, I-II, passim.

78 The règlements for the council of Louis XIII have been published with a scholarly annotation by Roland Mousnier in Annuaire-Bulletin de la société de l'histoire de France, 1946, pp. 96-211. The authorship of some règlements remain unknown, but there can be little doubt that Marillac played an important part drafting those drawn up between 1624 and 1630. See the comments of Georges Pages in "Autour du 'Grand orage,'" pp. 65-66.
efforts, his insistence on observance of rigid technicalities, and a dry and harsh personality, Marillac's relationship with the Parliament was never very good. Nor could the court easily forget Marillac's participation in the League. On January 16, 1589, Marillac had accompanied Bussy-Le Clerc, chief of the League faction in Paris, into the Grand'Chambre with arms in hand to conduct three magistrates to the Bastille. The Parlement never pardoned Marillac for this misstep. The factors of personality were undoubtedly aggravated by the garde des sceaux's firm denial of the Parlement's competence in matters of State exposed in several letters to Mole, in addresses to the Parlement, and in his "Mémoire dressé par le garde des sceaux de Marillac, principalement contre l'autorité du Parlement," a manuscript now held in several copies by the Bibliothèque Nationale. Marillac's absolutist views are made abundantly clear in the memoir, where he wrote that


80 See, for example, Marillac's letters to Mole in the latter's Mémoires, I, 482, 490-93, and the account of the lit de justice of January 15, 1629, in Le Mercure François, XV, 1-28, second pagination. The manuscript memoir is in B.N. Ms. fr. 7549, fols. 1-145. The "Mémoire contre l'autorité du Parlement" is one of the strongest extant statements rebutting the authority of the Parlement. Because of its clarity, vigor, and scholarship, it apparently became very popular among constitutional lawyers of the Old Regime. Several other copies can be found in the Bibliothèque Nationale at Ms. fr. 7550, 18366, and Ms. fr. nouv. acq. 7979. Marillac probably composed it as a legal brief in 1628 or 1629, intending to use it against any resistance put up towards his cherished Code Michaud. Influences of the memoir are, in fact, readily visible in the speech Marillac delivered in the lit de justice held for the Code Michaud on January 15, 1629.
It is necessary to pose a fundamental certainty, that the kings of France are the legislators of their State, making laws and ordinances, revoking them and descending to this tactic of revocation whenever it pleases them, because they themselves are the law of their kingdom, and are above their laws and ordinances, and take advice and council from whomever they please . . . not only because that conforms to reason and to justice, but also because such is the usage of the kingdom, and only quasi-kings have practiced otherwise, and such has been the manner of laws, ordinances, and the State of several centuries.81

In another passage the garde des sceaux pungently denounced the pretensions of the judges to check the power of rulers:

The greatest number of companies and of the persons composing them live in this belief that they are the mentors of kings, the protectors of peoples, and mediators between the people and kings, and that kings cannot make any law in their kingdom which has not passed their judgment and examination; and they make other speeches and thoughts of this nature, not only without foundation, but also contrary to the fundamentals and usages of the State, contrary to the dignity of the Crown, and manifestly contrary to the highest essential of the grandeur, dignity, and authority of the kings of France. There is need to enlighten people, to wipe out this error, and to show that the power of our kings is independent, having no necessity of taking advice from either company or person.82

Strong views such as these only encouraged divisiveness, and the mutual antagonisms between Marillac and the court culminated in a struggle lasting months when the completed Code Michaud was submitted to the Parlement for approval. Officially registered in a lit de justice held January 15, 1629 the massive ordinance was immediately subjected to criticism by the court, and though the Parlement eventually submitted its reluctant approval, the compilation of law was discarded after Marillac was disgraced in 1629.

81 B.N. Ms. fr. 7549, fol. 76.
82 B.N. Ms. 7549, fol. 91.
The relationship between Marillac, Richelieu, and the Parlement during the 1620's was a curious one. Unlike later gardes des sceaux Chateauneuf and Séguiер appointed by Richelieu after 1630, Marillac remained independently minded in most matters of governmental policy. Yet both Richelieu and Marillac were in fundamental agreement when dealing with the Parlement. Both respected the court, but both firmly believed in the supremacy of royal authority. This agreement on parlementaire policy, however, was totally negated by Richelieu's militant anti-Hapsburg policy, his moderate religious view, and his overwhelming ambition to eliminate his dévot rival from Louis' favor. This abiding distaste for the Marillac faction, not disagreement over the Code Michaud, accounts for Richelieu's failure to uphold the document.

After achieving a place on the royal council, therefore, Richelieu had to reckon with Marillac as well as with the Parlement's power and prestige. Though Marillac dealt with administrative details, much policy making was left to the Cardinal. The court showed itself either amenable or indifferent to the implementation of much of Richelieu's early program. No significant difficulties were raised over legislation providing for the razing of non-strategic fortifications in the hands of great nobility, nor did the Parlement become involved in the crushing of the Chalais conspiracy in 1626 and the subsequent execution of the comte de Chalais.
Likewise, the court raised no serious objections to the establishment of a *chambre de justice* against corrupt financiers in 1624.\(^{83}\)

Even though the Parlement's potential for obstructionism was probably more evident to Richelieu after he entered the royal council, he continued to acknowledge that the court was, within bounds, useful and necessary in maintaining the Crown's authority. This utility

\(^{83}\)My view of the period 1624-1630 contradicts that of Glasson and consequently that of Sherman who relied on Glasson's earlier work for his evaluation of this period. Glasson held that *parlementaire* opposition to Richelieu was aroused immediately after his entry into the council in 1624 by the creation of a *chambre de justice* aimed at investigating corrupt financiers lending money to the government and that antagonism between the Cardinal and the court was maintained at a high level during the 1620's: "As soon as he was master of the ministry [i.e., in Glasson's view, 1624] he established a *chambre de justice* to research abuses committed in the administration of finances. Richelieu desired that this commission be made permanent, but the Parlement resisted and with success. Extraordinary commissions continued to be established in similar situations, and it was before these that Richelieu tried his political enemies. Was the jurisdiction of these commissions illegal and irregular, as certain historians have written, or was it not a simple application of the justice retained by the king? That which is certain is that they were constituted with judges whose opinions were known in advance, and that this complete lack of impartiality rendered these extraordinary commissions odious. When instead of questions of State it was a matter of religious affairs, the Cardinal was in rapport with the justice of the Parlement, always disposed to safeguard that which it called the liberties of the Gallican Church. On this point, but only on this point alone, the Parlement and the Cardinal were of accord; in all other relations, mistrust ruled and each surveyed the other with care." Glasson, *Le Parlement de Paris*, I, 133-34. In implying that Richelieu was master of the ministry after 1624, Glasson has glossed over the role played by Michel de Marillac and the influence of the dévot party, both of which remained substantial until the Day of Dupes. Richelieu's tenure remained uncertain until after 1630, and while he urged the creation of a *chambre de justice* in 1624, it was not a creation aimed at his political enemies but an attempt to squeeze money out of reluctant royal creditors. The *chambre* was indeed an extraordinary commission, but unlike later such panels, it was concerned with financial matters and not with affairs of *lèse-majesté* or political rivalry. In fact the Parlement did not resist the creation or the operation of the *chambre* of 1624, nor did it raise objections to many other of Richelieu's early endeavors such as the abolition of dueling, the razing of fortresses, and suppression of the Huguenot faction.
became manifest at the beginning of 1626 when a dispute erupted among the clergy of France over libelous statements printed in a polemical pamphlet entitled *Mysteres politiques*. The Parlement of Paris intervened in the affair and prohibited the clergy of France from assembling to discuss the matter further because it brought into question the authority of the king. In his *Mémoires* Richelieu recorded the delicate nature of the affair and his recognition that it was necessary to placate all interests, including that of the Parlement:

> The Parlement stirred itself up against the Church, and the matter of the dispute concerned the authority and person of the king. It was necessary to heal the schism, unite the clergy, maintain the authority of the Church, and not to violate that of the Parlement which on many important occasions, is necessary to the support of the State. 84

Some time later, when the Parlement refused to completely defer to a royal evocation, Richelieu advised the King to proceed carefully in dealing with the court:

> He [the Cardinal] advised [Louis] that it was not only at present that the parlements wanted to take cognizance over general affairs; that they never considered that they had not been instituted for that, and that the great companies are useful to strictly execute that which was deliberated and resolved by a few [i.e., the royal council], being with the multitude of councillors in the State as it is with doctors in regard to the sick, where a great number is detrimental. 85

No sooner had the affair of the *Mysteres politiques* blown over than the clergy and the Parlement again became involved in a wrangle over Jesuit literature which brought the authority of the king into


85Ibid., 21.
question. During the first part of 1626, copies of Tractatus de Haeresi by an Italian Jesuit, Santarelli, began to circulate in France. Two chapters of the book debated the supremacy of State over Church, and the Parlement condemned Santarelli's work as seditious and ordered it burned by the public hangman. At the same time the Provincial of the Jesuits and a contingent of the Order were summoned before the court to be interrogated about the matter. Richelieu, realizing very well the possible implications of a confrontation between the Order and the Parlement, advised Louis to use both praise and restraint with the Parlement:

He [the Cardinal] believed that it was good that His Majesty should praise the Parlement for the action it had taken in having the book burned and preventing such pernicious doctrines from spreading through the kingdom, but that it was necessary that care be taken that they the judges did not pass a point which could be as prejudicial to his service as their actions had been useful to it. The reason for this counsel in sum was that it was necessary to reduce the Jesuits to a state in which they could do no harm by their power but also one in which they could not be brought to do harm through despair.86

Over the implementation of measures to order the kingdom and strengthen royal authority, however, the relationship between Richelieu and the court gradually grew strained. In February, 1626, an edict providing stern punishment for dueling was presented to the Parlement for registration. The court registered but only after protests that the penalties proposed were too light in comparison with those currently held as law.87 The Parlement proved even more

86Ibid., 26.

87The remonstrances presented on the edict of dueling are printed in Richelieu, Maximes, 78-79.
reluctant to approve wartime financing necessary to fund a terminal campaign against the Huguenots, even though the sentiment of the judges were sincerely Catholic. In April, 1627, several financial edicts, including creations of office, were presented for registration. The Parlement balked and procrastinated while the government stood in need. Out of the delay came a remarkable letter to the court signed by Louis but actually dictated by Richelieu before the siege camp of La Rochelle:

I am here in the middle of winter, in continual rain, in the midst of a great and perilous sickness, personally acting on the spot, sparing neither my person nor my health, all in order to reduce my subjects of La Rochelle to obedience and to oust from my kingdom the root and seed of troubles and emotions which oppress it and have afflicted it for more than sixty years. Instead of each contributing the most hidden and precious of his means to advance such a worthy and useful plan, they [in the courts] obstruct assistance, they terrify those the financiers who can help; this is nothing other than causing my armies to perish for want of funds, and by this means to renew the courage and the forces of those in rebellion. If enemies do this one could not doubt their intentions; but I incur these hindrances from my principal officers who should have the foremost and most lively sentiments for the enduring success of my enterprises . . . . After so many miracles for which He has brought to prevent the fruition of their [Protestant] enterprises, and the granting to me of time to combat and pursue them, I hope and expect of the same bounty that he will hush all these contradictions, and that all my subjects and my officers will learn that their welfare and their repose consist in obeying me. 

Richelieu's reaction to the court's resistance was a natural one. As relations deteriorated during the late 1620's, the minister's attitude towards the court became more estranged. While he retained, and would always retain, a due respect for the Parlement's power and
and prestige, by 1626-27 it was becoming more and more evident that the
court stood in the way of many of his goals. The shift in estimation
can be read from two memoranda prepared in 1626 and in 1629. In
February, 1626, Richelieu had insisted to Louis that the Parlement
should verify edicts coming out of the peace to be made with the
Huguenots and the Assembly of Notables of 1626. The minister
recommended that "the Parlement should verify the edicts of itself,
or in the presence of the King with eulogy; I hope that this will
be successful. If it is, it will be nothing small, these great
and sovereign companies being the first grounds [premier motive] for
the content or discontent of the people. Three years later, after
the Parlement’s obstructionism had become clearer to him, Richelieu
took a more negative view. In an omnibus "Avis au Roy" of 1629, the
Cardinal emphasized the necessity for a strong royal authority, the
need for obedience from all subjects, and the absolute need "to
abase and temper the sovereign companies which through assumed
sovereignty every day oppose themselves to the good of the kingdom."

When the Day of Dupes began a third and most crucial phase in the
Parlement’s relations with the Crown, a phase which would last nearly
a dozen years and which represented the critical period when absolutism
was securely founded in the French monarchy. On November 10, 1630,

89 Richelieu, Lettres, II, 194-97. The quotation is from p. 197.

90 Ibid., III, 181.

91 Only A. D. Lublinskaya has ventured to assert a contrary thesis.
With French Absolutism: The Crucial Phase, 1620-1629, Lublinskaya has
maintained that the period 1620-29 was the "crucial phase" of French
absolutism. She thus violates the conventional view of the career of
Richelieu and the growth of French absolutism by asserting that "so
Louis finally and reluctantly chose between his First Minister and the dévot clique surrounding his mother, the Marillacs, and Marshal of France Bassompierre. Now secure in Louis' favor, Richelieu assumed full direction of royal policy. In the months following, the Parlement of Paris, along with the rest of France, found itself embroiled in the aftermath of the Cardinal's victory. One of his first acts was to appoint Nicolas LeJay, formerly second président à mortier, to fill the First Presidency left vacant by the death of Jean Bochart de Champigny in April, 1630. The seals taken from Marillac on the Day

far as French absolutism was concerned, the 1620's were decisive for its development in the seventeenth century. This is usually linked with the name of Richelieu, who is alleged to have sharply altered the political course followed by his predecessors. Our study of the political struggle of 1620-4 gives grounds for considering that there was no change of course as such and that Richelieu basically followed a path marked out already before his time. It is, however, beyond question that he achieved unprecedented success. It seems to me, though, that this success was decided by the profound changes in French society itself which took place between 1610 and the 1620's. Without these changes this greatest statesman in the history of absolutist France would probably have had to while away his life in some out-of-the-way bishopric, with no opportunity to display his outstanding talents, or else to end his days in imprisonment or exile."

Lublinskaya, French Absolutism, p. 332. The weaknesses in Lublinskaya's thesis are numerous. She has not dealt with or described the "profound changes" in French society between 1610-20; she is restricted by a Marxian framework of class orientation and economic interpretation; she has not considered the mounting economic crisis which accelerated throughout the 1630's and 1640's. Additionally, she has ignored the financial crisis brought by the belligerent French foreign policy which became increasingly evident after 1630. Lastly, the constitutional tensions which accompanied the growth of absolutism were much more pronounced during the 1630's than during the 1620's.
of Dupes were handed over to Charles d'Aubespine, Marquis de Chateauneuf, a reliable supporter. The vanquished, including such substantial figures as the Queen Mother, the King's brother, the Marillacs, and Bassompierre were arrested or fled the country.

Richelieu determined to scourge them and their entourages with every means at his disposal, and in doing so he collided directly with the Parlement of Paris. The use of extraordinary commissions increased abruptly as the justification of reason of State was applied through extraordinary tribunals to deal with those guilty of _lèse-majesté_. Marie and Gaston, heir-apparent, were invulnerable to severe treatment, but their followers were not. Immediately after the Day of Dupes, Marshal Louis de Marillac was arrested and brought before a panel of maitres des requêtes for trial on charges of peculation and malversation. In March a declaration was drawn up against those in the following of Gaston d'Orleans who had fled the country with him. A few months later the infamous Chambre de l'Arsenal was created to prosecute _lèse-majesté_ among the servants and pamphleteers in the service of Marie and Gaston. The Parlement fought these judicial operations at every step with traditional weapons: it prepared remonstrances, refused registration of edicts, denounced the commissaires, and held drawn-out plenary sessions. These were met in turn by tough royal countermeasures in the form of personal warnings, arrêts du Conseil, lits de justice, and exiles of magistrates.
After 1632 the Crown managed to establish a shaky victory over the issues of councillor authority and the use of commissaires extraordinaires. The most serious phase of the French constitutional crisis was now past. The court, however, accepted its defeat with bad grace and sullenly refused to co-operate with the royal council. Therefore, throughout the remainder of the 1630's Richelieu had to anticipate friction with the Parlement at every turn. As has already been seen in Chapter III, the court's obstinate attitude was especially crucial as the country geared itself for war. Each move in the international arena required additional funding, and this funding often had to pass the scrutiny of the Parlement. The Crown's unprecedented reliance on extraordinary finances thus gave the court an unusual amount of leverage in fiscal matters. Quarrels over the rentes of Paris in 1634 and 1638 as well as creations of office in 1635, 1638, and 1640 made this leverage very apparent. But issues less serious than these matters of State also provoked resistance, and sometimes this foot-dragging had the air, if not the substance, of a personal grievance with the Cardinal. This was true, for instance, in the Parlement's hesitancy to approve the foundation of the Académie Française.

The question of the Académie began early in the 1630's with Richelieu's decision to found an exclusive company devoted to literature and the French language. His objectives were several. An Academy of the Arts would serve cultural purposes; it would provide a ready honor for writers and littérature; it had possibilities for propaganda; it would certainly embellish the State...
with glory and grandeur. Less obviously, the Académie would function as a kind of favored corps or guild and as such it might facilitate governmental supervision of the printing trade, a function up to this time largely vested in the Parlement's enforcement of censorship.

The official foundation of the Académie was drafted as a declaration dated January 25, 1635. This document founded the organization, but its formal statutes took several months longer to prepare. It remained to have the edict verified in the Parlement. The court found one reason after another to delay, and on December 30, 1635, lettres de cachet went to the court, to the gens du roi, and to the First President Le Jay. This nudging, though, failed to carry much weight in the Parlement, which was at the time immersed in heated discussions over a lit de justice held on December 20. In addition to the letter, Richelieu personally summoned Mole to Conflans, told him that he desired the registration, and that having signed the statutes he deemed them worthy of the privileges accorded. The request was underlined by a threat to have the Grand Conseil register the declaration. Despite the best efforts of Richelieu and Mole, however, the final verification did not come until July 10, 1637, with the proviso "that the said assembly and Académie would consider


93 The lettre is in Pellison, Histoire de l'Académie, pp. 106-07.
only the ornament, embellishment, and growth of the French language, and of books which will be done by them and by other persons desiring and wishing it."^94

According to the account of Paul Pellison, historian of the Académie under Louis XIV, the resistance of the Parlement mirrored the feelings of others in the French population. Richelieu, having brought royal authority to a point higher than any one before, was loved and respected by some, envied by others, detested by many, and feared and respected by all. Besides the fact that the Académie was a new institution which stirred up controversy on its own merits, it was widely regarded as the work of the minister and judged for good or evil according to the feelings one had for him. Some, says Pellison, spoke of the plans for the Académie "with excessive praise." Others, more suspicious, did not know if [whether] under these flowers there was not some serpent hidden, and feared that at least this establishment was only a new prop for his domination intended only for men in his pay, bought to uphold all that he did and to observe the actions and sentiments of others. It was even said that he cut eighty thousand livres from mire of Paris to give them each ten thousand livres pension, and a hundred other similar things.95

These emotions among the population at large were reflected in the Parlement except, says Pellison, "that there was less affection for him in this company than elsewhere, and that most considered him as

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94 B.N. Ms. fr. 9893, fol. 130; Pellison, Histoire de l'Académie, pp. 107-08.

95 Pellison, Histoire de l'Académie, p. 110.
the enemy of their liberty and a transgressor on their privileges."96 These sentiments produced a three-way division in the court over the issue of verification. The first saw nothing to mistrust in the design but were too few to carry the day. A second group, "too devoted to the solitary study of the Palais and civil affairs," ridiculed the project as puerile. The last party, numerous and influential, suspected everything emanating from the Cardinal and feared the consequences of the Académie's competence over the French language, literary world, and printing trade. Together the last two groups had managed to delay verification of the Académie's patents for two years.97

The above brief sketch of the 1630's should underscore the escalation of troubles with the court which began soon after the Day of Dupes and continued for the next dozen years. Throughout the 1630's the Parlement represented a substantial and ever-present factor obstructing the realization of Richelieu's goals for the monarchy. Now in control of the royal council and more secure than ever in the confidence of the King, Richelieu alone directed Crown policy to be followed in dealing with the Parlement. How did he recognize and respond to the question of handling the court during this the decisive phase of his ministry? His own answer is nowhere expressed in more than general terms. To obtain a broad statement of the philosophy which inspired the Cardinal's parlementaire policies

96 Ibid., p. 113.
97 Ibid.
after the Day of Dupes, it is necessary first to consult the Testament politique in which the Cardinal summarized twenty years of public experience and set forth his recommendations based on these experiences. The first three sections of Part I, Chapter IV, are of exceptional interest, for here Richelieu outlined his views on contemporary disorders in justice, his ideas on the reformation of these disorders, and finally his plans to bar the judges from encroaching on the royal authority. Further insights must be extracted bit by bit from his Mémoires, correspondence, and papers of state.

At the beginning of his discourse on the administration of justice in the Testament, Richelieu acknowledged that the current situation in the courts and among the magistracy was filled with "disorders." These were principally in the area of public law and policy and not in the procedures of trial justice, about which he said virtually nothing. Richelieu's opening statement is particularly interesting, for it sharply reveals the minister's general disdain for the magistracy as a whole and the sovereign courts in particular:

There is no one who does not see that those who were established to hold the just balance in all things have themselves so charged one side [of the balance] to their advantage so that there is no counterweight. The derangements of justice have come to such a point that they cannot go any further.99

According to the Cardinal, there were two abuses most in need of reform: venality and heredity of office. Throughout his career,

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98 Richelieu mentions the figure of twenty years of public experience on page 245, which permits the assumption that the Testament was begun after 1634.

Richelieu had condemned both practices as deeply rooted evils which ideally should be avoided for the good of the State. This opinion can be found as early as 1614 when, before the Estates General, Richelieu supported the opinion of the clergy and nobility that venality and heredity should be abolished. His views at the time, and those of the First Estate for whom he spoke, are recorded in his Mémoires, in which he outlined three rather conventional reasons for the abolition of these abuses. Venality, he wrote, was bad because it increased the number of offices at the expense of the poor, who had to support them; venality encouraged increased fees of justice, and even the undermining of justice itself, because those who bought the offices tended to treat them as opportunities for exploitation; the sale of justice for gold and silver detracted from honor, the true reward of justice. Richelieu even went so far as to maintain that venality was contrary to the fundamental laws and had been introduced by Louis XII in imitation of the Venetians in order to fill the royal treasury.¹⁰⁰

These opinions apparently remained unchanged throughout the second decade of the century and into the 1620's, as several memoranda and advisory essays testify. When drafting resolutions for presentation to the Assembly of Notables in 1626, Richelieu included recommendations for the abolition of venality:

¹⁰⁰Richelieu, Mémoires, I, 222.
Venality of offices, favoring price over virtue, and barring to us the means of rewarding, of chosing and employing those of our subjects who have rendered us more services, and who are most capable of rendering them, be it under arms, in justice, or other functions ... we have, following the advice at one time given by the Estates General of our kingdom, and the resolution taken by it but retarded and obstructed by the unhappiness of ensuing troubles, decided and resolved that in the future it will no longer be permitted ... to sell or buy any offices, be it for money or for equivalent things, all brevets and permissions obtained notwithstanding, which at present, as then, we declare null and of no effect. 101

The Assembly of Notables accepted this proposition, but nothing was done to implement it. As late as 1629, Richelieu advised Louis that it was necessary "not to re-establish the paulette when it will expire in a year."102

Sometime after 1630 and before the preparation of the Testament politique five years later, Richelieu's idealistic outlook concerning venality and heredity was modified. In the Testament Richelieu continued to denounce the sale and inheritance of office, freely

101 Richelieu, Lettres, II, "Règlement pour toutes les affaires du royaume," 177. The ellipses are presented as in the source.

102 Ibid., III, "Avis au Roy," 180-81. It is difficult to tell from the original passage if Richelieu intended to link this abolition of the paulette with an effort to reduce the court's power. The complete passage in the "Avis" reads "... not to re-establish the paulette when it will expire in a year, to abase and temper the companies of justice which by a pretended sovereignty set themselves up every day against the good of the kingdom." The two thoughts are linked in the original by a comma. Thus it is possible that in Richelieu's mind the abolition of the paulette might contribute to reducing the court's pride and power. Certainly Richelieu was aware of the potential disciplinary effect abolition of the paulette would have.

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admitting that the system was filled with abuses and disorders. By the mid-1630's, though, Richelieu had abandoned any pretense of actually effecting any reform in the conditions of office holding. The arguments presented in the Testament thus appear as shabby and hollow efforts to warrant a system which was patently ridden with evils. Richelieu deplored the situation in the bureaucracy, but his arguments were all directed towards justifying the system for practical reasons. The most apparent factor, and perhaps the critical one in this change of mind, was the age-old exigency of financial considerations. By the mid-1630's the Parties casuelles produced a substantial and indispensable portion of Crown income which made it unthinkable to carry out a reform. By this time, too, the government could not risk further alienating its officials by suspending venality.

Richelieu's arguments against reform began with the claim that abuses were inevitable in the provision of offices because all offices depended on the king, that is, on favor and intrigue. Hence, it was better to provide for these offices through sale and heredity rather than through free royal appointment:

Although the suppression of venality and heredity of offices should conform to reason and to all the constitutions of law, it is nevertheless true that abuses are inevitable in the distribution of offices so dependent on the simple will of the king and by consequence on the favor and artifice of those who find themselves the most influential. This renders the way by which provisions are now made more tolerable than that which was utilized in the past because of the great improprieties which always accompanied it. 103

103 Richelieu, Testament politique, p. 233.
Richelieu continued by developing a historical argument that venality was as old as the monarchy and that to change a fixed institution would be a dangerous thing. The abuse of venality went back as far as Saint Louis, who was known to sell offices, and "the complaints which had been made about venality were common to all ages of the monarchy."\textsuperscript{104} Francis I had established a regulated commerce in offices, judging that "there was no better and more prompt expedient to draw on the wealth of his subjects than to give them honor for money."\textsuperscript{105} Henry IV, with good counsel, had added the scheme of the paulette to the practices of venality, presumably with great consideration and forethought; hence, the practice should not be changed without reason for a design which promised better. If the monarchy could be newly established, reform would be possible, "but prudence does not permit acting on the same basis in an old monarchy, whose imperfections have passed into habit and whose disorders have become, not without utility, part of the order of the State."\textsuperscript{106} Not only did Richelieu argue that reform would cause confusion and disorder in the State, but reform would also bring the disaffection of those holding office:

\begin{quote}
Only with difficulty could one change the established order for the disposition of offices without altering the affection of those who possess them, in which case it would to be feared that instead of retaining the people in their duty, as they have contributed no little in the past, they should contribute in the future, more than any others, to their debauche.\textsuperscript{107}
\end{quote}

\begin{footnotes}
\item \textsuperscript{104}Ibid., p. 235.
\item \textsuperscript{105}Ibid., p. 236.
\item \textsuperscript{106}Ibid., p. 234.
\item \textsuperscript{107}Ibid., pp. 236-37.
\end{footnotes}
The most potent moral argument against venality which the minister had to counter was that the exchange of offices for money had led to commercialization of justice. Richelieu's response to this line of reasoning was imprecise and elusive. He merely maintained that the officers who had made such large and growing investments were not likely to commit gross injustices out of fear that they would lose their investments:

I know well that it is commonly said that those who buy justice in gross sell it in detail. But at the same time it is true that an officer who puts the greatest part of his property into an office will be not a little restrained from doing evil out of fear that he will have of losing all that he values, and that in such case the price of offices is an accurate token of the fidelity of officers.108

This argument might have had some validity if the judges had been vulnerable to removal for misconduct. This was not the case, as Richelieu was well aware. Nor did the price of offices and their value ensure fidelity and loyalty, for the most expensive offices in the kingdom, those of the magistrates of the sovereign courts, proved to be among the most intractable to royal authority during the Cardinal's ministry.

After resorting to these rather dubious arguments in defense of the status quo, Richelieu went on to reveal his personal sentiments in regard to those holding offices. These sentiments were, as might be expected, closely related to his own aristocratic birth and correspondent inclination to contempt for those of lesser station.

108 Ibid., pp. 234-35.
This disdain is unmasked in several passages in the Testament in which Richelieu linked the abolition of venality to a conservative social dogma:

Instead of the suppression of venality and heredity opening the door to virtue, it would open it to intrigues and factions and to the filling of offices with men of low extraction, often more stuffed with Latin than with property, from which would come many indecencies. If one could enter office without money, commerce would be abandoned by many men who, dazzled by the splendor of dignities, would pursue offices and their own ruin to the general effect that they would take from trade that which renders families abundant. 109

Above all, Richelieu argued that low birth rarely produced good magistrates. Men without property or noblesse were difficult to deal with and possessed an insuperable miserliness:

A low birth rarely produces the qualities necessary to magistrates, and it is certain that the virtue of a person of good station has something more noble about it than that which is found in a man of petty extraction. The spirits of such men are ordinarily difficult to manage, and many have an austerity so pointed that it is not only perturbing but prejudicial. It is with the first in regard to the second as it is with trees which, being planted in good ground, bear better fruit than those planted in poor soil. 110

Finally, Richelieu stated in plain terms his belief that the magistrature should belong, as it had traditionally, to men endowed with property and a certain honneur: "Consequently, rather than it being necessary to condemn venality because it excludes men of low condition from office, to the contrary, it is one of the factors which renders it more tolerable." 111

109 Ibid., p. 237.
110 Ibid., pp. 237-38.
111 Ibid., p. 238.
In short, the financial exigencies of Richelieu's ministry, the powerful opposition of the officers, and his own aristocratic outlook combined to make any reform in venality and heredity virtually impossible. Above all, if heredity and venality were abolished, the Parties casuelles would suffer and office holding would be thrown open to intrigue and favor seeking. The Cardinal himself noted that any change in contemporary conditions of office holding could have to be delayed until peace time or pursued only with caution: "Disorders which have come about through public necessities and which are fortified by reasons of State can be reformed only with time. It is necessary to proceed carefully and not to go from one extreme to the other."\(^{112}\) It would be far more preferable to continue the present system than to risk incurring the wrath of the officials and to chance disrupting vital sources of income. This policy was, in fact, consistently followed throughout Richelieu's ministry, and the Parties casuelles operated in 1642 just as it had in 1624.

After considering the abuses of venality and heredity, Richelieu devoted a brief portion of the Testament to the reform of abuses within the corps of the magistrature. The brevity and superficiality of the Cardinal's discussion, limited as it was to the need for a certain maturity and education for judges, indicates that he was little interested in earnest reform in this area and probably regarded permanent correction as unlikely. In acknowledging the practice of receiving under-age judges, Richelieu confined his

\(^{112}\text{Ibid., p. 236.}\)
remarks to reiterating the importance of the standards established in
the ordinances. The gens du roi should be held responsible for
carrying out the requisite investigations into the candidate's
qualifications. Other than an indication of the need for a certain
age and maturity, the Cardinal simply recommended that the magis­
trates be well educated. The principal means to this end was to be
the retrenchment of an established and widespread practice of
tutoring young candidates for the magistrature in the study of law.
Certain doctors were notorious for compelling their pupils to
memorize and parrot what they could not learn. "Such men are,"
Richelieu noted, "like instructors in arms, who are only good for
teaching men their own ruin and hindering them from learning the
real excercises of the military, which can be learned only in the
army after much time and training."113 Despite the Cardinal's
professed predilection against these professional coaches in law, he
had no scruples against utilizing one of them, a certain Claude
Colombel, in a scheme to force the Parlement to receive the new
conseillers created in December, 1635. Rightly anticipating that the
Parlement would harass, and if possible, reject, any candidate for
the new seats during their entry examination, Richelieu had Colombel,
a noted professor of law, submitted for candidacy. The court
fulfilled every expectation. The judges embarrassed Colombel with
trick questions and tried to ridicule his knowledge of Latin.

113Ibid., p. 245.
Only the intervention of the prince de Conde in the examination made Colombel's eventual reception possible.\textsuperscript{114}

In the administration of justice, as in other aspects of government, Richelieu was inclined to support a government of men and not of law, though he always sought the support of legal argument. What was of supreme importance to him was that those administering justice should be \textit{gens de qualité}, that is to say, men of property, of maturity and experience, and especially of honneur. If the officers possessed these qualities, the nature of the law itself would matter but little, for the probity of those administering justice would overcome all defects in the statutes of the kingdom:

Even when the laws are defective, if the officers are men of property, their probity will be capable of making up any default, and, however good that they may be, the laws will be rendered fruitless if the magistrates neglect the execution of them . . . .\textsuperscript{115}

When the power and prestige of the court in public matters are considered, when the traditional independence of the Parlement's behavior is known, and after having seen Richelieu's attitude towards the sanctity of royal authority, it is perhaps surprising to find only a few short remarks in the Testament dedicated to the role of the Parlement in the absolute State. In opening his discussion dealing with the Parlement's role in affairs of State and its encroachment on royal authority, Richelieu immediately revealed that words were necessary on such a subject when his intent could so

\textsuperscript{114}Père H. Griffet, \textit{Histoire de règne de Louis XIII} (3 vols.; Paris, 1758), II, 673-79.

\textsuperscript{115}Richelieu, \textit{Testament politique}, p. 244.
easily be summarized:

It seems that there should be much to say on such a subject [as the role of the court in matters of State], however, I could say enough about it in three words [raison d'État?] if I first say that it is necessary to do nothing other than to limit the officers of justice to rendering justice to the subjects of the king, which is the sole end of their establishment.\(^{116}\)

Indeed, this succinct motif would represent the key to Richelieu's philosophy in regard to the court after 1630.

Justification for severely limiting the Parlement was, of course, inseparably related to Richelieu's drive to augment royal authority. The Parlement historically represented the values of a limited, traditional, and constitutional monarchy. The court had a long record of political ambitions associated with its remonstrances and a critical attitude towards royal authority which Richelieu could not abide:

It is a thing so ordinary to such companies to regard and to look to the criticism of the government of states that it is not to be remarked upon. All subordinate authority always regards that which is superior to it with envy; if it dares not dispute its power, it gives itself the liberty to decry its conduct.\(^{117}\)

Despite the court's long association with public affairs, an association familiar to Richelieu, the court had no legitimate claim to a place in the conduct of the State at the expense of regal power:

It would be impossible to prevent the ruin of royal authority if one should follow the sentiments of those who, being as ignorant in the practice of government of states as they presume to be wise in the theory of their administration, are neither capable of thoroughly judging their conduct nor competent to

\(^{116}\)Ibid., p. 248.

\(^{117}\)Ibid., p. 249.
to give decisions on the course of public affairs, which exceeds their grasp.\textsuperscript{118}

Richelieu's objections to the Parlement's participation in affairs of State were not limited to the court's criticism and jealousy of royal authority, or its encroachment on the king's prerogatives. The Cardinal understood quite clearly the fundamental weakness of the court in attempting to fulfill its limiting and consultative role. The court as an institution was plagued with a hydra-like Achilles heel: it could never represent itself as a united and homogeneous body capable of acting as energetically or decisively as a single minister or a few councillors:

It is necessary to bear with the imperfections of a body which, having several heads [the chambres] cannot have a uniform spirit and which, being agitated as much by diverse impulses as it is composed of different factions, cannot be brought either to understand or to tolerate its own good.\textsuperscript{119}

Everyone, said the Cardinal, recognized and disapproved of the court's proceedings when it was carried away by some derangement, but in rightly condemning it, it is difficult to bring a remedy to it because in the great companies the number of bad always surpasses the number of good, and even if all were found wise, it still would not be a sure thing that the best sentiments should find themselves in the majority, while judgments are diverse in themselves.\textsuperscript{120}

In summary, the Parlement's potential or real limitations on royal power and on his personal goals for the French kingdom were an anathema to Richelieu, who loathed any checks on royal authority and who found the principle of wide counsel inadmissible in matters

\textsuperscript{118} Ibid., p. 248.
\textsuperscript{119} Ibid., p. 249.
\textsuperscript{120} Ibid.
of State. The Parlement stood in the way of the utilization of reason of State to order the kingdom, to glorify the king's power, and to provide the internal discipline and financial resources required to lead the French to greatness. For these reasons, it would be necessary to compel the court to obey the royal will like other institutions and subjects. The court's initiative in matters of State would have to be strictly delineated and the judges barred from encroachment on what was properly the sphere of the royal council.

Yet as a political realist, Richelieu always recognized that the Parlement was an integral and indispensable part of the monarchy. The Parlement's registration was essential for legislation, because the court enjoyed immense respect among the king's subjects who considered the traditional verification essential for authentic legality. The court, too, was useful in enforcing law decided by others; for this function it was desirable to maintain the judge's standing un tarnished. Finally, even Richelieu acknowledged there were occasions when the Parlement's prestige and political power had aided the monarchy; indeed, there were instances like those of 1594 and 1610 when the court's initiative had helped preserve royal authority.

Additionally there was a certain personal factor to be accounted for. Richelieu had relatives in the court, and he knew well that the Parlement served as a training ground for many conseillers d'État and maîtres des requêtes. Many of his creatures had come from judicial careers in the court or from the ranks of the maîtres des requêtes closely related by blood and professional duties to the
parlementaires. Louis' chief minister could scarcely afford to ignore the web of professional and familial ties which held the high robe officials together in spite of grave institutional conflicts. The same web of personal interest, as well as fiscal needs, regaled against any permanent resolution of the question of venality.

Dealing with the Parlement was then a thorny problem, made all the more delicate by the ever-pressing exigencies of a precarious foreign policy. Obviously, it was neither desirable nor possible that the court be suppressed like the great Crown offices of Constable and Grand Admiral, allowed to lapse in the same way as the Estates General, or used as a sounding board like the Assembly of Notables. Nor could the magistrates be unduly compromised by the abolition of the paulette or excessively irritated by disciplinary measures. One critical question during Richelieu's ministry, therefore, would be to determine what instruments and what policy would prove most appropriate in furthering the interests of royal authority without inordinately alienating the judges or undermining popular respect for the legal qualities of the monarchy.
THE PARLEMENT OF PARIS DURING THE MINISTRY OF CARDINAL RICHELIEU, 1624-1642

VOLUME II

A Dissertation

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by

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CHAPTER V

THE PARLEMENT AND THE PRACTICES OF ABSOLUTISM

During the ministry of Richelieu the authority of the king, as symbolized by his signature and seals, lay behind all administrative and judicial decisions. By its very nature the essence of monarchical government focused on the person of the king; royal officers held their posts and executed their decisions in his name. The king was in all ways the living embodiment of sovereignty, of la chose publique, and the foremost public person in the kingdom. Yet however fundamental the person of the king was to the monarchical principle, his government could not have functioned without constant advice on policy and assistance in daily affairs. This advisory and administrative requirement was institutionalized in the royal council which, as the curia regis, the Grand Conseil, or Conseil d'Etat, had always surrounded the king and stood at the top of the bureaucratic structure of the kingdom. Its central and supreme importance was rightly emphasized by Mousnier in commenting that "the council of the king is par excellence the sovereign's instrument for government. It is in the council that he legislates, that he judges as final arbiter, that he administers."¹ Thus representing the interface between sovereign and sovereignty, the

role of the council became even more significant as government grew more sophisticated. In the seventeenth century the functions of the council and its rapport with the Parlement became critical to the inauguration of absolutistic practices of government.

From the misty origins of the monarchy in the Frankish tribal assemblies, tradition demanded the consent of the king's peers in decision making, especially in questions of law, and during the medieval period the curia regis conserved this tradition by offering its très grand conseil to French kings. As long as the curia regis remained the only court of appeal in kingdom, there could be no question that it was the sole representative of sovereign justice. This situation became more intricate at the end of the 1200's as the Estates General came to share in representing the nation and as the judicial and financial sections of the council became the Parlement and Chambre des comptes. With the separation of these courts came the question of the relationship between the justice delegated to them and that retained by the king in council. Contentions between the Parlement and the Chambre des comptes had to be referred to some higher agency, as did decisions of these courts returned in violation of law or the king's will. According to feudal and monarchical principles, the king's person remained the highest authority in the land; therefore, his presence in council necessarily continued to represent the natural judicial extension of his being. In legal and judicial terms the king in council was the dernier ressort, the final and ultimate judge to whom one
could appeal. Decisions so rendered by him were denoted by the formulary *fait par le roi en son conseil*, a rubric which, at least during the medieval period, very accurately described the sovereign nature of judgments given in the king's presence. Contemporaries grasped this fact quite readily, and increasing numbers of fourteenth-century Frenchmen carried their appeals from *Parlementaire* verdicts to the council. Sometimes petitions were made directly to the council for justice in first instance; at other times sovereigns were unable to resist the temptation to evoke important matters to their judgment among their barons. For these reasons the council continued to act as a superior judicial institution even after the creation of the presumably sovereign courts. The results were immensely important for the history of French institutions, for despite repeated efforts at regulation the Crown found it impossible, and in some cases undesirable, to halt the steady growth of the council's *justice retenue*. The sovereign courts naturally resented and resisted such encroachments and conflict became a permanent characteristic of institutional relations at the highest level.

A limited requirement for some final superior arbiter over the Parlement was apparent even during that court's earliest formative years. Article 12 of the Ordinance of March 23, 1302, established that "decisions rendered by the court [of Parlement] will be executed without appeal, and if there is some ambiguity or error,
correction of it will be referred to the king or to the court [sic, the council]." Royal authority was evidently expected to regulate the judges and provide for their transgressions of the law. These pronouncements took place in the Grand Conseil de la justice, quite literally a great council meeting including the king and as many barons, prelates, and officers as possible.3

In addition to correcting questionable decisions and maintaining judicial orderliness, the development of evocations also engendered problems at an early date. The granting of such evocations was another expression of justice retenue. On the authority of the king and under certain circumstances, either party in a legal proceeding might request that their case be heard before the king in council rather than in the Parlement. The usual grounds were parenté, or inequity because of kinship with the judges, but other legal reasoning might be accepted as well. When it is remembered that the council followed the king in his perambulations among his royal residences, the consequent hardships and inequity of this procedure can easily be imagined. Still more arbitrary were evocations initiated on the part of the king, the barons, or other persons of influence to bring litigation into the council where its outcome could easily be determined.

2Isambert, Anciennes lois françaises, II, 761.

3Chérual, Dictionnaire historique des institutions, I, 212.
Charles V recognized this thorny problem and sought to guarantee the integrity of the Parlement's jurisdiction by sending it royal letters dated July 22, 1370, in which he prohibited evocations for "the pleading of any petty causes." The nature of the remedy, based as it was on royal will, was not such as to resolve the difficulty which continued unchecked throughout the fourteenth century. Monarchial weakness during the Hundred Years' War disrupted all normal judicial procedures and eroded royal authority, but as the monarchy recovered its vitality during the fifteenth century the judicial activities of the council was revived. After the expulsion of the English by Charles VII, the partisans of the king who had been dispossessed by the English had their property restored to them. All judicial affairs related to these restitutions were categorically evoked to the council.

The constant multiplication of judicial attributions during the middle of the fifteenth century eventually led to a division in the heart of the council. During the reign of Louis XI a special judicial section of the council devoted exclusively to legal matters heard on appeal to the king or evoked from the Parlement began to

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4Isambert, Anciennes lois françaises, V, 546-47. The editors of Anciennes lois françaises note that these letters were some of the most remarkable of the reign. See p. 546, n. 1.

5Dareste, La Justice administrative, p. 54, n. 4. Possibly this categorical evocation was due to the political attitudes within the Parlement of Paris, which in 1436 had just been reconstituted out of the royalist parlement at Poitiers and the Anglo-Burgundian judges who had remained at Paris.
assume a semi-autonomous existence. The conditions under which the Grand Conseil emerged as a sovereign court thus almost precisely duplicated those which had produced the Parlement two centuries before. The existence of a separate segment of the royal council so denounced was clear by 1469, because by this time the interests of the king were being defended by a permanent procureur du roi. Membership probably took in all the king's noble advisors, the chancellor, and the six maîtres des requêtes. After 1483 the Grand Conseil assembled on a regular basis and produced a continuous series of archives to record its business, though it still perambulated after the king in his wanderings.6

A new court's personnel and competence were defined by two ordinances of the late 1400's, one issued under Charles VIII (August 2, 1497) and the other under Louis XII (July 13, 1498).7 These acts show that the court was still considered an annex and a dependency of the royal council from which it was still only imperfectly separated. The legislation of 1498 explained the raison d'être of the Grand Conseil by stating that the royal council, being ambulatory, often did not possess a sufficient number of legal specialists to deal with "the highest matters and affairs, . . .


7Isambert, Anciennes lois françaises, XI, 292, 296-300. The text of the legislation of 1497 has been lost, and Anciennes lois françaises reproduces only the title and date. The provisions of the earlier act are known, however, because the ordinance of 1498 repeated and confirmed the terms of its predecessor before going on to enumerate certain modifications.
hereditary and beneficial as well as others" which came before it.\(^8\)

Thus in 1497 Charles VIII had decided to add seventeen "clerical men, experienced in the rendering of justice" who would serve regularly as conseillers ordinaires alongside the chancellor, maîtres des requêtes, and such great nobles who chose to attend. Louis XII confirmed this arrangement in 1498, raised the number of conseillers from seventeen to twenty, and attached a procureur du roi, a clerk, and a secretary.\(^9\)

The ordinance of 1498 officially erected the Grand Conseil into "a corps, court, and college" which "will have sovereign authority over all our kingdom, pays, lands, and seigneuries, and [over] all that our other sovereign courts, established in various places of our kingdom, have within their limits and ressorts."\(^10\) The causes it could hear were those "that it pleased the king to commit and send to it by lettres patentes."\(^11\) The king was reputed to sit in person in the Grand Conseil, hence its decisions were rendered under the rubric "le Roi en son Conseil" ("the king in his council"). In fact, by the sixteenth century this formulary had become legal fiction as the presidency was almost always left to the chancellor.\(^12\)

\(^8\)Ibid., 297.

\(^9\)Ibid., 298-300; Doucet, Les Institutions de la France, I, 102-03.

\(^10\)Isambert, Anciennes lois françaises, XI, 298.

\(^11\)Ibid.

\(^12\)Zeller, Les Institutions de la France, p. 113.
These conditions made it certain that the Grand Conseil's jurisdiction could function only at the expense of the Parlement's, and, in fact, bitter wrangles attest to the state of councilliar-parlementaire relations during the late 1400's and early 1500's. At this point it should be noted that the interventions of the Grand Conseil were never very great in the area of criminal justice, but almost all varieties of civil justice and many public matters were referred to it on appeal, evocation, or in first instance. The Grand Conseil arbitrated disputes between the sovereign courts, regulated their judges, heard appeals against the acts of royal officers, and entertained questions of fiefs and ecclesiastical benefices.

Of these categories of cases, the sorest point of contention between the Grand Conseil and the Parlement centered about royal appointments to clerical benefices; in reality the Grand Conseil achieved much of its importance by acting as a court of prerogative justice in clerical affairs. Because such affairs were entangled with papal relations and the quest of the Crown to dominate the Gallican Church, matters of clerical benefices were also matters of the highest State concern. Louis XI and his immediate successors, therefore, categorically referred such cases to the Grand Conseil for judgment with the assurance of a satisfactory verdict.

The clash over benefices began during the 1460's as part of a larger controversy over Louis' regulation of the Gallican Church. Immediately after his accession in 1461, Louis XI scrapped the Pragmatic Sanction of Bourges by a simple arrêt in council which

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was never presented to the Parlement for registration. The move was ill-counselled, if not illegal, and the Parlement strenuously objected in lengthy remonstrances of 1465, which Louis ignored. The Franco-Papal détente was carried even further in 1472 when a new concordat was arranged between Louis and Sixtus IV. The status of proposals in the agreement, however, was left shrouded in ambiguity since Louis changed his Papal policy several times during the 1470's and because the Parlement did not register some of the documents involved. At Louis' death in 1483 the situation in the French Church was confused and would remain confused until the promulgation of the Concordat of Bologna in 1516.

Inevitably the Parlement was dragged into the controversy which raged over Papal relations, the Gallican Liberties, and royal intercession in Church affairs. The political positions taken by the court and by the Crown were complex and need be described here only as they affected the jurisdiction of the Parlement. In general that court considered itself the palladin of the Pragmatic Sanction, which represented customary legal tradition in France. Among other provisions the Sanction had asserted the principle of canonical elections to fill major benefices. The Crown's determination to modify the Sanction and to dabble in clerical elections with Papal approval made ecclesiastical appointments an issue of the highest political sensitivity, and the contest over such

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13 The remonstrances are in Isambert, Anciennes Lois Françaises, X, pp.

appointments was enmeshed in the struggle to control the Gallican Church. To ensure decisions favorable to its candidates and thus to its policies, the Crown consistently wielded the most convenient and effective legal weapons open to it. It evoked cases involving clerical appointments, the régale, the annates, and benefices to hearings before the king in the Grand Conseil.

The Parlement adopted the argument that it was the sole arbiter of disputes arising between secular and temporal authorities. Certainly the court had customary law on its side; after the Ordinance of Montils-les-tours of 1453, the Parlement could also cite written law giving it competence over prelates and the régale.\(^{15}\) The Parlement further fortified its claims on the unique grounds that it was a corps mixte, made up of men both ecclesiastical and lay, and therefore perfectly suited to the adjudication of clerical affairs.\(^{16}\) In practice these doctrines meant that the Parisian court should hear all suits over the annates, régale, and causes brought by candidates to Church offices. The Parlement maintained that it could not divide this jurisdiction, given it by the king, of whom it was the sole representative, with any other body and especially with the Grand Conseil. A singular statement of parlementaire superiority against the pretensions of other jurisdictions appeared in remonstrances presented to Charles VIII in July,

\(^{15}\)Isambert, Anciennes lois françaises, IX, 204. The jurisdiction over the régale is mentioned in Article 5, the prelates in Article 7.

\(^{16}\)Christopher Stocker, "The Politics of the Parlement in 1525," French Historical Studies, VIII, No. 2 (Fall, 1973), 200; Maugis, Histoire du Parlement, I, 375.
1489. While these remonstrances were directed most notably against contemporary abuses of evocations, they also serve very well as a permanent general expression of the Parlement's stand vis-à-vis the competence of the royal council, for these fifteenth century principles were held to be equally valid in the sixteenth and seventeenth centuries when the Parlement was again contesting the authority of the council. The remonstrances began with a recitation of the Parlement's foundation and its historical tradition:

"The court of Parlement comes before the king, in all reverence, humility, and obedience, to remonstrate with him concerning the following things:

Firstly, that his very Christian predecessors of holy and good remembrance the kings of France . . . have ordered unum solium judicii, that it is one sovereign court, the court of the Parlement of Paris, of which it is written: Rex qui sedet in solio judicii solo intuitu dissipat omne malum.

Item, that the said court is the true seat and throne of the king, constituted and ordered of one hundred persons, of whom he is the first and chief, modelled after the Senate of Rome, which was constituted of one hundred men, of whom the Emperor was one and the chief. And as long as the Senate endured, the Romans always prospered, subdued, and governed the monarchy of the world.

Item, similarly, that in as much as it has pleased the kings of France to uphold their Senate and court of Parlement, the kingdom has always flourished and prospered in all things by the great justice which is done there, without exception to persons, in the name of the king and by him."

Having posited the Parlement's precedence and ancienneté, the remonstrances went on to delineate its judicial competence:

"Item, that however much the king has had for all his kingdom many ordinary judges receiving appeals from one and the other, all of them ministers and distributors of justice, nevertheless preceding kings instituted and always upheld one Parlement composed of one hundred men, of which the king in his person is chief and the first, twelve lay and clerical peers of France, his chancellor, four présidents, eight maîtres des requêtes and the remaining conseillers making up one mystical body made up of ecclesiastical and lay people all in the authority of Senators, representing the person of the king,
because this is the dernier ressort and the sovereign justice of the kingdom of France, the true seat, authority, magnificence, and majesty of the king.

Item, that the said court is founded, instituted, and ordered in order to hear ordinary cases arising out of the rights of the king, his authority and sovereignty, as much in first instance in great matters and concerning the right of regale which adheret floribus corone, as by appeal from the personnel of his [Chambre de] comptes and the conseillers of his treasury, from all his domain, and other great matters.

Item, also to know causes [arising out of] the domain, the rights, authority, and pre-eminence of the twelve peers of France, the which, by plain right and in first instance cannot be pleaded elsewhere.

Item, causes of archbishops, bishops, abbeys, and other great benefits of the kingdom, by reason of which the prelates owe an oath of fidelity, because it is a singular right belonging to the king because of his crown, of which others cannot and should not hear other than a sovereign court, since the rights of the regale and others belong to the king because of his crown. Also to preserve the rights of the king, the holy decrees and the statues of the Church, to repress, punish, and correct all violations of fact, to hear abuses made by ecclesiastical judges in making enterprises upon the justice and law of the king or otherwise."

The remonstrances continued with a general statement of the Parlement's superior competence over all other jurisdictions within the kingdom, including, presumably, the royal council without the presence of the king:

"Item, finally, to hear, decide, judge, and determine also in sovereign and dernier ressort all appeals lodged, all petitions, outcries, and quarrels of those oppressed; also to hear sentences, judgments and writs of constables, marshals, admirals, maîtres des requêtes de l'hôtel, and of all baillis, sénéchaux, and those holding the Requetes du palais, and all other judges whatever, ordinary or delegated, of the kingdom, of whatever authority they have."

Having thus established their universal competence over all matters of ordinary justice and administration, the judges went on to condemn evocations to the royal council by pointing out that kings such as Charles V had left them free to discern those which were just and reasonable:
"Item, that the very glorious preceding kings of France had always left the court in such respect and in such liberty and franchise that they wished, ordered and commanded orally and in writing that they [the judges] should render justice and that they should not obey letters, summons, or evocations if they did not seem reasonable to them in their consciences."

The judges concluded with a specific condemnation of evocations to the Grand conseil:

"Item also, that many have found the means to have their causes evoked to the Grand conseil of the king, which evocations are given to them very lightly, without regard to the status of the trial, which is sometimes in valvis sentencie, sometimes in inquiry before the ordinary judge, and without regard to the state of the parties which are often greatly troubled by them. Hence it is necessary for them to hire new counsel and to leave those who had begun the conduct of matters in order to follow the king, badly lodged, badly treated, in danger of their persons, and of losing the letters and titles that they have to carry. [They] have no access to judges because they know neither the place nor hour nor time, and can often hold no counsel, which is a great disorder in justice and is conducive to parties abandoning all."17

Appended to the remonstrances were a dozen individual cases illustrating the abuse of evocations and the injustices that had arisen out of the practice.18

The remonstrances of 1489 remained without effect, but this hardly deterred the Parlement from protesting Francis I's insistence on continual expansion of the Grand conseil's business. When the court presented long remonstrances to Louise of Savoy in 1526, for example, it included articles complaining about hindrances to the


18Ibid., 377-79, reproduces the synopsis of these suits, the majority of which were concerned with clerical affairs.
to the decisions of the Parlement (Article 6); it also cited evocations to the Grand conseil (Article 7) and the abuse of committimus by the chancellor and maîtres des requêtes (Article 13). However, as long as Church-State relations remained politically sensitive, the Crown could not resist resorting to evocations to the council. Such was the case in the stormy affaire Duprat already recounted in Chapter II. Duprat, it will be recalled, had been nominated by Francis I as Archibishop of Sens and Abbot of Saint-Benoît le Fleury-sur-Loire in 1525; his clerical rivals had objected to Duprat's unsuitability and sued in the Parlement. Duprat and Louise of Savoy had the affair carried before the Grand Conseil where the Chancellor and his partisans reigned supreme. The Parlement refused to bow to repeated evocations and nullifications handed down by the Grand Conseil; moreover, on July 27, 1525, it created a commission to investigate the Chancellor's behavior and to bring him before the Parlement's bar of justice. On September 5, the Parlement enjoined Duprat to come to the court before November 15, and if he did not voluntarily appear, he would be compelled to account for himself in person. Here the Duprat Affair was interrupted by parlementaire consideration of a treaty with England. So

19 The text of this remonstrance has never been published, though Maugis provides a lengthy summary in Histoire du Parlement, I, 561-63. The original occupies folios 321r-319v of register X*1527 in the Archives nationales. See Stocker, "Politics of the Parlement of Paris," p. 195, n. 12. This article contains a penetrating analysis of the remonstrances of 1526.

20 Supra, p. 85.

21 Maugis, Histoire du Parlement, I, 572-75.
consumed, the month of October gave tempers a chance to cool, and the wrangle lapsed until Francis' return from captivity in December, 1526. The passage of six months did not lessen Francis' determination to set his obstreperous Parlement straight for misbehavior during his absence, and in the lit de justice of July 27, 1527, he very firmly ruled that the Parlement could not hear issues arising over bishops, archbishops, and abbeys. These, presumably, would be heard by the Grand Conseil. Jurisdiction over the Chancellor belonged to the king alone.^[22] Thus confirmed in the lit of 1527, the powers of the Grand Conseil formed the basis of a jurisdiction that continued to grow through the next decades. In 1527 it gained sovereign competence over matters related to the décimes de la croisade; in 1528 competence over the administration of hospitals and charitable institutions, the solde de 50,000 hommes, and tolls were attributed to the Grand Conseil.^[23] More important than these was the attribution of all cases involving royal and municipal officers given in an edict of October 25, 1529.^[24] To these general attributions were added very numerous evocations, often bearing on the most important of matters. In short, at the end of Francis I's reign the Grand Conseil was demonstrating a potential to supplant the

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^[22] Ibid., pp. 582-83; Aubert, "Le Parlement de Paris," I, 740.

^[23] Doucet, Les Institutions de la France, I, 205. The décimes de la croisade, a clerical tax for the crusades, went back into the medieval period. The solde de 50,000 hommes was a supplement to the taille imposed for the pay of 50,000 soldiers.

specialization was being repeated within the heart of the council; as before, once begun, the process showed itself irreversible. A règlement of 1557 indicates that by this time two weekly sessions of a Conseil des parties ("council of contentious parties") were being held to decide favored legal matters. Another règlement of 1578 demonstrates that the Conseil des parties, along with a Conseil des finances, had become identifiable subdivisions of the Conseil d'État. By this time the size of the Conseil des parties had grown considerable. The règlement of 1578 projected a body made up of the princes, cardinals, marshals, great officers, governors of the provinces, twenty-four conseillers ordinaires, and the présidents and gens du roi of the sovereign courts. It was to meet "in the accustomed manner, on Wednesday and Friday at an hour after noon" of Paris or a Rouen crowd. The custom since had great vogue under King Henry II, so that there have been introduced men in the entouraige of the court who act as procurers and advocats in this council just as in simple subalternate jurisdictions. Indeed, sometimes fees have been charged for judgments by the maîtres des requêtes, a custom truly unworthy of this great tribunal of France. Because of which, François Olivier having been recalled as chancellor at the accession of Francis II, the first thing that he recommended was to eliminate from the Conseil Privé all such trial matters, returning each to its own place. After his death this was very religiously observed by his successor Michel de l'Hospital."

Dareste, La Justice Administrative, p. 56, quoting Pasquier, Recherches sur la France, Bk. II, Ch. VI. In reality, says Doucet, the existence of a procurer of the king in the council antedated the arrival of Poyet in the chancellery. His successors Olivier and Hospital do not seem to have been able to check the judicial activity of the council which continued to develop as before. Doucet, Les Institutions de la France, I, 147, n. 2.
Parlement; its highly irregular jurisdiction at mid-century has been described by Roger Doucet as "filling the needs of the king to impose respect for his will through the intermediary of judges whose docility was always assured to him."\(^{25}\) Henry II did nothing more than to continue down this path; by an edict of September, 1552, he confirmed all anterior measures in regard to the Grand Conseil.\(^ {26}\)

Even as the attributions of the Grand Conseil multiplied through the first half of the sixteenth century, another portentous development was surreptitiously and fatally undermining its apparent ascendancy. Well before Francis I's accession, kings had deserted meetings of the Grand Conseil to devote their attention to matters of State in the inner council. Absence of the king's person in the Grand Conseil thus precisely recreated an ancient judicial dilemma: however authoritative the Grand Conseil was reputed to be, it could not challenge the essential sovereign quality lent the inner council by the king's presence. After 1500 private matters of justice began to reach the king's ear in his Conseil étroit or Conseil des affaires, and by 1530 the number of private intrusions had reached a point where a procureur du roi had to be appointed to argue the king's interests.\(^ {27}\) This was a sure sign that a past proclivity for

\(^{25}\)Doucet, Les Institutions de la France, I, 205.

\(^{26}\)Ibid.

\(^{27}\)Etienne Pasquier attributed the growth of the Conseil des parties or conseil privé to Chancellor Poyet: "Chancellor Guillaume Poyet brought to the Conseil privé so many chicaneries that although before him they had treated in this place only matters of State, beginning with him it began to give ear to private parties for matters which could have been decided in a Châtelet
and had virtually an unlimited jurisdiction, since the members themselves would decide which cases to hear and which to return to lower courts:

His Majesty wishes that hereafter all cases will be returned to the courts of Parlement and the Grand Conseil, except those retained by the opinion of the council, of which a roll will now be made to discharge the said council of the confusion of cases there. 28

The development of the Conseil des parties enormously complicated jurisdictional problems and judicial procedures among the sovereign courts, for after the middle of the sixteenth century there were no less than three bodies having some claim to sovereign justice in ordinary judicial matters. Of these three, the standing of the Conseil des parties was clearest. Most intimately representing the king's person, it obviously had the highest and most sovereign ressort, a fact symbolized by the indisputable formulary fait par le Roi en son conseil appearing on its arrêts. But what was the relationship of the Grand Conseil to the Conseil des parties? What was the Parlement's status in regard to both the Grand Conseil and the Conseil des parties? What was the competence of each? What paths were appeals and evocations to take? Questions like these plagued the judicial scene and were made even more pointed after 1551 when the présidiaux were thrust into the judicial structure just below the parlements.

Patterns of justice among the ordinary courts and the council, already confused by conflicting jurisdictions, lettres de committimus, and evocations were made even more disorderly by an irregularity peculiar to high criminal justice. Faced with a frequent and tumultuous political opposition among the great nobility, royal kin, or high officials, medieval and Renaissance monarchs were compelled to give affairs of peculation, rebellion, conspiracy, and lbse-majesté careful consideration. In these cases exceptional circumstances were always at hand. Not only were the accused commonly persons capable of disrupting the tenuous skein of public peace, but their activities were usually conspiratorial and subject to conjecture until put into effect. Evidence, if extant at all, too often took a frail human form. Sometimes delicate problems of international relations were connected with sub rosa scheming. Almost inevitable, too, the Crown had to take into account the tenacles of clientage, the possibility of bribery, and the likelihood of political pressures within ordinary courts. Attendant to all these factors, of course, was a need for prompt action and, not infrequently, a requirement for exemplary punishments as well.

Early on, therefore, the monarchy preferred to commit sensitive criminal trials bearing political consequences to a special kind of handling commensurate with their danger to the State. Across the fourteenth, fifteenth, and sixteenth centuries, a bewildering variety of judicial procedures arose out of this discretion. Nominally, of course, the Parlement held rights of sovereign criminal justice, and upon favorable circumstances the court was
allowed to conduct trials with political implications. More frequently, though, the Crown resorted to extraordinary procedures. These procedures could theoretically have taken the form of evocations to the Grand Conseil or Conseil des parties, but in actual practice counciliar justice and evocations from the sovereign courts were almost always confined to civil suits, clerical affairs, and financial matters. The necessities of extraordinary criminal justice were better served by commissaires, the variety of which was so great that no exact pattern can be established. Each case thus tried presented its own individuality in charges pressed, quality of the accused, judicial procedures followed, judges chosen, and punishments meted out. It is, however, precisely these qualities of extensive usage and variability of form which render the history of commissioned justice significant to the evaluation of Richelieu's practices in the seventeenth century. With commissaires, as with other aspects of French law, precedent had its place in fixing legality. However morally reprehensible extraordinary justice was held to be, and however much it was decried in written law, a long series of precedents created a strong legal argument in favor of commissaires.

The utilization of commissaires by the monarchy certainly ante-dated the fifteenth century. Quasi-legendary accounts going back to 576 were recalled as judicial precedents by garde des sceaux Michel de Marillac in the seventeenth century, but these, while perhaps possessing a grain of truth, cannot legitimately be compared
with practices in an age of institutionalized justice.\textsuperscript{29} By definition a choice between ordinary and extraordinary justice was possible only with the permanent delegation of judicial functions, and this did not come about until the fourteenth century. Just at the time the Parlement was assuming that delegation, a notable example of extraordinary justice can be found in Philip the Fair's prosecution of the Knights Templars between 1307 and 1314. Neither this instance, however, nor that of Joan of Arc in 1430 can fairly be cited as typical, since the charges of heresy common to both necessitated a referral to ecclesiastical courts.\textsuperscript{30}

Trial by \textit{commissaires} for matters of State can be firmly dated to at least 1409 when Jean de Montaigu, \textit{surintendant des finances} and \textit{grand maître de la maison du roi}, was accused of embezzlement and turned over to a commission composed of a number of members of the Parlement presided over by the \textit{prévôt} of Paris. Under torture, de Montaigu confessed to the charges imputed. His appeal to the Parlement was rejected, and in spite of the appeals of his family and manoeuvres of powerful persons, the \textit{surintendant} was executed on October 17, 1409. From beginning to end, the Montaigu Affair had political overtones if not ends. The real causes of Montaigu's

\textsuperscript{29}Marillac's citations are in B.N. Ms. fr. 7549, fols. 38-46 and 209-42.

\textsuperscript{30}Paul Bastid, \textit{Les Grands procès politiques de l'histoire} (Paris: 1962), pp. 72-118, has accounts of both trials. Participation of the Parlement in the Templar Affair was limited to a decision of 1312 which put the Hospitalers of St. John of Jerusalem in possession of the Templar's property. Fayard, \textit{Aperçu historique}, I, 104.
fall were his fortune and too great ostentation shown in the reception of his brother Gerard as Archbishop of Paris. He was, in Fayard's words, "a victim abandoned by the duc de Bourgogne [Jean sans peur] to a people exasperated by an augmentation of taxes to which Montaigu had contributed under the administration of the duc [Louis] d'Orléans." 31

The trial of Jacques Coeur in 1453 provides another characteristic use of commissaires in affairs of State. Born in 1397 in Bourges, Coeur formed an association with two friends for striking money in 1427. At the same time he entered the commercial world, adding banking and money-changing services to coinage operations. From 1437 he was a money lender and trusted confidant to Charles VII. In 1440 Charles named Coeur argentier au roi and ennobled him. In 1442 Coeur was admitted into the Conseil étroit et privé, the innermost circle of the king's advisors. Coeur seems to have used his wealth well in the public interest. Trusted by Charles, he was employed on several important diplomatic missions to Genoa, Savoy, the Papacy, and to England. Coeur's rise to favor, however, had generated jealousy among other councillors. On July 31, 1451, he was seized and accused of having poisoned the King's mistress, Agnes Sorel, who had died under questionable circumstances. When this charge was shown to be fallacious, others were brought, including selling arms to infidels, illegal export of French money to the

31 Fayard, Aperçu historique, I, 187. The decision is in Isambert, Anciennes lois françaises, XII, 218.
Levant, having minted short weight money, and having kidnapped persons onto his vessels.\textsuperscript{32}

To carry out Coeur's trial, Charles named twenty commissaires extraordinaires drawn from the royal council and from the Parlements of Paris and Toulouse. First assembled at Lusignan, the commission underwent several changes in the course of the trial. There were some professional jurisconsuls included but also some personal enemies of the accused, among them Antoine de Chabanne, a former capitaine des scorcheurs; Otto Castellani, trésorier at Toulouse who hoped to replace Coeur as grand argentier; and one of Coeur's employees, Pierre Teinturier. The work of the commission was directed by the most intransient advocates of guilt, Chabannes and Castellani.\textsuperscript{33} Before final judgment was pronounced, the evidence was reviewed before the Grand Conseil, attended by the commissaires, several other councillors, and notable persons.\textsuperscript{34}

A final decision was rendered at Lusignan on May 29, 1453, in the name of the king by Chancellor Guillaume Jouvenel des Ursins. Coeur was declared guilty of embezzlement, forgery, transport of money to the Saracens, illicit exportation from the kingdom, transgression of the ordinances, and other crimes of lèse-majesté. He was sentenced to be deprived of all public and royal offices,

\textsuperscript{32}Fayard, \textit{Aperçu historique}, I, 219; Bastid, \textit{Grands procès}, pp. 120-24.

\textsuperscript{33}The opinion of Bastid, p. 123.

\textsuperscript{34}B.N. Ms. fr. 7549, fols. 38-39; Bastid, \textit{Grands procès}, p. 123.
make an amende honorable, restore 100,000 ecus to the king, and fined an additional 300,000 ecus. Finally, his property was confiscated and he was sentenced to death, a judgment commuted to banishment in perpetuity upon the recommendation of the Pope. Fortunate to have escaped with his life from a sentence of lèse-majesté, Coeur apparently determined to flee if possible. In November, 1454, he escaped from prison and took flight to Italy. Given a friendly reception by the Pope, Coeur entered Papal service but died two years later on the Island of Chios.

The moral injustice inherent in procedures such as that against De Montaigu or Coeur was not lost on contemporaries. Even as Jacques Coeur's trial entered its final stage, the first of many condemnations of commissaires through the royal ordinances was being prepared. By the lengthy and important Ordinance of Montils-les-tours, issued in April, 1453, judgments by commissaires were forbidden. Article 79 declared that

We [Charles VII] desiring to expell outcries, rumors, and scandals in order that our justice be governed and regulated in honor and reverence, prohibit and forbide the people of our Parlement that hereafter they should commission any conseillers of our court to hear, acknowledge, or report in our court any causes, be they great or small. If there be such causes which by their nature cannot be treated in our Parlement, we summon and enjoin the people in our Parlement to return these cases before the judges to whom jurisdiction belongs. If they should be causes which should be treated in our court by their nature, or which for good cause

35 Bastid, Les Grands Procès, pp. 128-29; Fayard, Apercu historique, I, 220; Isambert, Anciennes lois françaises, IX, 254-256.
court has retained the jurisdiction, we desire and order that the parties should be heard by our court and the case decided.36

Articles 5, 6, 7, and 8 of the same ordinance confirmed the Parlement's traditional jurisdiction, including lèse-majesté. To all appearances, then, the Crown had renounced the use of commissaires by giving its most binding word in a royal ordinance duly registered. Ensuing decades would show how strongly the monarchy felt bound to respect its own laws.

The Ordinance of 1453 was respected in the next great trial of Charles' reign, that of Jean V d'Armagnac, son of the duc d'Armagnac, who found himself charged with lèse-majesté before the Parlement in 1457. The circumstances of his case, while serious, were really only marginally of political consequence. For several years D'Armagnac had pursued an incestuous relationship with his sister Isabelle, by whom he had had several children. Far from heeding the cautions of King and Church, he had forceably installed his bastard brother on the episcopal seat of Auch after having forced the chapter through the indignities of a sham election. The nomination was made in spite of the King's warnings and insulted his authority, behavior which constituted a crime of lèse-majesté. Prosecutions were ordered, whereupon D'Armagnac requested a safe conduct pass and a judgment before the peers as befitted the issue of royal blood. Charles accorded the safe conduct but denied judgment by the

36Isambert, Anciennes lois françaises, IX, 235.
peers because D'Armagnac held no fief in peerage. In 1459 the accused presented himself before the Parlement of Paris, which had him arrested without regard for the safe conduct. The Parlement then allowed D'Armagnac to leave prison under promise that he would go no further than ten leagues from Paris. After the violation of the royal safeguard, D'Armagnac did not hold himself bound by a word of honor extorted from him, and when the moment came for his trial, he fled to Brussels. The Parlement condemned him in absentia to perpetual banishment and confiscated his property.37

Even before the condemnation of Jean d'Armagnac, however, Charles VII had once again resorted to extraordinary judicial measures in circumstances which quite clearly involved the security of the kingdom. In 1458 Jean, duc d'Alençon, was arrested and accused of having undertaken criminal intelligences with the English for a landing in Saintonge and Normandy. The Duke was first interrogated at Melun by the comte d'Eu, Constable of France, to whom he refused to answer. Further investigation and trial were carried out at Montargis, then at Vendôme, by a heterogeneous commission made up of some of the princes of the blood; five peers of the Church; the comte de Dunois; the Chancellor; Pierre de Refuge, général de France; several counts and barons; sixteen lay and six clerical conseillers of the Parlement; and several maîtres des

37Fayard, Aperçu historique, I, 222; Isambert, Anciennes lois françaises, IX, 365.
requêtes. The crime of the duke was established by his own confession and by irreproachable proofs. D'Alengon maintained that if he had conspired, it was at the instigation of the Armagnac bastard and the Dauphin. The allegation was examined with the care it merited, but D'Alengon could not substantiate it. He was declared guilty of lèse-majesté, and as such deprived of the honor of dignity of a peer and condemned to death, but Charles, upon the sollicitation of the duc de Bretagne, commuted the sentence to life imprisonment at Aigues-Mortes. 38

The trial of the duc d'Alengon raised various questions on the rights and prerogatives of the peers of France which the King presented to the Parlement by way of Jean Tudert, a maître des requêtes. In particular Charles wanted a ruling on his right to attend or to preside at such trials. After having searched its registers, the court responded that the King not only had the right to attend the criminal judgment of peers, but that his presence was necessary. All the peers without distinction could attend but could not entrust their place to others. This was a confirmation of earlier decisions made in 1379 at the trial of the duc de Bretagne and in 1389 at the trial of the King of Navarre. Hence, the trial of the duc d'Alengon was not the first time that the

38 A complete account of the trial of the duc d'Alengon is in L. Cimber and L.-F. Danjou, eds., Archives curieuses de l'histoire de France, depuis Louis XI jusqu'à Louis XVIII (Paris: 1834-40), 2nd series, 1, 139-57, "Procès de Jean II, Duc d'Alençon, Prince du Sang et pair de France." See also B.N. Ms. Fr. 7549, fols. 40-41; Fayard, Aperçu historique, 1, 223; Dufey, Histoire des parlements de France, 1, 53-54; Isambert, Anciennes lois françaises, IX, 331, 339-54; Glasson, Le Parlement de Paris, 1, 6-7.
Parlement had participated in the judgment of a peer, but this trial strengthened its claims to act as the court of peers. Its powers, esteem, and hopes were thus considerably augmented. The monarchy, on the other hand, had unwittingly confirmed a usage which would reappear in similar circumstances one hundred eighty years later when, in 1638, Louis XIII adjourned the judgment of the duc de la Valette to the royal council and presided over it in person. 39

Louis XI continued the erratic judicial procedures of his predecessors, ruthlessly employing both regular and irregular benches as it best suited his purposes. Louis' authoritarian ways created ample opposition among the grands, and trials of exceptional personnages were a prominent characteristic of his reign. One of the first of these occasions came in 1474, when Louis permitted his Parlement en corps, assisted by the peers, to carry out a second trial of the duc d'Alençon. Having been freed upon Louis' accession in 1461, the duke had shown himself thoroughly unrepentant and unreformed. Not only had he murdered one of those who had betrayed him years before, but he had also been unable to resist further treasonable correspondance with the English and had taken part in the League of the Public Weal as well. On the 18th of July, 1474, the Parlement condemned d'Alençon to death for a second time, but upon the intercession of the duc de Bourgogne, d'Alençon once again managed to escape the ultimate penalty. 40


40 Ibid., 239; Dufey, Histoire des parlements de France, I, 54; Cimber and Danjou, "Procès de duc d'Alençon," 149-57.
In November, 1475, Louis de Luxembourg, the comte de St.-Pol, Constable of France and brother-in-law to the king, was brought to trial for liaison with the duc de Bourgogne and conspiracy to commit rebellion. The procedures followed seem to have been rather unusual. The royal council, chaired by Chancellor Pierre Doriole, reviewed the case and sent it to the Parlement for judgment. The Parlement chose several commissaires to hear the case, including the Chancellor; the First President; several maîtres des requêtes; several lay and clerical conseillers; several procureurs and advocats au roi in the court; and De Lhuille, captain of the Bastille. On December 19, 1475, the Constable was condemned to death and beheaded the same day.41

The year 1476 saw Jacques d'Armagnac, duc de Nemours, delivered into the hands of a commission for judgment on charges of high treason. The course of this trial was again highly exceptional. Initial proceedings were undertaken by a small group of commissaires: Chancellor Doriole; the First President of the Parlement; four seigneurs; and a rapporteur from the chancellery. Early in the hearing the duke gave up his right to trial by the peers, and none were summoned. The king recommended to his select body that De Nemours be made to talk freely, and under threat of torture he did so, implicating several other great personnages. Irritated by his Chancellor's objections to his arbitrary attitude, Louis purged him

41 B.N. Ms. fr. 7549, fol. 224; Isambert, Anciennes lois françaises, X, 726-27; Fayard, Aperçu historique, I, 240.
from the commission, along with several others. At this point De Nemours invoked clerical privilege, presumably bringing immunity from capital prosecution and temporarily halting the course of events. Louis then had the Parlement transferred to Noyon, there establishing his son-in-law Pierre de Beaujeu as president. Beaujeu and several others refused to deliver any opinion, and Louis packed the bench with new commissaires to offset their neutrality. Under these exceedingly dubious conditions, De Nemours was finally condemned and executed on August 4, 1477. His property was confiscated and distributed among the judges.42

Louis XI's disregard for judicial forms did not stop with the fatally obsequious decision which had cost the duc de Nemours his life. Adding insult to injury, Louis went on to remove three conseillers of the Parlement who had not given him satisfaction in the case, in spite of the fact that just ten years before he had guaranteed the irremovability of magistrates in an ordinance.43

The Parlement complained, whereupon Louis rudely answered that

I thought, seeing that you are subjects of the Crown of France and owe your loyalty to it, that you would not want to approve such a good bargain on my hide. Because I see that your letters do so, I now know that there are still those who would machinate against my person; in order to guarantee themselves against punishment, they want to abolish the terrible penalty found there. It will be well for me to put an end to two things:

42B.N. Ms. fr. 7549, fols. 42; Isambert, Anciennes lois francaises, X, 777-78; Fayard, Apercu historique, I, 240.

43By ordinance of October 21, 1467. See Isambert, Anciennes lois francaises, X, 511. See also supra, p. 24.
first, to purge the court of such men; secondly, to uphold
the statute that I once made that no one should lighten the
penalties for crimes of lèse-majesté.44

"It was in this way," says Fayard, "that Louis XI himself violated
his own doings; in humbling the authority of the princes, he was
not inclined to raise up another in the Parlement like it."45

The uses of extraordinary justice receded drastically for
several decades after Louis' demise, in part because the opposition
of the great barons had been successfully broken. Charles VIII and
Louis XII, therefore, had less need for judicial weapons to maintain
themselves. Both men, too, seem to have been personally adverse to
disreputable measures. On the whole, therefore, both were propor­
tionally more respectful towards conventional mechanisms of judgment.
Thus the trial of Pierre de Rohan, maréchal de Gie, between
September 30, 1505, and February 9, 1506, was conducted not by
commissaires but before the Grand Conseil and then by the parlement
of Toulouse. Both of these courts qualified as regular jurisdictions,
but the Grand Conseil, at least, was still in the orbit of the royal
council. Presided over by the Chancellor, it was highly suspetible
to royal influence. De Gie was pronounced guilty of some 100
articles of lèse-majesté before the Grand Conseil in December of
1505, but the prosecution was unable to prove its contentions. The
trial was then transferred to the parlement of Toulouse, where
royal interference manifested itself in the form of a special

44 Isambert, Anciennes lois françaises, X, 777, n. 1.
45 Fayard, Aperçu historique, I, 241.
thirteen man chamber attached to the regular court. In the spring of 1506, this body found the maréchal guilty of a few minor charges. Those concerning lèse-majesté were dismissed. In form, the whole proceedings seem to represent something of a compromise between the extremes of regular and irregular judicial process.\textsuperscript{46}

The basis for the charges against the maréchal also departed from past legal definitions of lèse-majesté. Innocent of treason, rebellion, or conspiracy, the maréchal's dilemma had really stemmed from a political rivalry between the Breton faction at the French court, headed by Cardinal Amboise and Queen Anne of Brittany, and a "nationalistic" or vrai francais faction including maréchal de Gie. Much more than the personal rivalry of the maréchal and the Cardinal was at stake in the affair; rather, at issue was a national question of the union between France and the Duchy of Brittany, a union fervently desired by Louis XII but one which had not yet been accomplished at the time of the maréchal's trial. Louis XII, who had already struggled to win Anne of Brittany's hand, was continually constrained to cater to her feelings to avoid imperilling the definitive incorporation of the duchy into the kingdom. It appears that Louis was willing to sacrifice De Gie to the denunciations of the Bretons as a concession to preserve the more profound interests of the monarchy.\textsuperscript{47}

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\item[\textsuperscript{46}] Bastid, \textit{Grands procès politiques}, pp. 132-33, 135-41.
\item[\textsuperscript{47}] Ibid., pp. 132-33, 142.
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Superficially Francis I, like Louis XII, was guided by good intentions in matters of justice. A story from early in the reign, perhaps apocryphal but interesting nevertheless, relates that Francis paid a visit to the tomb of Jean de Montaigu in the abbey of Marcoussy. Upon being shown the surintendant's monument, the King remarked to his guide, "What a pity that a man such as this should have died at the hands of justice." "Sire," responded the monk, "he was not judged by justice, but by commissaires." Francis is reputed to have been so impressed that he swore on the great alter of the abbey that he would never permit anyone to die through the judgment of commissaires. Whatever the authenticity of the story, it illustrates very well contemporary attitudes towards criminal commissaires. Strong monarchs like Francis, however, felt no need to conform to public opinion, and the years of Francis' rule were characterized by a revival of commissioned justice reminiscent of Louis XI's reign. While several decisions of the period lacked the brutal executions exacted by Louis, personal motives of jealousy, vengeance, or financial credit remained, as before, entangled with genuine threats to the well-being of the monarchy.

48 Jean Imbert, Quelques procès criminels des XVIIe et XVIIIe siècles (Paris: 1964), p. 78, citing Pierre Dupuy, Mémoires et Instructions pour servir à justifier l'innocence de Messire François-Auguste de Thou, conseiller du Roy en son conseil d'État, Arch. Nat., ms. fr., s.d., U 810. The same remarks are given in Isambert, Anciennes lois françaises, VII, 219, n. 1, and in Fayard, Aperçu historique, 1, 188.
The dilapidated state of the royal finances and the influence of the Queen Mother apparently contributed to the downfall of Jacques de Beaune, baron de Semblangay and surintendant des finances. Commencing in 1522, the Semblangay Affair worked itself out through two investigations made over a five year period. In 1522 Louise of Savoy, duchesse d'Angouleme, forced Semblangay to turn over 600,000 livres to her, monies which had been destined for the pay of maréchal Lautrec's troops in Italy. Unpaid, Lautrec's Swiss had disbanded and the Milanese district was lost to the French. Upon his return to France, Lautrec defended himself by declaring that he had never received the sums promised him. Francis summoned Semblangay, who declared that the funds prepared for Lautrec were not sent because the Queen Mother had expropriated them for pensions, her revenues and those of the King being held in common. The duchesse denied that the surintendant had said that the money given her should have been sent to Italy. On March 11, 1524, the King appointed four commissaires to carry out a civil suit investigation of Semblangay's administration. This examination was largely resolved in the

49 Fayard's account gives this as 400,000 livres, one of several divergent elements in this version. Aperçu historique, I, 296-97.

50 An investigation termed a "bien étrange procès" by Henri Lemmonier, who has presented a summary account in Les Guerres d'Italie—La France sous Charles XIII, Louis XII et François Ier (1492-1547), Vol. V, Pt. I, of Histoire de France, ed. Ernest Lavisse (Paris: 1911), 223-33. All the efforts of the agents of the King and the Queen Mother were limited to asserting that the surintendant had been wrong in confounding the accounts of the King and his mother, and in having employed 600,000 livres which rightfully belonged to the Duchesse d'Angouleme.
surintendant's favor: the judgment of January 27, 1525, recognized that he had acted on the orders of the King and the Queen Mother. Despite this, Semblangay was declared to owe the duchesse d'Angouleme a total of 707,000 livres; on the other hand, the judgment attributed a greater royal credit to Semblangay of 910,000 livres.51

Semblangay's troubles did not end here, however. Having extended immense credit to the State through his own efforts, he now found himself pursued by debtors and creditors alike. On January 27, 1527, he was arrested and a criminal investigation undertaken. A panel of commissaires was named by the King on May 27: the First Presidents of the parlements of Paris, Toulouse, and Rouen; a maître des requêtes; two members of the Grand Conseil; two of the parlement of Dijon; two auditors from the Chambre des comptes guided the technical end of things. The charges of embezzlement, peculation and forgery were drawn from the tangled relations between the State's finances and those of its servant. Semblangay was reputed to have fabricated false accounts indicating loans made to the State at high interests, of which he would have received a part. The real basis for the charges was probably a matter of convenience in relieving the royal finances:

It was very much a question of the Italian bankers of Lyons, with whom Semblangay had been in constant contact, and who themselves had business relations with London, Venice, Nuremberg, and Flanders. This kind of international syndicate disposed of considerable resources, and sovereigns, always short of money, were obliged to deal with it. Francis I owed huge sums to the

51Ibid., 233.
Lycenese banks; he was disturbed to see them carrying on deals with Italy and Germany. He sensed in them a cosmopolitan action which could at certain moments, become dangerous. In striking down Semblangay, he indirectly struck at them.52

Whatever the reasons for the charges, the court showed no mercy towards the old and respected surintendant who had directed the finances of France for three reigns. Condemned to death on August 9, 1527, he was hung at Montfaucon two days later. By thus eliminating the surintendant, the Crown also maliciously liquidated a considerable portion of its debts to him. Semblangay's condemnation had included a fine of 300,000 livres to be deducted from royal debts owed the surintendant. "One is thus right to think," concludes Henri Lemmonier, "that they [Francis and the Queen Mother] here saw a means of ridding themselves of an embarrassing creditor."53

Equally strong personal motives were factors in the great criminal trials of Admiral Chabot and Chancellor Poyet later in the reign. These affairs were closely interrelated, and both were carried out by commissaires in traditional fashion. The proceedings against Poyet are especially interesting since they mark one of the few occasions when a chancellor was brought before a court of law.

The accusations directed against l'amiral de France Philippe de Chabot de Brion, comte de Charny and de Buzangçois, were inspired by

52Ibid., 234.

53Ibid., 235. A different motive is presented by Fayard, who attributes Semblangay's arrest and trial to the personal influence of the Queen Mother. Fayard also asserts that the surintendant's papers were stolen, leaving him without the means to vindicate himself. Aperçu historique, I, 296-97.
the personal motives of Constable Montmorency, Diane de Poitiers, and the Dauphin. Attacked by them, secret investigations were ordered into the Admiral's affairs on September 23, 1538. The commission so charged was presided over by Chancellor Poyet, who was sold out to the enemies of the Admiral, and included présidents à mortier Francois de Montholon and Jean Bertrand of the Parlement of Paris; a président des Enquêtes and nine conseillers of the same court; the First President and four conseillers from Toulouse; a président of Rouen; two maîtres des requêtes; D'Argentre, sénéchal of Brittany; a maître des requêtes of Brittany. On February 1, 1541, the Admiral was condemned to degradation, to banishment, and to the confiscation of his property; to the restitution of 778,000 livres; and finally to a fine of 15,000 livres for peculation, corruption, and malversation. A short time after this affair, in which Poyet was implicated with "revolting partiality," the decision was nullified by the King (March, 1542), and Chabot's innocence was proclaimed in council on April 19, 1542. On May 24, 1542, Francis restored the Admiral's possessions, offices, and dignities.

The Chabot Affair did not end there, however. Chancellor Poyet had demonstrated considerable prejudice during the trial, and in turn he was arrested (August 1, 1542). On April 3, 1543, the Parlement

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54 Aubert, "Le Parlement de Paris," I, 748. Fayard concurs with Aubert in deeming Poyet a "man sold to the court." Aperçu historique, I, 316. Neither account deals with the circumstances leading to charges against the Admiral.

55 Aubert, "Le Parlement de Paris," I, 746-48; Fayard, Aperçu historique, I, 316-17; several decrees may be found in Isambert, Anciennes lois françaises, XII, 547, 721, 773, 777-78.
received orders to proceed against him without delay. The com-
mission selected four days later was very numerous: André Guillard,
a maître des requêtes; François de Lage, Antoine Minard, Jean
de Gouy, and André Baudry, présidents aux Enquêtes at Paris;
seventeen conseillers of the Parlement; Pierre de Saignes and Jean
de Ausons, of the parlement of Toulouse; Pierre Boucher and Briant
de Talec, of Bordeaux; Dinart Rivalier and Félix Guerre, of the
parlement of Grenoble; Louis Pétremol, président de la Chambre des
Enquêtes of Rouen; five members of the Grand Conseil. On April 29,
1544, Chabot's widow presented her request for justice, and the
interrogation of witnesses began on May 7. On May 15, the Chancellor
had to answer grave accusations of abuse of power, falsifications at
seal, false judgments, and embezzlement. Debates were lengthy,
and not until April 23, 1545, did an arrêt declare Poyet guilty.
He was deprived of his office and declared incapable of filling any
other, condemned to a fine of 100,000 livres, and ordered to live
five years under the surveillance of the Crown in the Tower of
Bourges. Poyet was forced to give up his property in order to acquit
the fine, dying in shame and disgrace a short time after.  

56 Aubert, "Le Parlement de Paris," I, 749; Fayard, Aperçu
historique, I, 316-17; La Roche-Flavin, Treize livres des parlements
Bk. XIII, Ch. XXXII, gives a resume of the arrêt. The constitution
of the commission can be found in Isambert, Anciennes lois françaises,
XII, 888.
A few months after Poyet's death in 1548, a commission investigated and judged charges made against Jacques de Coucy, seigneur of Vervins and of Marle, and maréchal Oudart de Biez, his father-in-law, for having surrendered the port of Boulogne to the English without sufficient military cause. The real basis for the charges seems to have been the hatred that Henry II felt for the pair, possibly arising out of the fact that as the Dauphin he had commanded another military force in the vicinity of Boulogne at the time of the siege and had suffered embarrassment by its fall. The Charges were examined in the Chambre de la Reine, an ad hoc body composed of several magistrates presided over by the chancellor. The examination of the charges was lengthy and many witnesses were heard on both sides. A verdict of guilty was returned against Vervins on June 21, 1549, which resulted in his execution. A decision against Du Biez on charges of lèse-majesté, peculation, and other charges in August, 1551, condemned the unfortunate maréchal to the deprivation of estates and honors, a 100,000 livre fine, confiscation of property, and decapitation. The death penalty was commuted into

57 In 1544 Vervins had been placed in command of the garrison of Boulogne by Du Biez, his father-in-law. Both men were distinguished soldiers and held several honors and titles from Francis I. The English besieged the port with a large army and sixty pieces of artillery for seven weeks. The general assault came on September 11, when in an attack of seven hours, four breaches were made in the walls. Vervins held for surrender upon the advice of his captains, who unanimously declared the place could no longer be held. The general consensus at the time held that Vervins had done everything possible, a view which Francis I also maintained.
perpetual detention at Loches. After serving two years, Du Biez was released, and in 1575 Henry III exonerated both men posthumously.58

At the middle of the sixteenth century, the history of the monarchy clearly demonstrated that the administration of commissioned justice represented one of the gravest defects in the French judicial system. The Parlement had reminded Charles VIII of this fact in the remonstrances of 1489, and it had returned to the point in its remonstrances of 1526.59 French Kings continued the practice, however, for two very sound reasons: it was legally unassailable as a manifestation of justice retenue, and it was politically useful. French kings understood both points very well and had frequently and brutally wielded extraordinary justice out of jealousy, expediency, legitimate suspicion, or for reasoned political purposes. Louis XI had found commissioned justice useful in breaking

58A complete account of the events leading up to the trial and the investigation itself can be found in "Procès d'Oudart du Biez, maréchal de France, et de Jacques de Coucy, seigneur de Vervins," in Climer and Danjou, Archives curieuses, 1st series, III, 103-116. A note on page 101 indicates that this account is extracted from the Pierre Dupuy's Traité concernant l'histoire de France. The decrees pertaining to the affair can be found in Isambert, Anciennes lois francaises, XIV, 88, 186, and XV, 276. Brief descriptions are presented in Aubert, "Le Parlement de Paris," I, 749-50, and in Fayard, Apercu historique, I, 331-33.

59Maugis, Histoire du Parlement, I, 374-76, 561-63. Article 8 of the remonstrances of 1526 attacked the establishment of individual judges for certain crimes, condemnations for the purpose of confiscating property, and the violation of the jurisdiction of ordinary courts in such cases. Article 12 returned to the same them, asking that the scandalous and inconvenient practice of commissaires extra-ordinaires be abolished in favor of ordinary judges.
down the opposition of his feudality; Louis XII had resorted to it in the preservation of his unification policy; Francis I had had recourse to commissaires for multiple reasons, some of them perhaps less honorable than any of his predecessors. Thus as an instrument of government, legitimate or illegitimate, irregular criminal procedures were entrenched in customary public law by the 1550's.

The problems of judicial reform, institutional relations, and the regulation of justice did not go unrecognized in the legal world of the sixteenth century. On the contrary, Estates Generals, jurisconsuls, and the courts had from time to time exposed procedural abuses within the system and the Crown had sought to remedy them. The Estates-Generals of 1355, 1357, 1413, and 1484 complained of confusion in judicial matters, of hardships wrought on litigants because of the drawn-out processes of appeal, and of the inequity of evocations. Especially after the creation of the Grand Conseil, the sovereign courts chimed in with disgruntled remonstrances that their jurisdictions were being nibbled away at the expense of legal usages as well as litigant's time and pocketbooks. The clamor for reform of judicial procedures was further sharpened among the public at large during the sixteenth century by the infiltration of venality and fiscal abuses into the court system.60

From time to time the Crown sought to treat the ills in its judicial body politic by issuing great ordinances of reform. Kings

had sporadically resorted to this measure during the fourteenth and fifteenth centuries, but after 1560 there began one of the greatest periods of legal reform in the history of the Old Regime. It is one of the curious paradoxes of the monarchy that worthy efforts at judicial reform and lawful government should have taken place in the climate of general tension, lawlessness, and disorder that prevailed after 1560, but such was the case with the great ordinances of Orléans (1560), Roussillon (1564), Moulins (1566), and Blois (1579). The weaknesses of a regency and the riptides of religious strife which enfeebled the Crown after Henry II's death led to demands for reform which found expression in the Estates General of 1560. Quite possibly, though, the cahiers of the Estates would have been cast aside had it not been for the intervention of the talented politique Chancellor Michel de l'Hospital, who saw in the plaints of the Estates an opportunity to create a lasting revision of French law while attempting at the same time an amelioration of the gnawing antagonisms in French society. De l'Hospital's attention to the material contained in the cahiers produced the Ordinance of Orléans in 1561. This was revised with the Ordinance of Roussillon in 1564, followed by the comprehensive Ordinance de Moulins in 1566. With the exception of the Ordinance of Roussillon, each of these codifications represented an omnibus revision of the entire corpus of French public law concerning justice, ecclesiastical affairs, social problems, royal
finances, and military matters. Each code attempted to come to grips with the fundamental problems besetting royal courts, institutional relationships, judicial procedures, and litigant's rights.61

These ordinances are of particular importance to the institutional and legal history of Richelieu's ministry because they represented the most binding form of written law found in his time. Parlementaires cited them in defense of legality throughout the first half of the seventeenth century, and the Frondeurs of 1648 demanded a return to the Ordinances of 1560, 1566, and 1579. With the failure of the Code Michaud of 1629, the sixteenth century codes remained the most comprehensive collections of French law until the appearance of the Code Louis during the 1660's.

Among the 150 articles of the Ordinance of Orleans, three deserve special attention because they bore on the administration of sovereign justice. Articles 37 and 38 show that De l'Hospital understood the confusion caused by the overlapping and competitive ressorts of the Conseil des parties, the Grand Conseil, and the Parlement. The problem was attacked in direct fashion. As a parlementaire with six years of service in the court, he was naturally inclined to sympathize with the traditional claims of the Parlement. Undoubtedly, too, he perceived that the Grand Conseil was now something of an anachronism, its former raison d'être having been

rendered obsolete by the activities of the Conseil des parties.

For whatever reasons, Article 37 of the Ordinance of Orleans drastically pruned the competence of the Grand Conseil by declaring that

The men holding our grand conseil cannot and should not hereafter entertain causes and matters other than those attributed to them by their creation and institution, save that the suits pending at present in the said council will be judged and terminated.  

The implicit intention was apparently to limit the Grand Conseil to ecclesiastical matters. Article 38 extended and clarified the effects of this provision by establishing that

requests for appeals against the decisions of our sovereign courts and parlements will be sent to our mattres des requêtes for them to prepare the report and to judge them in our conseil privé.  

Evidently De l'Hospital intended that the Conseil privé (or Conseil des parties) should represent the highest court of appeal in cases coming out of the sovereign courts, and in fact this regulation seems to have taken hold. It was, of course, perfectly in keeping with the natural tendency of the past three decades. Conversely, the authority of the Grand Conseil underwent serious decline after the 1560's, with many of its former jurisdictions being reclaimed by the Parlement or passing to the Conseil des parties. The Grand Conseil remained a sovereign court, but its jurisdictions were

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62 Isambert, Anciennes lois françaises, XIV, 74.

63 Ibid.
effectively reduced to miscellaneous ecclesiastical affairs and to the hearing of cases committed to it by the king. In contrast with the early part of the century, the latter category diminished considerably in favor of the Conseil des parties.

The Ordinance of Orléans lacked a definitive and vigorous statement on royal abuses of extraordinary justice. The defect was left untouched by Article 30 of the Ordinance of Roussillon, a collection of amendments and modifications registered by the Parlement in December, 1564. Article 30 seemed to leave no question regarding the matter of commissaires:

We wish and order that all trials should hereafter be judged ordinarily, in our parlements, Grand Conseil, and other sovereign courts as in our présidiaux, and prohibit them from judging any extraordinarily by commissaires.

In fact, though, the reference was to commissaires named by the courts, not those named by the king.

Six years after the publication of the Ordinance of Orléans, the Ordinance of Moulins sought to regulate the right of committimus, the privilege of appearing immediately before the Grand Conseil, the maître des requêtes, or the Grand Chambre of the Parlement without going through the judicial maze of lower courts. Without suppressing

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64 Article 34 had touched on the subject of commissaires by permitting their use in five instances of private law. These commissaires were judges named by the court to summarily handle minor cases and should not be confused with royal appointees. Isambert, Anciennes lois françaises, XIV, 73.

65 Ibid., 167.
the privilege, Article 56 specifically enumerated the categories of persons entitled to the right. Article 70 was another in a long series of attempts to limit evocations which took litigants away from their "natural judges." It declared that evocations in either criminal or civil matters "should not take place outside the cases permitted by the edicts and ordinances" and in such cases were to be made only by means of letters sent by royal command and signed by one of four secrétaires d'Etat. The parlements were permitted to make remonstrances on these evocations, and the party obtaining the evocation in a criminal matter first had to be made prisoner in his locality.

After De l'Hospital's death in 1573, further reforms were asked by the Estates General of 1576. The cahiers of this meeting were eventually incorporated into the Ordinance of Blois of 1579, a cumulative code of 363 articles which, along with the Ordinances of Orleans and Moulins, would serve as the basis of written French

66Ibid., 203-04. These categories were the great officers of the Crown, members of the Conseil privé, maîtres des requêtes, royal notaries and secretaries, domestic officers of the royal household, princes of the blood and the officers of the sovereign courts. Additionally, the twelve ranking procureurs and avocats in the Parlement, the six ranking lawyers in other parlements, and the members of several churches, religious chapters, and religious communities "which have the privilege, for communal affairs of the said churches only."

67Isambert, Anciennes lois françaises, XIV, 208.

68Ibid.; Chéreau, Histoire de l'administration monarchique, I, 201-02.
public law for nearly 100 years. The most important provisions of the Ordinance in regard to sovereign justice were contained in Articles 91, 92, and 97-99 which clarified the relationship between the royal council and the sovereign courts and regulated the use of commissaires. The lasting importance of these articles mandates quoting them at some length. Article 91 declared in principle that

> our Conseil privé . . . hereafter should not be occupied with causes which lie in contentious jurisdiction; to preserve the jurisdiction which belongs to our sovereign courts and ordinary justices [we] have returned suits introduced into our council and pending undecided . . . to be heard before the judges who should have natural cognizance of them. In the future our council will not take cognizance of such and similar matters, which we wish to be treated before our ordinary judges and by appeal to our sovereign courts following our edicts and ordinances.69

Article 92 continued the theme of the superiority of the regular courts by declaring that

> the decisions of our sovereign courts cannot be nullified or retracted except by the paths prescribed at law . . . and through the form born by our ordinances. Nor shall the execution of these decisions [of the sovereign courts] be suspended or deferred by simple request presented to us in our Conseil privé.70

The long-standing issue of evocations was further treated in Article 97, which piously declared royal intentions that "hereafter we do not intend to issue any letters of evocation, be they general or individual, of our own initiative."71 This provision, in theory,

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69 Isambert, Anciennes lois françaises, XV, 404.
70 Ibid.
71 Ibid.
restricted the possibility of using the council as an instrument of royal authority by having cases evoked to it. The possibility of granting evocations on the initiative of private parties, however, was continued:

The requests of those seeking such evocations should be reported in our Conseil privé by maîtres des requêtes . . . to be there judged following the edicts of Bourdaisière and Chanteloup and other edicts since made by preceding kings and by us. If such requests for evocations should be found reasonable, the parties heard, and with knowledge of cause, then letters will be sent and not otherwise. All evocations will be signed by the secrétaire d'État or of finances who received the expedition when the evocation was deliberated. Evocations obtained hereafter contrary to these forms will be of no effect or value, and notwithstanding them we wish that the judges from whom they would have been evoked continue with the investigation and judgment.72

The struggle to regulate commissaires extraordinaires continued with yet another prohibition against them in Article 98:

In order to terminate the complaints made to us by our subjects on the occasions of extraordinary commissions previously issued, we have revoked and revoke all the said extraordinary commissions, desiring that prosecution of each matter be made before the judges to whom competence of it belonged.73

Finally, Article 99 limited the maîtres des requêtes to hearing only those matters permitted them by the ordinances. They were not to judge sovereignly or in last resort any cases regardless of letters attributing this power to them.74

The great ordinances cited above testify that throughout the last half of the sixteenth century the Crown made an exceptional effort to put its judicial house in order by imposing paper

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72Ibid., 405.
73Ibid.
74Ibid.
regulations on the processes and procedures of justice. The great ordinances touched on most aspects of appeal and attempted to guarantee the integrity of decisions coming out of the sovereign courts. Abuses were decried, jurisdictions were defined, and the rights of litigants cared for; in these ways the ordinances of the sixteenth century provided impressive legal standards pertaining to sovereign justice. But as with the questions of venality and qualifications for magisterial office, these ordinances failed to settle the questions of public law treated in them. Centuries of monarchial behavior regaled against the strictures of written law, and tradition certainly had as much validity as legal codes in French public law. Further, given the ne plus ultra quality of royal authority and the real or imagined need to exercise it in favored cases, there were no effective means to ensure that the ordinances would be obeyed. In the decades after their preparation, the provisions of the ordinances seem to have been violated as often as they were followed; their only lasting accomplishment in the administration of justice was to assign a kind of legal opprobrium to certain judicial procedures.

The chaotic state of royal government and the passions that inflamed the country during the Wars of Religion undoubtedly contributed to a continued degradation of French judicial procedures.\footnote{\textsuperscript{75}One might cite, for example, the procedures followed in the case of the prince de Condé, accused of lèse-majesté in 1560 and tried in council; that of Molé and De Coconas, executed April 30, 1574; the proceedings initiated against Admiral Coligny after his death; and those against Briquemaut and Cavagnes in October of 1572. Aubert, "Le Parlement de Paris," I, 750; B.N. Ms. Fr. 7549, fol. 232-40.}
Thus First President Achille III de Harlay could complain to Henry III that

"the council is reduced to the status of the Châtelet of Paris. Issues are adjourned there from distant areas such as Languedoc or Guyenne for very small things, and in first instance, even for a quibble over nine écus."76

A certain restoration of orderliness accompanied Henry IV's rule after 1594, but even Henry's judicious tolerance and pacification sometimes relied on irregular methods such as intendants. Henry's respect for equitable justice probably showed most clearly in the administration of high criminal justice where the Parlement's jurisdiction was usually honored in regard to lèse-majesté. In 1602 the Parlement was ordered to deal with the accusations of lèse-majesté made against maréchal Biron, a prosecution resulting in the condemnation and execution of Henry's former companion-in-arms. After Jean Chastel attempted to assassinate the King in 1594, the Parlement was charged with investigation and prosecution of this sensitive case. The court passed sentence on December 29, after a trial of one day, and declared Chastel guilty of lèse-majesté in the form of attempted assassination. Yet as circumspect as Henry was in such matters, irregular methods of justice continued to be employed on occasion. A commission of six conseillers d'État carried out the trial of would-be regicide Pierre Barrière and condemned him to death on August 31, 1593. Except for the fact

76D'Avenel, Richelieu et la monarchie absolue, I, 54. The source and date of the quotation are not given.
that the Parlement of Paris and of Tours had not yet been reunited, the circumstances surrounding Barriere's case appear to have been no different than several other attempts on the King's life which were handled by the Parlement. The last such incident, that of Ravaillac in 1610, was dealt with by the Parlement in an investigation beginning shortly after Henry's death on May 14 and terminating with execution of the condemned on May 27.77

That past regulations and ordinances had neither permanently improved the administration of justice nor clarified the functions of public bodies was evident at the beginning of Louis XIII's reign when the Parlement presented its famous remonstrances of 1615. These remonstrances were an outgrowth of the failure of the Estates General to treat positively the troubles besetting the monarchy, some of which, like venality and judicial reform, had a long history and others, such as fiscal extravagance and Concini's presence in council, could be ascribed to Marie's bumbling government. Four days after the Estates were adjourned without solution to these problems, the Parlement seized the initiative for State reform. On March 28, the court, with all chambers assembled, returned a historic decision to convoke the princes and peers and to formulate propositions which would be made "for the service of the King and the relief of his subjects."78 The judges justified their arrêt by citing

78Isambert, Anciennes lois françaises, XVI, 61.
the King's prior promise not to respond to the **cahiers** of the Estates without hearing the Parlement's views.\(^7^9\)

The decision of March 28 was not well received in royal circles. First the **gens du roi**, then the entire Parlement, were summoned to the Louvre to account for their actions and to hear the Queen Mother denounce the unprecedented daring of the court. Despite this unmistakable manifestation of opposition, however, the Parlement persisted in its determination to expose what it considered to be blatant abuses in the regency government. On April 9 the court began the drafting of lengthy and pungently worded remonstrances containing nearly twenty major criticisms or suggestions.\(^8^0\) The corpus of the articles was prefaced by the assertion that the decision of March 28 and the remonstrances had been made "under the King's good pleasure", but the pithy comments which followed made this phrase seem facetious indeed. The Parlement condemned Marie's dalliance with foreigners and foreign powers (a veiled reference to Concini and Eleonora Galigai) reproved the dissipation of State finances, and urged respect for the Gallican liberties. The regent was urged to place only capable men in ecclesiastical positions, to abolish the venality of military offices, to reform the finances, to cut back pensions and gifts, and to reduce the


\(^{8^0}\)The remonstrances can be found in Molé, *Mémoires*, I, 28-51.
numbers of financial officers. "In a word," says Glasson, "these
remonstrances touched on everything, they were the true cahiers
of the Estates General." 81

The manoeuvres of the spring of 1615 were most indicative of
the Parlement's enlarged political role, but the remonstrances were
also enlightening in their judicial articles. These show that at the
beginning of Louis XIII's reign the judges in the Parlement believed
that the time-honored defects in French justice persisted as in
centuries past. Justice, the judges maintained, was one of the
principal columns of the State, lending both honor and affection to
Louis' rule. With this attitude in mind, the officers of the
Parlement, the trustees of royal justice, "were obliged to represent
to you that for some years it justice had been greatly violated and
its ornaments treated unworthily." 82 Decisions of the courts had
been flaunted in the streets of the capital, and crimes had gone
unpunished at the expense of the honor of the Crown and the
authority of the officers. Marie was humbly entreated to remedy
this situation. The edict on duels should be observed, as should
legal decisions emanating from the council, which were "too often
changed, so that those who had won their suit often found a short
time later that they had lost it." 83

81 Glasson, Le Parlement de Paris, I, 125.
82 Molé, Mémoires, I, 40.
83 Ibid.
Beyond this, the Parlementaires asked for a redress of grievances concerning sovereign justice:

The hearing of affairs treated in council should be regulated following your ordinances, and contentious justice reduced according to its form, at penalty of invalidity for that which had been done. The decisions of your parlements should not be nullified or suspended upon request as is ordinarily done. Those who want to petition against decisions should do it only through means of law and according to your ordinances; likewise, too frequent evocations, of which complaint is notorious, should be cut back to the cases allowed in the same ordinances.

The same lawful process, the judges held, should be applied to royal letters of pardon for those indicted for assassination and other violent crimes. Similarly, the Crown should not "send any commissions, be they for sovereign judgment or in dernier ressort, be they for the trial of any accused, that cannot be verified in your Parlement." Thus the Parlement indiscriminately condemned all forms of commissaires, either individual or empanelled. The request, as with others touching on the administration of justice, bore a singular resemblance to those issued in the past.

The Crown's reaction was immediate, emphatic, and negative. In an audience of May 22, 1615, the Queen Mother listened attentively to the remonstrances of the court and then in the presence of young Louis totally rejected them as indicative of Parlementaire meddling in affairs of State. The next day a vigorously worded arrêt du

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84 Ibid., 39-40.
85 See Infra, p.
86 Molé, Memoires, I, 40.
The Conseil nullified the court's decision to unite the peers and present remonstrances. The arrêt cited decisions made in the reigns of Francis I, Charles IX, and Charles VIII barring the court from affairs of State, reiterated previous royal injunctions made against the Parlement's intentions to assemble the peers, and bluntly declared that

inserted in these remonstrances [are] several articles whose falsity is apparent, and others which are notoriously slanderous in that they try to throw a general blame and cast a bad odor about all those who have a part in the administration of financial affairs. This is sufficient to judge that the intent was to give pretext to those seeking to disturb the public tranquillity, rather than to present the means for ending abuses and disorders that they exaggerate to swell individual discontent and commensurately diminish the authority of His Majesty.

The arrêt then nullified and revoked the court's decision of March 28, "making proscription and prohibition to the said Parlement of mixing in affairs of State (in the future) except when so ordered." To ensure that the court followed at least the forms of submission, the council's order required that "the said arrêt [of March 28] together with the remonstrances should be struck out and removed from the registers," for which duty the greffier was held responsible at the cost of his office. The document concluded with the all important formulary "done in the Council of State, His Majesty there sitting, at Paris, May 23, 1615," which signified that the decision had actually been rendered in the King's presence and communicated his immediate and sovereign authority.

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87 Ibid., 55.
88 Ibid.
89 Ibid., 56.
Forceful and ultimate as it was, the arrêt du Conseil had no effect on the Parlement except to elicit another decision to make new remonstrances. Marie countered with a lettre de jussion commanding registration of the councilliar arrêt. This was ignored, and the court pursued its wayward deliberations for the next two weeks. During the fortnight, however, another and more ominous note was sounded in the controversy. The prince de Conde and the duc de Bouillon, chafing at exclusion from the government and nearly in outright rebellion, began sub rosa overtures for an alliance with the Parlement. The court had been perfectly willing to defy the Crown on legal grounds, but most of the magistrates could not bring themselves to become openly committed to conspiracy, an association with illegality contrary to all the traditions of the court and the law it upheld. Conversely Marie and her advisers were now inclined towards a rapprochement with the Parlement to have its support against the princely cabal. Accordingly, towards the end of June a working agreement was reached which veiled the dispute. On the 23rd of the month, the Parlement issued an arrêt by which it enjoined the prince de Conde to discontinue mustering troops, and it declared that in its remonstrances it had not intended to discredit the government. The assembly of peers did not take place, but the Crown's arrêt du Conseil was never registered by the Parlement.  

90 I bid., 57; Richelieu, Mémoires, I, 250; Fayard, Aperçu historique, I, 39; Glasson, Le Parlement de Paris, I, 125-26.
Conventional opinion holds that the events of May-June 1615 were a victory for the Parlement and the forces tending towards a balanced, harmonious, and traditional monarchy. Fayard, in particular, maintains that

the initiative of the Parlement had no other consequences [in politics or reform], but that sovereign court had expressed its opinion on the direction of the government, and had sustained an act of authority in maintaining its arrêt which would serve it as a stepping-stone for future occasions. It was a complete victory of a nature to augment its pretensions and more and more to win for it the sympathies and the confidence of the Third Estate.91

Patterning his account after Fayard, Glasson concurs in concluding that "the Parlement came out victorious in this crisis."92 Yet in fact the affair of the remonstrances of 1615 and the use of councillor authority to nullify them never reached a definitive conclusion because of the intrusion of external events. The interpretation that the Parlement was victorious in the encounter must be tempered in the light of the regency's anemic authority and its concurrent domestic crisis, factors which, together with the popular disrepute brought to the council by Concini's presence, subverted the royal position in the court's favor.

Nevertheless, the events of 1615 were in several ways meaningful to the conflict that was to characterize the growth of absolutism later in Louis' reign. In terms of the scope of its political role, the Parlement had aggrandized its place in the State by assuming the

91Fayard, Aperçu historique, I, 39.
92Glasson, Le Parlement de Paris, I, 126.
advisory functions of the defunct Estates General and voicing its complaints without prior solicitation from the Crown. The nature of the widened political role thus generated had nothing novel about it, for the Parlement had always thought of itself as an advisory agency, but it did represent a significant heightening of the court's responsibilities to act as a brake on monarchial power. This thought has been well summarized by Shennan when he writes that

Of course these remonstrances were extraordinary, both in their scope and in the manner of their appearance, prompted by no prior royal legislation and lacking royal consent. They were much more reminiscent in style and content of petitions emanating from the Estates-General, and this was in fact the fact the first occasion on which the Parlement's role clearly comprehended that of the Estates as well. . . . Yet there is nothing even in this to suggest that the Parlement's intention was innovatory. Its own obligation was to defend the multifarious rights of the French nation, to preserve, in other words, the traditional concept of kingship, limited by law. . . . The Estates was concerned with the Parlement in enforcing another ancient limitation upon the monarchy, that involving the right to offer counsel. By the early seventeenth century, however, only the Parlement remained powerful enough to assert these customary values and in seeking to maintain them it added to its own essentially judicial role the political functions of an obsolescent institution.93

Apart from signifying a new and fortified political inspiration for the Parlement, the events of 1615 also suggest a prelude to the severe institutional antagonism between the Parlement and the council that accompanied Richelieu's ministry. As the history of the monarchy's judicial organs shows, there was really nothing novel about this discord, which was inevitable if the court was to fulfill its advisory function. As early as the fourteenth century, the

council had exhibited a propensity to encroach on the legal jurisdiction of the Parlement, and the tendency for the council to establish itself as an ordinary, rather than extraordinary, ressort superior to the Parlement had continued since that time. In the reign of Louis XI, the Parlement and the council had frequently been at loggerheads over this usurpation; at about the same time the Grand Conseil had appeared out of royal needs to administer prerogative justice in matters of political sensitivity.

During the sixteenth century the arrogation of councillor justice began to repeat itself as the Conseil privé or Conseil des parties replaced the Grand Conseil as dernier ressort in most legal and administrative matters. This usage was present in numerous appeals and evocations in private law, but the same judicial authority of the king in council could also be utilized in matters of public law, legislation, and administration to nullify or bypass any kind of decision by the sovereign courts. Precisely this course had been chosen in 1615 when Marie had issued an arrêt du Conseil to suppress the Parlement's decision to present remonstrances (the decision of March 28). In so doing Marie had resorted to an ultimate expression of arbitraire, that of the king sitting in the Conseil d'État, tactlessly preferring this very blunt juridical means over more diplomatic and more customary means of negotiation through the gens du roi, lettres de jussion, or even a lit de justice.

The judges rightly feared the implications of such tactics which menaced almost everything the Parlement stood for. Most immediately, growth of councillor justice in the Conseil privé
meant a diminution of the jurisdiction of their corps which in turn threatened their prestige, their individual and collective social standing, and their income in cases lost to the council. There was no danger that the Parlement would disappear—that was unthinkable for many reasons—but the magistrates had good reason to fear that their benches would become a mockery of the past, an honorary anachronism of government consigned to the same institutional scrapheap that had claimed the Grand Conseil. If this came to pass, the judges' investment in the honor and dignity of office would proportionately be robbed of much of its value.

For those who looked beyond material concerns into the realm of public law, the imposition of councillorial authority meant an increased increment of royal power and a corresponding imbalance in the traditional constitution. The question was not per se one of the essential quality of sovereignty. All the magistrates recognized, and venerated, the fact that the king's person was the primal source of all legislation and all justice. Instead of a corruption of the monarchial principle, the judges feared for the exercise of power, particularly the erosion of the time-honored mechanism of counsel which in their eyes conferred justice and legality on the translation of royal will into royal law. According to feudal tradition, this translation was binding only under conditions of wide counsel, more or less representative of law and the common good. Strengthening of councillorial authority sapped the fundamental principle of très grand conseil in several ways. The physical size of the royal council, and therefore the breadth of opinion offered,
was much smaller than the Estates General or the Parlement. Much more significantly, the king's councillors, when acting as conseillers d'Etat, were simple commis whose appointment, career, and dismissal lay wholly in the king's hands. Though the council was amply educated in the law, its principal orientation lay towards fulfilling administrative functions. In most cases this meant doing the king's will. For these reasons the potential for ad hoc arbitrary decisions conforming purely to the king's will or to administrative necessity was substantially increased. The magistrates, therefore, could legitimately argue that violation of their historic jurisdiction diminished both respect for their rights in property and respect for the law of the land. The Parlement was historically bound to advise the Crown of such illegality through its remonstrances. Marie's nullification of the court's remonstrances through the arrêt du Conseil thus posed a dual danger to the parlementaires and the maintenance of a balanced and constitutional monarchy.

Nearly a decade elapsed, however, before the possibilities inherent in counciliar government began to manifest themselves in a systematic way. Until 1617, at least, Marie's council reflected the effeminate and diffuse nature of the regency. In structure Marie's council was scarcely different from that of the sixteenth century. She inspired no progressive changes and for personnel could do no better than to rely on Concini, expell the careful Protestant Sully, and retain those professional "graybeards" who exhibited little ability and less will power. Alert to this vacuity at the center of things, great princes such as Conde,
Soissons, and Bouillon flocked into the council to assert their opinions. This cacaphony of private interests would prevail until Louis' coup d'état of 1617 destroyed the Concini faction and inaugurated the influence of Luynes. Not until 1624 was the council filled with men of substance and character like Richelieu and Marillac.

At the beginning of 1624 there began the first in a series of events which would eventually transform the royal council into an efficient instrument of the king's will. Between January and April of 1624 Louis was persuaded to reform the membership of the council. In January and February Chancellor Brulart de Sillery and his son Puisieux de Sillery, a secrétaire d'État for foreign affairs, were disgraced. On April 29, Louis, primarily under the influence of Marie de Medicis and her party, introduced Richelieu into the council and with his arrival came recommendations for further changes. The worthless surintendant des finances La Vieuville was dismissed and replaced jointly by Michel de Marillac and Bochart de Champigny. By 1626 further changes in personnel had taken place: Marillac became garde des sceaux and actual head of the chancellery while maréchal d'Effiat received control of the finances. At about the same time Constable Lesdiguieres and Cardinal La Rochefoucauld died. With their passing the last prominent councillors of Henry IV's era disappeared from the public scene.
The councilliar housecleaning of 1624-26 also marks the beginning of two decades of very rapid institutional development during which the council virtually assumed the form and power it would have for the remainder of the Old Regime. Several factors undoubtedly contributed to this accelerated progress of the 1620's and 1630's, but it is difficult to separate councilliar developments from the arrival and subsequent influences of the garde des sceaux and chief minister. Different in method, philosophy, and in many ends, yet mutually inspired by a fundamental impetus to enhance royal authority, both men were interested in councilliar reform as a requisite to a restoration of the Crown's power and prestige.

Possessed of a legal background and a highly moralistic, pietistic, and methodical personality, as well as great administrative talent, Marillac was particularly drawn to reform through regulation in much the same way as his predecessor De l'Hospital. The Code Michaud reflects his modus operandi, and between 1626 and 1630 he was probably chiefly responsible for several règlements du Conseil which detailed the personnel, schedule, agenda, and competences of the Conseil d'État. The net effect of these règlements can be seen in two parallel tendencies largely achieved before 1630. The first consequence of these efforts was an increase in specialization among different branches and refined methods of preparing materials for consideration in meetings. A second trend was the growing

preponderance of gens de robe over the noblesse d'épée and ecclesiastics. This shift was inseparable from the effort to constitute a nucleus of career councillors who would receive preference over those who sought retirement or a second career in the council after leaving a sovereign court. This proclivity worked to the exclusion of ambitious parlementaires and exacerbated discord between the two bodies. The last councillor règlement of Richelieu's ministry, that of January 18, 1630, was particularly important for its comprehensiveness. It systematized former rules and would serve to formally delineate the organization and activities of the council for the next dozen years, being superseded only in 1643 by another set of regulations constituting the regency council of Anne of Austria.

Like Marillac Richelieu gave the appearance of interest in administrative reform. In 1620 he had drafted a proposal for the creation of four functional councils to supervise ecclesiastical affairs, military activities, finances, and justice. This project remained a dream as did another plan of 1625. As Orest Ranum has shown, however, it was really Richelieu's superlative ability to work through personal relations rather than formal regulation that fulfilled the possibilities opened up before the Day

96 D'Avenel, Richelieu et la monarchie absolue, I, 43.
97 Richelieu, Lettres, II, 169.
of Dupes. The chief minister knew very well how to manage Louis' mercurial temperament as well as how to coordinate and direct the client créatures he placed in the offices of surintendants des finances and secrétaires d'Etat. Only those men—Bullion, the le Bouthilliers, Sublet de Noyers—together with one or two others having Richelieu's full confidence were admitted to the inner council. The princes of the blood and other grands, consumed by their own interests, were systematically excluded. Richelieu's créatures in turn informally reorganized their duties into more efficient patterns, transforming, for instance, the former geographic division of correspondence into a functional one along the lines of war, finances, and foreign affairs. The net result of these changes was the transmutation of the council into what after 1631 could fairly be called a ministerial government.

Regulation and strengthening of the council crystallized, but really did not greatly alter, its formal organization which, as in times past, remained essentially divided into two parts, an inner and outer or narrower and wider council. The inner council, judicially superior to its larger but subordinate relatives, bore various contemporary titles such as Conseil secret or Conseil des

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98 In Richelieu and the Councillors of Louis XIII. See also Pagès, Les Institutions monarchiques sous Louis XIII et Louis XIV.

99 No one has ever been able to discover or prepare a list of those admitted to the Conseil d'en haut after 1630. An acceptable estimate would include Richelieu, Père Joseph, Marshal Schomberg, Claude Bullion, Sublet de Noyers (secrétaire d'Etat for foreign affairs), Claude Bouthiller and Leon Bouthillier.

100 Ranum, Richelieu and the Councillors of Louis XIII, pp. 3-15; Pagès, Les Institutions monarchiques sous Louis XIII et Louis XIV, p. 31.
affaires depending on what regulation or person made the commentary. For convenience sake it will here be uniformly referred to as the Conseil d'en haut, a title actually assumed only some time after 1643. The Conseil d'en haut was the most direct linear descendant of the ancient curia regis; in the absolute monarchy as in the medieval or Renaissance Monarchy it denoted the king or regent personally consulting with a few trusted advisors on policy. Its competence included, as a règlement of 1615 put it, "generally affairs of the greatest importance, as it will please his Majesty to order."¹⁰¹ The règlement of 1615 was the first to regulate this council, and it proceeded to outline its activities, agenda, schedule, and competences along with the rest of the council. Such commitment to paper scarcely affected the operations of the Conseil d'en haut which in the era of Louis XIII continued to exhibit all of its past spontaneity, superiority, and flexibility. The nature of this council's makeup and business naturally stamped its workings as informal, secret, and expeditious. Because of the king's presence, it was unquestionably the dernier ressort in the kingdom. Mousnier has perfectly captured its functions and relationship to other parts of the council under Louis XIII in this way:

Politics properly said, high administration, finances, justice, it does them all. It appears as the Conseil du Roi par excellence with loosely determined functions, whose members sit one day in finances, another for [contentious] parties, another for politics. The other sections [of the council] are subordinated

to it like little sovereign courts. The Conseil d'en haut seems on its own to begin anew the preceding evolution of the medieval Cour du Roi and the Renaissance Conseil royal. The Cour du Roi assimilated unto itself practically all power and all functions, then specialized sections slowly appeared. One of them, the Conseil du Roi, acquired a wider and wider competence and, in consequence, in its turn, painfully divided and its fragments specialized themselves.  

Beneath the Conseil d'en haut were three administrative councils which, for simplicity's sake, can be thought of as sub-sections of the Conseil d'État. Each was broader than the Conseil d'en haut and shepherded day to day administrative policy formulated by the king's ministers. At various times during the week, the members of the Conseil d'État assumed the name of Conseil d'État et finances to study cases of financial litigation. Most of the same personnel sat in the Conseil de la direction des finances as a steering committee on financial policy. At other times most of the councillors assembled as the Conseil privé or Conseil des parties to treat judicial suits finding their way to the council by one means or another. These various sections of the Conseil d'État represented the administrative arms of the Conseil d'en haut, interlocking themselves with that body through the surintendants des finances, the secrétaires d'État, and the Chancellor who had the right to attend all councils. In addition to these six or seven men, about two dozen conseillers d'État ordinaires had deliberative rights in the Conseil d'État only. These men received and discussed reports

compiled and presented by maîtres des requêtes, four of whom also enjoyed deliberative rights after 1629. As Mousnier has said, these specialized fragments of the council stood in relationship to the Conseil d'en haut as the sovereign courts did to the council as a whole. The Conseil d'État was guided by its superior and its decisions could always be nullified by it. Unlike its superior, the Conseil d'État was almost always chaired by the Chancellor or garde des sceaux, a situation which led to a dichotomy between the theoretical sovereignty of the Conseil d'État and the patent reality of the king's absence.

All sections of the council possessed enormous judicial powers, but the adjudications of the Conseil d'en haut were limited in number and virtually unimpeachable at law, while the hearings of the financial councils were oriented towards financial cases. Consequently the operations of the Conseil privé, the specialized judicial section of the council, were of primary concern to the Parlement of Paris. This portion of the council more than any other had demonstrated the historical potential to become a true sovereign court superior to the Parlement. Its attributions had grown steadily during the sixteenth century, and by the early 1600's the Conseil privé was acting as a more or less regular court of high justice. The Parlement had complained of this encroachment in its remonstrances of 1615 and the deputies of the sovereign courts to the Assembly of Notables had renewed them in 1626, but to no avail. The monarchy
showed itself unable and unwilling to reform, the jurisdiction of the Conseil privé continued to swell throughout the first half of the seventeenth century, and one of the chief issues in the establishment of absolute government remained unresolved.

The inability to restrain the ressort of the Conseil privé certainly did not lay in ignorance of the problem, for after 1615 there were repeated efforts to limit the jurisdiction of the Conseil privé through règlements du conseil. Sometimes the Crown even presented statements confessing the origin and nature of the abuses, as it did in Article 3 of the règlement of May 21, 1615:

The multitude of causes which have been and are [now] in the Conseil du Roy stem from diverse motives which can be outlined in a few words.

Firstly, because of troubles and articles which have been accorded by the late King [Henry IV] to many princes, seigneurs, governors of places, cities, and communities, the knowledge of which and of all disputes which might come out of them has been reserved to the council of His Majesty as it was then necessary to thus employ it.

Edicts and declarations made by those of the reformed religion have brought the retention and judgment of many suits and disputes in the council of the king.

In all [tax] farm leases which were made in the time of the late king for gabelles, aides, and generally in all contracts made for the affairs and finances of His Majesty, there was always a reserve that all disputes which came out of the execution of the said leases should be judged in the council of the king.103

This article was really a catalogue of political necessity. Under the uneasy conditions of pacification during the 1590's, Henry had found it necessary to protect the public peace by granting the right of committimus, or the exclusive right of immediate appeal to

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councillial justice, to various individuals and groups within the kingdom. The religious problem was perhaps Henry's gravest matter of State, and it, too, seemed to demand councillor consideration. In the same way, financial agreements with tax farmers were often delicate arrangements which could not bear the light of examination in regular courts. To shield the confidence and credit of his financiers and to the Crown were easily arranged.

Following this very accurate assessment, Article 4 went on to declare that

Nevertheless, the King wishes and intends that competence over all disputes that might come out of the execution of the edicts and declarations of His Majesty which hitherto have been treated in his council should be returned to the court of Parlement or other courts where the edicts were verified to be there judged and terminated in compliance with that which is ordered by the said edicts.104

The same principle was to apply to tax cases, which were to be taken away from the Conseil d'Etat et des finances and returned to the Cour des aides. The result, Article 6 confidently asserted, would be that "there will be no need to hold so many councils."105

This sanguine expectation proved illusory. The business of the Conseil privé was not permanently diminished, as continued règlements and the articles of the sovereign courts in 1626 testify. Nevertheless, until Marillac's fall, the Crown continued to try, at least on paper, to order the activities of its judicial council. The règlement of

104Ibid.
105Ibid., p. 148.
January 18, 1630, prepared under the conscientious direction of Marillac, meticulously detailed the workings of the Conseil privé and once again attacked the abuses of justice administered in council. For the most part specific paragraphs reiterated past admonitions to proceed under the law. The first section piously reaffirmed the ancient principle that "all affairs which lie in contentious jurisdiction should be returned to the parlements, Grand Conseil, Cour des Aides, and other ordinary judges."¹⁰⁶ No one in the council was to vote or remain seated when issues involving relatives or "special friends" were discussed.¹⁰⁷ Likewise no one was to attend if his impartiality had been challenged by colleagues. Several paragraphs established procedures to be used by the maîtres des requêtes for reporting evocations, appeals, and contested cases in council.¹⁰⁸ Most importantly for the Parlement of Paris, Article 18 declared that "decisions given in the sovereign courts cannot be stopped or stayed [cessés ni surcis] save by means at law provided by the ordinances."¹⁰⁹

Section IV of the 1630 regulation defined "that business which His Majesty wishes and orders for the Conseil privé." Seven of the eight articles contained nothing beyond ordinary and legally sanctioned provision for requests, evocations, and the work of the

¹⁰⁶ Ibid., p. 184.
¹⁰⁷ Ibid., p. 187.
¹⁰⁸ Ibid., pp. 186-87, Articles 9 and 12.
¹⁰⁹ Ibid., p. 187.
the maîtres des requêtes, but innocuously buried in the middle of the section was an extremely important new provision. Article 26 declared that the Conseil privé would be charged with receiving "the remonstrances of the parlements and other courts and affairs concerning justice and the functions of their charges."¹¹⁰ This principle was not new, having previously been confided to the Conseil d'État et des finances, but now the Conseil privé was handed the right to hear and evaluate the remonstrances of the sovereign courts, even though the king were not present. This meant, in effect, that the Conseil privé could judge conflicts between the sovereign courts and the council.¹¹¹

Despite the lack of written règlements after 1630, the power and importance of the conseil privé continued to grow. By 1645 it had acquired the right to hear cases of violations, excesses, imprisonments, and rebellion originating out of the exercise of councillor authority: the ordinances, arrêts du Conseil, judgments of intendants, decisions of the trésoriers de France, and other commissaires. This authority gave the Conseil privé the duty of enforcing obedience to the council and the direct agents of the king in the provinces, thus completing a structure of extraordinary justice from intendant to council. This structure was parallel to, and outside of, the ordinary system of courts. By the end of

¹¹⁰Ibid., p. 188.

Richelieu's ministry, the Conseil privé had become, in Mousnier's phraseology, "an essential instrument of the realization of absolute power." 112

The Parlement and other sovereign courts firmly resisted the growth of councilliar justice and, in particular, that exercised by the Conseil privé. The legal position assumed by the parlementaires at this time was no different than it had been at other times of confrontation with the council. The courts in general subscribed to the broad relationship expressed by conseiller d'État and jurisconsul Cardin Le Bret in 1632:

The parlements have over them the king, assisted by his chancellor and his Conseil d'État in its broad sense from them to receive correction if in something they exceed the power given them, or if they come to do something contrary to the good of His Majesty's service and to the utility of the kingdom. 113

The courts could not quibble with the superior authority of the king, who indubitably possessed the "supreme power bestowed on one alone" and who held the "right to command absolutely." 114 Hence, when the king was personally present in his council, the Parlement and other sovereign courts acknowledged the validity of its decisions. This authority, however, did not extend to the council as an independent body which, without the king's essential presence, had no powers above those of the regular courts. In the mid-1640's, for example, when the chancellor asked Advocat General Omer Talon if he denied

112 Ibid.
the power and authority of the king's council, he replied "that he acknowledged the authority of the King in his council and in his ministry, while he was present there."\textsuperscript{115} Without the mystical presence of the king, the council remained on an equal footing with the Parlement; both were sprung from common origins, the \textit{curia regis}, and neither could claim legal superiority.\textsuperscript{116}

To be sure, the sovereign courts never challenged the power of the \textit{Conseil privé} or the \textit{Conseil d'État et des finances} in certain cases of private law tendered in the ordinances. The councils could suspend decisions of the sovereign courts upon an appeal from one of the parties based on the error of fact (\textit{proposition d'erreur}) or other recognized legal technicalities. In these cases the \textit{maître de requêtes} were expected to examine the appeal and, if found worthy, to report it in the proper section of the council for examination. The council, however, was not supposed to judge the matter itself, but was to annul the decision and return it to the original judges with instructions for retrial as the ordinances provided.\textsuperscript{117} The Council could also evoke an affair upon a request based on the grounds of parente, that is, if the adversaries had relatives or kin among the original judges, if the judges had other interests in the case, or if they had been consulted or solicited by either party. In these instances of inequity or ambiguity, the Council had

\begin{itemize}
\item \textsuperscript{115}Talon, \textit{Mémoires}, p. 152.
\item \textsuperscript{116}Mousnier, "Le Conseil du Roi," pp. 145, 171.
\item \textsuperscript{117}By the Ordinance of Orléans, Art. 45, and that of Blois, Art. 92. Isambert, \textit{Anciennes lois françaises}, XV, 76 and 404.
\end{itemize}
the recognized right to regulate subordinate judges. It might judge
the case itself or commit it to another court. Finally, since only
the king could chose and invest his officers with their public
powers, only the Council could hear cases concerning provision to
office.118

Certainly the Parlement and other sovereign courts had frequent
cause to complain of abuses in these categories of cases. The
councillors often preferred to retain a case in the council and
judge it themselves, rather than return it to a lower court. Fre­
quently, too, the king granted blanket evocation privileges for
various political reasons to tax farmers, courtiers, rebels, the
Huguenots, communities, and diverse individuals. These abuses
were numerous, notorious, and often provoked the courts to remon­
strances, but they never carried the constitutional implications
surrounding the superiority of the Council in questions of public
law, matters of State, and bursal edicts. In these matters there
existed a profound question of how royal arbitraire was to be
exercised. If the superiority of the Council were upheld, a limited
number of the king's appointees could disrupt the traditional
balance between royal authority and the principle of wide counsel.
The question was basic and essential to the struggle to establish
absolutism in France, and it found both legal and institutional

118Mousnier, "Le Conseil du Roi," pp. 175-76; Le Bret, De la
souveraineté du roi, Bk. IV, Ch. II, pp. 490-91.
expression when the Parlement was excluded from public affairs through
the use of councilliary arrêts.

The origin of the struggle over public matters, of course, was
grounded in the absolutistic policies of Richelieu and Louis,
policies which had as their basic premise "that the Parlement had been
established only to render justice to the subjects of the King, and
not to involve itself in affairs of State except when they had been
so commanded by the chief ordained of God."\textsuperscript{119} This objective was
implicit in Richelieu's philosophy of government and was repeatedly
reiterated by Louis and Richelieu in official documents and oral
warnings to the court. Neither King nor Cardinal ever envisioned a
substitution of the Council for the Parlement, or even a systematized
interference in the Parlement's legal jurisdiction. Indeed, there
is no recorded evidence to suggest a radical modification of the
Parlement's historical legislative functions. Besides the necessity
of registering edicts, ordinances, and declarations, the Parlement
could be called on to lend its prestige to declarations against those
in revolt, the grands of the kingdom and their accomplices, and even
members of the royal family. On occasion the court might be
commissioned to deal with some sensitive matters of State, such as
the annulment of Gaston's marriage to Marguerite of Lorraine in
1633, the conduct of an important criminal trial, legal or monetary

\textsuperscript{119} Molé, Mémoires, I, 50.
reform, or consultation over a treaty. But at all times Louis, like his predecessors, maintained that the Parlement should act only on his order.\footnote{Mousnier, "Le Conseil du Roi," p. 173.}

In 1632, just at the height of the struggle between the council and the Parlement, Cardin Le Bret sought to justify the use of the arrêt du Conseil in public matters by propounding soundly reasoned doctrines of councilliar superiority. These were expressed in De la souveraineté du roi, a treatise dedicated to Richelieu and now recognized as the essential judicial expression of absolutism. His argument was based on two points. Conventionally enough, Le Bret thought that the king unquestionably possessed the \textit{dernier ressort} in matters of justice:

Since only God can redress deficiencies and remedy disorders which come into second causes. . . , it is only the king, who represents this divine majesty on earth, who has the right to correct the faults of officers and of magistrates that he has commissioned in his place to render justice to his subjects. The ancients called this sovereign right \textit{extremum judicium}, or \textit{dernier ressort}.\footnote{Le Bret, De la souveraineté du roi, Bk. IV, Ch. II, pp. 490-91.} \footnote{Ibid.}

What was the nature and quality of this ultimate jurisdiction? For Le Bret, the answer was quite conventional and in compliance with current usages in councilliar cases:

\textit{It consists of the judgment of appeals, civil requests, propositions of error [at law], illegality of decisions, evocations, interdictions, and of regulation of judges}.\footnote{Ibid.}
Le Bret then went into a lengthy dissertation on the application of each of these questions, and in all cases concluded that the king in council possessed sovereign authority over all the parlements. Even in the nullification of sovereign court decisions, evocations, and regulation of judges, which Le Bret termed "of the greatest importance," there was no question of councilliar superiority. He firmly declared that

We see that the king has reserved the hearing of them in his council, principally when he has been asked to nullify an arrêt which, it is maintained, has been given contrary to his ordinances, against the public utility, and against the rights of the Crown. ... When this comes about, there is no doubt that the king can declare it null and override it, thus imitating the example of Roman emperors.123

Le Bret also wrestled with the dilemma of the real presence of the king in council. In so doing he acknowledged that the Parlement of Paris enjoyed a distinctly different status than that of the other sovereign courts of France. The presence of the king was expected, but not required, to override its decisions:

I observe that on these occasions a difference is set between the Parlement of Paris and other parlements and the sovereign courts. When it is a question of nullifying an arrêt of the Parlement of Paris, and when the présidents and conseillers making the decision have to be heard to give an account of their arrêt, this ought to be done in the presence of the king [cela se doit faire en la presence du Roy] .... But as to the arrêts which have been given in other parlements and other companies, they are treated in the Conseil d'Estat or privé, although the king might not be present there.124

123 Ibid., pp. 497-98.
124 Ibid., pp. 496-97.
The basis for this traditional observation was "that it is principally in this court that he [the king] has established the bed of his justice with so much renown."125

The context of Le Bret's remarks in this chapter indicate that his conclusions were generally oriented towards matters of private law and administrative decisions. Yet it is clear that he intended that they were applicable to questions of public law as well, for he drew no distinction between private cases, administrative decisions, and questions of public law. In all cases, regardless of subject or consequence, the arrêts of the council were uniformly superior to those of any sovereign court, and only the Parlement of Paris could expect to be heard by the king in person. Even in these circumstances Le Bret was cautious, employing a conditional "ought to be done" rather than a positive "must be done" in the royal presence.

The Parlement saw this limitation in a different way. The judges were aware that their duty lay in reminding the Crown of the law and the rights of subjects and its obligation to respect both. The court maintained that this function was integral with an independent advisory capacity. In 1615 it had pretended to fulfill this role by convoking on its own authority the princes of the blood, the dukes and peers, and great Crown officers to deliberate on the conduct of the State. In this case the judges had even darkly hinted at the removal of Concini, the Queen's favorite. The same sort of independent

125Ibid.
capacity for reform inspired the activities of the Chambre de St. Louis during the summer of 1648. Though opportunities for extremes of independent action were rare during Richelieu's ministry, the Parlement found many occasions to interfere with governmental policy, to frustrate, obstruct, and to negate important legal reform, the trial of a maréchal, prosecution of Richelieu's political enemies, fiscal edicts, and other aspects of the Cardinal's program.

Finding opportunities for spontaneous advice extremely limited, the Parlement usually found it had to offer its counsel through the mechanism of remonstrances on a given issue. The decision to present remonstrances took the form of a juridical arrêt made after deliberation en conseil, that is to say, with all chambers of the court assembled "in council." These deliberations were secret, limited to sworn members of the court, and the decision taken therein represented the will of the whole body. Obviously such deliberations were often contrary to royal wishes, and across the centuries a clumsy and protracted, but rather pragmatic, system of negotiation had arisen to mediate differences between the Parlement and the King.

The first move by the Parlement was usually moderate. The gens du roi communicated the court's opinion to the king, who then had the option of perseverance, moderation, or total concession in his original purpose. In case of perseverance, the king conventionally communicated his insistence through lettres de jussion, a form of the sealed lettre de cachet enjoining the court to obey and outlining reasons for it. Lettres de jussion always originated in the
chancellery, not in council, though the king might have their dispatch debated there. Hence the lettre de jussion was essentially a personal communication of royal will, not a higher judicial decision.

The first known lettre de jussion was issued in 1392, and by the sixteenth century this instrument had lost most of its cutting edge. The Parlement felt free to ignore the letters until the threat of other action presented itself. If the jussion failed to carry the point, the Crown had a variety of choices. Prudent and diplomatic rulers like Henry IV usually attempted to negotiate with the Parlement by summoning a deputation, or by sending a representative to the court to explain the royal position. If the court persisted in its resistance, the Crown was reduced to two alternatives. In rare instances of great need, kings traditionally went to force registration of legislation or to annul the court's action in a lit de justice. This ceremony was rich in legal, symbolic, and psychological meaning. In form the lit de justice was a curious parody of the ancient curia regis. The king entered the court which had been prepared for his coming and, after extensive ceremonials, spoke the royal will through the chancellor or garde des sceaux. The opinions of the assembled judges were then taken following a strict protocol. Since their magisterial functions ceased with the entry of the king, the status of the judges was transubstantiated into the ancient status of councillors entitled to express an independent formal opinion but ultimately required to bow before that of the king as primus inter pares.
Even while expressing royal will, the *lit de justice* was clothed in dignity and public ceremonial. The King had symbolically taken council, appearing personally before the judges to let his will be known among his advisors. During Louis XIII's reign, however, the *lit de justice* began to suffer indignities which eroded its meaning. Responsibility for the degradation must be laid at the door of both Crown and court. After the *lit* of January 15, 1629, registering the Code Michaud, the judges found excuses to continue their deliberations through the ensuing months. Distracted by military campaigning far from Paris, Louis was unable to force the court to acknowledge his will until eight months later. These prolonged discussions tended to subvert the finality of royal authority in the *lit de justice*. On the other hand, after Richelieu's victory on the Day of Dupes, the Crown resorted to *lits de justice* so frequently that the measure was converted into a relatively common method of forcing the Parlement's hand. Between November, 1630, and the Cardinal's death in December, 1642, there were no less than six *lits de justice*, or an average of one every two years. During the period 1631-35 when the bickering between the Crown and the Parlement waxed warmest, Louis held a *lit de justice* each year. In addition, in 1637 Louis went to the Palais on a disciplinary mission to enjoin the acceptance of new conseillers.

126 These *lits de justice* were: on August 13, 1631, to register a decree against followers of Gaston d'Orléans; August 12, 1632, to register a second edict against Gaston d'Orléans; April 12, 1633, to register decrees concerning followers of Gaston; January 18, 1634, to announce governmental policies before the court; December 20, 1635, to register a large quantity of fiscal edicts.
By way of contrast to these techniques, there were two *lits de justice* during Henry IV's rule. One of these had come in 1597 when the government was desperate for funds, the other was held in 1600 when Henry came to the court with the Duke of Savoy to show him the majesty of his Parlement. What is even more striking, Henry had not had to resort to a *lit de justice* to compel registration of the Edict of Nantes, even though the articles were an anathema to the strongly Catholic court. On this occasion, as on others, Henry had been victorious by summoning the court to come to him at the Louvre rather than going himself to force the royal will on the court.

At best, however, the *lit de justice* had limitations as an instrument of compulsion. In abstract terms it satisfied the court's pretensions to the expression of council, but in reality *lits* often did nothing more than offend the judges and stiffen their resistance. Moreover, the king had to be present in person, and many times this was impossible or impractical. In these instances, the *arrêt du conseil* offered a potent second alternative. Assuming that the Parlement had already issued an *arrêt* of its own, an *arrêt du Conseil* could judicially quash the Parlement's ruling and substitute that of the council. The councillors' *arrêt* was legally unimpeachable if made in the king's presence, wherever he might be; absolutistic doctrine such as that of Le Bret went further and held that the council as a body held precedent over the court whether the king were present or not.
Only after all legal manoeuvres had been exhausted did relations between the Parlement and the Crown degenerate into an exercise in the application of force majeure. If a lit de justice or an arrêt du Conseil failed, the Crown was reduced to a single dramatic but unpalatable and rather ineffectual gesture: it would order the arrest or exile of those spearheading opposition in the court. A move like this, however, was a touchy operation fraught with hazardous consequences, for if matters were pressed to this point, the Parlement actually had the upper hand. It usually had public opinion on its side, especially in financial controversies, and it could easily retaliate by calling a judicial strike and throwing a monkey wrench into the business of high justice. For any chance of success, the number of judges punished and their selection was a matter of considerable discretion. The group had to be large enough to symbolize royal intentions but small enough to minimize the antagonistic reaction within and without the court. The court could not be put out of business by a suspension en masse. Moreover, it was imperative to strike at the genuine ringleaders within the Parlement, and this was not always easy to do, since a rule of secrecy was presumed to prevail for discussions en conseil. In sum, the efficacy of force, however judicious, was always dubious.

It is significant that while Richelieu was willing to underline his determination by employing these kinds of measures, he was also aware of their limitations. The timing, extent, and severity of arbitrary measures was always characterized by moderation, selectivity, and a willingness to negotiate. No more than six judges were ever
ordered out of Paris at any one time. No judge was ever humiliated—
or given the chance to become a martyr—by confinement in the
Bastille or Vincennes. The usual circumstances of exile corresponded
with those of house arrest today, since the magistrates were ordered
to remove themselves to their country houses.

That the extreme of exile was reached six times during the
decade 1631-1641 is a revealing indicator of the tensions playing
between the Crown and its high court. Until Richelieu's ministry,
any kind of coercion beyond the _lit de justice_ or _arrêt du Conseil_
had been extremely rare. Francis I had succeeded in breaking the
Parlement's resistance to the Concordat of 1516 without carrying out
threats to establish another _parlement_ or to have the Parisian
judges "scamper after him like the _Grand Conseil._" After Francis
returned from captivity in 1526, he had disciplined the _procureur_
général and three other judges by suspending them from their
official duties for six months, but the judges apparently suffered
no other indignities. In any case, on this occasion the King's
objective was a chastisement for past actions rather than an attempt
to coerce the passage of legislation or to slam the door on a
decision of the court. Other examples of interdiction could be
found during the sixteenth century, notably in 1561 when First Presi-
dent Gilles le Maistre had been relieved of his duties. The first
recorded example of the exile of a judge came in 1597 when Henry IV
ordered Jacques Riviere outside the _vicomte_ of Paris for six months
for his opposition to the registration of fiscal edicts.127 Thus,

127See _supra_, Chapter II, p. 92.
as with councillian justice and the *lit de justice*, the repeated employment of purely arbitrary measures to control the Parlement indicates not a new technique of government but a new determination to limit the role of the Parlement in formulating public policy. The Parlement, on its side, showed itself willing to go to greater extremes of obstinacy than ever before to block the growth of royal power.

Richelieu's employment of *commissaires* and other forms of extraordinary justice also reflect a conventional and traditional solution to immediate administrative needs. As seen in Chapter IV, Richelieu saw in the charge of *lèse-majesté* an effective legal weapon against all kinds of real or suspected resistance to royal authority. The accusation was flexible. It would serve equally well against the conspiracies of *les grands*, religious rebels, pamphleteers, and, in general, all those deemed in opposition to the king. For prosecution and trial, however, the accusation required at least the formalities of judicial proceeding, and given the usual prerequisites in such cases—haste, surety, and political reliability—the simplest and most effective alternative to regular courts was to deliver them into the hands of commissioned judges. The magistrates were quick to see the implications in the extended use of *commissaires*, and after the Day of Dupes this quickly became one of the focal points of *parlementaire politics*.

The nuclear issue at stake in the creation of *commissaires* was closely related to the extension of the council's powers. Like the various forms of councillian justice, the powers granted through
a royal commission were an expression of *justice retenue*, the quality of sovereign justice retained in the king's hands. The exercise of *justice retenue* in this way had troubled the monarchy for centuries, and, in form, the problem under Richelieu was no different from the past. Expressed most simply, the Crown maintained the untrammeled right to institute or commission agents of justice as it pleased, and to invest them with the absolute authority of the king over regular officers.

The most articulate spokesman for the employment of *commissaires* in absolute government was Cardin Le Bret. In Book II of *De la souveraineté du Roy*, Le Bret developed a justification for their use which brought together several essential, perhaps one should say crucial, arguments concerning this expression of royal authority. In Chapter I, Le Bret addressed himself to the question of the delegation or retention of judicial powers and the appointment of royal officers. In concert with his contemporaries, Le Bret acknowledged that

there are principally three kinds of officers which the king employs in the administration of his kingdom, to wit, those of judicature, of war, and of finances. I will treat separately their functions to show that they depend absolutely on his sovereign authority. But before going on, it seems to me that following this discourse I am obliged also to speak of *commissions extraordinaires*, because it is a right of sovereignty, which takes its source from it, which gives kings the power to institute such officers as seems proper to them.\(^{128}\)

In short, the right to create officers found expression in two ways, through the creation of ordinary officers such as the magistrates of

the Parlement and through the granting of commissions. There was no difference in the origin of the two types of agents; both had their wellspring in the sovereign power of the king to appoint officials.

Up to this point Le Bret's argument remained more or less conventional and within recognized bounds of public law. When defining the qualities, authority, institution, legality, and relationship of commissaires to other officers, however, Le Bret expounded an exceptionally absolutistic doctrine. A conseiller d'Etat himself, Le Bret tied the question of independent commissaires to the authority of members of the council. There were, he maintained, two sorts of commissions: one is perpetual and attributes to commissaires to rank and dignity for all time. One sees it in the governors of provinces, conseillers, and secrétaires d'Etat, who even have the right to qualify themselves as chevaliers. The other is only temporary and for the expedition of certain affairs.129

Even if the commission were only a temporary one, however, perhaps as an intendant or as a trial judge, it "gives to commissaires a rank more elevated than that of the officers whose charges they exercise during their interdiction."130 According to Le Bret's reasoning, this is "because they represent more particularly the person of the prince, in whose name they act, and because it is a maxim of canon law that Omnis delegatus major est ordinario in re delegata."131

129Ibid., pp. 150-51.
130Ibid., p. 151.
131Ibid., p. 151.
What were the parameters for the delegation of power through the commission? For Le Bret the process was quite simple:

It is necessary that they [any commissions] specifically delineate the power that the king gives to the commissaires, and no person of whatever quality that he might be can obstruct their execution, revoke them, or restrain them without injuring the royal authority. It is sufficient that they be published and signified.132

Publication in a sovereign court was not required; the fact of documentation and royal seals alone was adequate to authenticate transmission of power. In brief, the delegation process was virtually unrestricted, and such commissions enjoyed sure superiority over any regular officers superceded (in Le Bret's words, "interdicted") by the commission.

And what of the legal prohibitions against commissions and commissaires found in the royal ordinances? Le Bret acknowledged that the ordinances superficially prohibited the issuance of commissions. But most significantly, he argued that there was a difference between the provisions of the ordinances in cases of private law involving only individuals and the application of the law to public affairs. Once again Le Bret interpreted the legal limits to royal authority in a broad and absolutistic fashion:

I know that by the Edict of Blois, Article 98, that one could infer that the king tied his hands not to give such commissions, desiring that each case be returned to the officers who should naturally have competence over it. But he intended to prohibit them only for private affairs which go no further than the interest of individuals, because on

132Ibid., p. 150.
these occasions it is unreasonable to change anything in the order which has been established by usage and the ordinances, and not when it is a question of public affairs which concern the State. There is no doubt that since he has reserved the hearing of these for himself, following the edict of Charles VIII, that he can commission such persons as seems proper to him to hear them.  

The legal basis for Le Bret's argument was grounded in the principles of Roman law which since the medieval period had been utilized to strengthen the sovereign principle. In this instance the seventeenth century jurisconsult argued that the difference between private and public affairs, and thus the difference between officers and commissaires,

had been introduced after the example of Roman law, which set up a difference between affairs which fall into ordinary jurisdiction and those which affect the public. The hearing of the former should belong to the officers, jure Magistratus, and the hearing of the latter, a lege tantum, vel a Principe dabatur, that is to say, by commission.  

The argument was a perfect legal complement to Richelieu's philosophy of reason of State. Like the minister he served in the council, Le Bret posited the status of the State as distinct from, and superior to, the individual's place. The State's powers were embodied in the king's person, and he alone could determine the delegation of those powers.

Le Bret spoke in terms of royal authority and the prerogatives of that authority. The Parlement's business, on the other hand, was the rendering of justice. Limited in their arguments at law

\[133\text{Ibid., p. 149.}\]
\[134\text{Ibid., pp. 149-50.}\]
by the ultimate sovereignty of the king, the judges preferred to base their remonstrances about *commissaires* on the fundamental principles of moral justice and good kingship. Its major sentiments on the issue had been made known in the well-known remonstrances of 1615, but surviving examples from the heated exchanges of the 1630's are rare, largely because remonstrances, while expressing the court's official stand, were not normally committed to the registers. Survival of the text of remonstrances was thus left to chance and became problematical. Nevertheless, some of the Parlement's chief premises emerge from a manuscript preserved in the private papers of Nicolas de Bellièvre, son of Chancellor Pomponne de Bellièvre and a président à mortier between 1614 and 1642. The piece is almost certainly the first remonstrance against the *commissaires* of the Chambre de l'Arsenal, established by edict on June 14, 1631. Evidence in the form of Bellièvre's letters to and from garde des sceaux Chateauneuf indicates that the judge prepared

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135 Untitled piece in B.N. Ms. fr. 18415, "Memoires, discours, correspondance et papiers divers de Nicolas de Bellièvre," fols. 24-31v. While the exact date of preparation is uncertain, internal evidence in the piece and in following letters places its composition during the latter part of September or early October of 1631. The official standing of the essay is somewhat difficult to describe. It represents the opinion of Bellièvre and the Chambre des vacations, but neither the président à mortier nor the Chambre des vacations could represent the entire Parlement on an issue of this importance. On the other hand, the ensuing action of the Parlement after November 11 certainly shows that Bellièvre's memoir accurately represents the sentiments of the whole court towards the Chambre de l'Arsenal.
the memoir on behalf of the Chambre des vacances which was sitting when the Chambre de l'Arsenal became active.\textsuperscript{136}

Bellièvre's theme, couched in customary Baroque flourishes, pursued a philosophical rather than strictly legal course. The principles of justice and good kingship required an end to the practice of commissaires, which was injurious to the Parlement and to the monarchy. "Petty princes and conquerors are somewhat excusable if they use them for a certain time," Bellièvre began, but great kings, established by God, cherished and revered by the people, possessing their scepters in all assurance through a long contiguous series of successions, resembling the sun in its summer solstice . . . gladly leave their subjects the liberty and security which is most commonly found before ordinary justices. If this abuse [of commissaires] began to appear within their States, there is no doubt that they would immediately have it pulled out by the roots, since there is nothing which could more quickly destroy credit before their people . . . and which would most powerfully alienate the hearts of their subjects.\textsuperscript{137}

Henry III had acknowledged this principle in establishing the Ordinance of Blois which had wiped out the "new abuse" of commissioned justice and restored "the former law of the kingdom." Justice was essential to the well-being of the State, but it was also necessary that the justice be meted out by respected judges:

It is highly important to the reputation of Your Majesty that evildoers be punished. There is nothing more necessary in a State, but the intention [of justice] is not to eliminate their persons. Rather it is the example that the public receives from it. If judgment is rendered by commissaires, even should

\textsuperscript{136}See the five pieces of correspondence dated September 23 to October 4 at B.N. Ms. fr. 18415, fols. 32 through 40.

\textsuperscript{137}B.N. Ms. fr. 18415, fol. 24v°.
it be the most just in the world, the result would be entirely
lost because no one would be convinced that justice had been
done.138

Commissioned justice could not possibly encourage the credit and
credence that justice required from the king's subjects. "How
could this credence of subjects be universally received by everyone,"
the remonstrance asked, "when an accused is given certain pliant
judges?" Not only was he deprived of his "natural judges and not
sent before another regular company," but "these commissaires
might even be chosen from different places, to judge without appeal
in a place where they had never assembled before and would never
be seen again."139

The remonstrance terminated with a standard article of
parlementaire doctrine: no court or commissaires could serve the
purposes of justice better than the Parlement. Moreover, the usage
of "chosen judges" had sometimes been tolerated, "but it must be
recognized that to soften the rigor in the eyes of the people,
their commissions were addressed to the parlements, to be there
verified."140 Verification in the Parlement satisfied two require­
ments. By making the commission known to the court, regular judges
could ensure that it was used according to its intended purpose. It
also served as an opportunity to examine the qualifications of the
commissaire:

138 B.N. Ms. fr. 18415, fol. 24v°.
139 B.N. Ms. fr. 18415, fol. 25.
140 B.N. Ms. fr. 18415, fol. 26v°.
Inasmuch as to honor an officer with a commission is to give him a new title and an approbation of his conduct, it is highly important that he pass this examination in his company, the which, seeing him named in the letters of the commission, can make known the difficulties which might be imported for His Majesty's service and for the honor that should proceed out of it.

The checks proposed by Bellièvre would have in effect given the Parlement power to review and to delay the execution of royal commissions. The judges might also insist that members of their own body be entrusted with important commissions, particularly those of criminal trials. Medieval and Renaissance monarchs had sometimes agreed to this policy, yet often they had preferred to avoid selecting parlementaire judges. The latter tendency was firmly established as the Parlement more and more came to show itself independent of Crown policy under Richelieu's ministry.

The problem of commissioned justice was but one aspect of the complex problem of the institutional establishment of absolutism in the French monarchy. Closely, perhaps inseparably, associated with it were other manifestations of absolutism such as counciliar government, the intendants, extraordinary fiscal expedients, and vigorous measures to contain the independence of the Crown's high officials. Varied the techniques of absolute government were, and equally varied were the responses evoked by them from the diverse orders of seventeenth century society. No group, however, was more directly affected than the bureaucracy, and no group within

141 B.N. Ms. fr. 18415, fol. 26v°.
the bureaucracy was more affected than the Parlement of Paris. For the judges, absolutistic government meant a gross distortion of the fundamental qualities of justice, good kingship, the rule of law, and respect for individual and corporate privilege; evocations, interdictions, arrêts du Conseil, lits de justice, arbitrary arrests and exile, commissaires, and finagling of the paulette represented particularly intolerable abuses of sovereignty. The Crown, conversely, took a different view. Richelieu's philosophy of reason of State held the same practices to be justifiable, necessary, and legally defensible procedures to compell obedience, and thus to bring glory and grandeur to king and kingdom.

Since the principles of precedence dominated French public law, Crown and court were well aware of the roles each had played in the past, but neither could possibly see their struggle in the 1600's as institutional historians can today. That view, longer by several centuries, properly puts the clash in the continuum of persistent historical dilemmas confounding the administration of justice in the monarchy since the fourteenth century. It is an intensification of this continuing dichotomy between the attractions of administrative justice and customary legality, rather than any "administrative revolution" during the ministry of Richelieu, which perhaps best characterizes the play of constitutional tensions during the period 1624-42.
CHAPTER VI

POLITICS AND THE PARLEMENT: I

On April 29, 1624, Armand Jean du Plessis, Cardinal de Richelieu, was introduced into a meeting of the royal council, then attending the King at the ancient chateau of Compiegne. Richelieu's entry was an unpleasant surprise for at least some of the councillors present, it being widely thought in court circles that the King was indifferent, even antagonistic, towards the Cardinal. In fact until recently this had been true. Louis had changed his mind in deepest secrecy, and the decision had only been made known to Richelieu during the preceding evening. Louis' reluctance had been overcome primarily through the maternal influence of Marie de Medicis and in spite of the best efforts of La Vieuville, then directing the finances, and old Marshal Lesdiguieres, former favorite of Henry IV. The councillor nomination was the culmination of a long and assiduous cultivation of the Queen Mother, who alone could persuade Louis that his initial distrust of Richelieu was without foundation. The most immediate reward for the Cardinal's diligence, ambition, and artful manipulation, however, was anticlimatical. This first council meeting was distinguished by nothing other than a squabble over precedence that would have been totally insignificant had it not resulted in Richelieu's assumption of the second place at the council table, next to that of Cardinal La Rochefoucauld. La Rochefoucauld, afflicted with the burdens of old age, soon
retired from the council and left the unofficial, but meaningful, place of first minister to Richelieu. With the disgrace and arrest of La Vieuville in August, Richelieu's primacy was virtually unchallenged.\(^1\)

Richelieu's introduction into the ministry caused hardly a ripple on the then tranquil waters of parlementaire politics. During the spring and summer of 1624, the Parlement, then under the leadership of the placid and scholarly Nicolas de Verdun, was occupied with routine business, and it would be several years before the stirrings of royal power began to disturb the court's relations with the Crown. The domestic politics of the era were complex in the extreme, yet the initial serenity of the new ministry is fairly easy to account for. While Louis' authority was at a low ebb, and the government in serious financial need, Richelieu's alternatives in regard to the Parlement were really quite limited. His immediate concern was to protect and enlarge his foothold in Louis' confidence, an undertaking incompatible with an aggressive, risky policy towards those in the Palais de Justice. Additionally the circumstances of 1624 and 1625 drew Richelieu's attention towards foreign affairs, notably the area of the Valtelline passes and the arrangement of an English marriage for Louis' sister Henrietta. Even if Richelieu had been willing to confront the court with controversial legislation, the state of the council would have made a coordinated policy difficult. The chancellors of

\(^1\)Burckhardt, Richelieu, His Rise to Power, p. 158-60.
the 1620's—Sillery until June, 1624, then D'Aligre—were not men of Richelieu's confidence. D'Aligre, a cipher, was inclined to avoid confrontation with the Parlement. Michel de Marillac, who could hold a tough line with the magistrates, was not made garde des sceaux with custody of the seals until in the summer of 1626. Lastly, the council as a whole favored a conservative, careful financial policy made possible by a lull in religious and noble civil war. Until 1627 a line was held on taxes, the Parties casuelles, and extraordinary revenues, and instead of these measures a chambre de justice was instituted in October, 1624, to fill the royal coffers.2

The formation of the Chambre de justice and the Parlement's reaction to it were characteristic of the first two years of Richelieu's ministry. The Cardinal's Mémoires indicate that he conceived the notion of a proceeding against the Crown's creditors during the summer of 1624.3 An investigation of this nature was almost perfectly tailored to the needs of the moment. The financiers were uniformly disliked and distrusted throughout society, and any move against them would likely have popular approval. From the government's standpoint, too, the opportunity could not have been better. The Crown was in desperate need of money, yet its most pressing needs, those of the military, were temporarily in

2Ibid., pp. 160-91; Lublinskaya, French Absolutism, 1620-29, pp. 272-326.

3Richelieu, Mémoires, II, 345; Lettres, II, 178. The Mémoires indicate that the decision was taken soon after La Vieuville's removal as surintendant des finances on August 12, 1624. The establishment was debated for several days in council, during which time Richelieu actively argued in favor of it. His views are exposed at length in the Mémoires, II, 345-48.
abeyance after the peace of Montpellier, signed with the Huguenots in 1622. At the same time, however, Richelieu's future plans for an excursion into the Valtelline area in 1625 hinged on finding new funds. The sources were limited. It was impossible to raise taxes, already at the breaking point, and additional extraordinary revenues were a delicate proposition, as was any tinkering with the paulette. The natural solution was a chambre de justice, an investigation into the business dealings of the Crown's chief financiers which amounted to a government-sponsored blackmail operation in the King's interest. From the beginning the Crown never intended to delve into the financier's bookkeeping but to threaten them with fines and exposure before the public eye. Rather than have their books audited and their personal reputations besmirched, most of the financiers would prefer to compound their obligations in secret negotiations which would net substantial sums for the royal treasury. In one expeditious operation the people would be pleased, a good moral example set, the treasury filled, and the rapaciousness of the financiers discouraged. So ran reasoning within the council in the summer and fall of 1625.4

4Richelieu, Mémoires, II, 345-48, has a long and detailed exposition on the advantages to be gained from the Chambre. Glasson maintained that Richelieu hoped to make the Chambre permanent and that the Parlement objected. Le Parlement de Paris, I, 133. This thesis is not substantiated by the Mémoires, the Testament politique, Richelieu's papers, or by the registers of the Parlement. Glasson undoubtedly drew his conclusion from Richelieu's similar proposal to establish a Chambre de justice which would tour the provinces and receive complaints about abuses in the regular courts and parlements. See Lettres, II, 178, and supra. p. 160.
Although it was a financial bench, the Chambre de justice required the approval of the Parlement because it would make an important judicial inquiry in Paris with the King's sovereign authorization. For several reasons, however, the court was quite willing to accept the establishment. The judges loathed the financiers as leeches living off the King's tax farms, enjoying immunity from prosecution behind the council's skirts, and acquiring great wealth which they used to advance themselves socially. For these reasons and others, in the great remonstrance of 1615 the judges had asked Louis for "an exact and serious investigation of malversations committed in his finances by those who have the management and disposition of them." This investigation had never taken place, and the thieving went on. Hence, in 1624 the magistrates regarded such an examination, even one undertaken by a specially constituted court, with favor. The judges, too, could console their legal consciences with the thought that the Chambre, while prostituting justice in a most inequitous way, did have several precedents. Similar chambres de justice had been constituted several times in the sixteenth century and under Henry IV in 1597, 1601, and 1607.

5See Dent, Crisis in Finance, pp. 113-231, for the truth and the fiction surrounding the financiers in society.
6Molé, Mémoires, I, 49.
Thus when the judges received two royal declarations dated October 21, 1624, "erecting and establishing ... a chambre de justice composed of the officers of our sovereign courts," the magistrates were favorably disposed towards the letters. The Crown's method of approach to the Parlement, the explicitness of its legislation, and its selection of the membership of the Chambre further insured that no objections would be forthcoming. The declarations meticulously detailed the purposes and objectives of the new bench in a way that made the King's intentions crystal clear, thereby soothing fears that the chamber might be perverted to other ends. The first edict set out that the chamber was to prosecute the officers to finance, their staffs, and those in charge of extraordinary levies made since 1607. This was extremely important, because the King wished "that the judgments which will be given by the said number a quorum of at least seven judges should be of parallel force and virtue as the decisions of our sovereign courts." The Chambre de justice, in other words, would temporarily act as a sovereign court with the same binding quality as the ancient sovereign courts.

Perennial jealousies and anxieties could easily have been aroused by a jurisdiction like this had not the Crown further

8 The declarations are Actes royaux, F.46949, nos. 23 and 24. Lettres de cachet and correspondence relating to the establishment of the chamber are in Molé, Mémoires, I, 334-38.

9 Actes royaux, F.46949, no. 23, p. 7.
allayed fears by sending the Chambre's commission to be verified in the Parlement. This second edict indicated that the commissaires would "investigate civilly or criminally in first instance ... all causes ... concerning the said faults and malversations born by our [accompanying] letters." The judges were to work at the chamber and not their regular duties; they were to pursue abuses and malversations wherever found in the kingdom; they had permission to travel as need be; they could sub-delegate their authority. Cases of over 1500 livres could be appealed to the full chamber; those under 1500 livres could be judged with an appeal to six of the officers of the chamber. Full power was given over other sovereign courts:

To do this we have given and give you full power, authority, commission, and special mandate: informing and ordering the staff of our courts of Parlement, Grand Conseil, Chambre de nos comptes, Cour de nos aydes ... (and all other courts) to which it appertains, that you should be obeyed in this; and to all their prévôts, their lieutenants and archers ... to execute your decrees, ordinances, judgments, and decisions.

The commission listed twenty commissaires by name, fifteen of whom came from the sovereign courts of the kingdom and five from the maîtres des requêtes. The Parlement would send two deputies: Henri de Mesmes, seventh président à mortier, and Pierre Gayant,

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10 Actes Royaux, F.46949, no. 24, p. 5.
11 Ibid., p. 6.
conseiller and président aux Enquêtes. Presidency was entrusted to Chancellor D'Aligre with René de Maupeou, conseiller d'État, directing prosecution in the King's name.12

Presentation of the Chambre's creation and commission fully satisfied the Parlement. On October 23 the court ordered unrestricted registration of both letters "according to their form and tenor."

As a reference and precaution for the future, though, the judges wrote a complete summary of the legislation into their registers.13

The chamber opened its meetings on October 30 and sat for more than six months, during which it judged numerous financiers. The court's registers and Molé's Mémoires maintain a total silence on these operations, indicating that the commission maintained good relations with the Parlement. This held true even though the original membership of the commission was modified during the course of its investigations.14 These probes were successfully completed by the middle of April, 1625. On the 25th of that month Robert Arnauld d'Andilly, a former conseiller d'État with reliable governmental contacts, recorded the extent of the chamber's success in his journal:

12 Ibid.

13 B.N. Ms. fr. nouv. acq. 9890, fols. 24-25, October 23, 1624.

14 The seven judges from the provincial sovereign courts never attended, and their place was taken by Marillac and De Roissy, conseillers d'État, and Champigny, surintendant des finances. Richou, Histoire des commissions extraordinaires, p. 102.
The composition with the financiers comes to VII million IIII thousand livres, Mf De Beaumarchais, La Barre, D’Onon and Aubret (condemned) excepted. --Since [this time] Mf Beaumarchais has made his agreement at 2 millions of livres, in payment of which sum he gave up his office of tresorier de l'espacegne which the King in turn sold to Mf Paven for 1 million livres.  

Having thus squeezed the King’s creditors, the Chambre was dissolved in May, 1625. The Parlement was notified by means of a lettre de cachet on May 16, but it delayed registration of the lettre and accompanying declaration until June 2.  

The court had been receptive to the Chambre de justice because of its timeliness and public popularity, because it had been duly submitted for examination, and because it increased revenues without increasing taxes. The same receptivity, however, did not always apply to other financial expedients such as rentes and creations of office. In times of need the Crown leaned heavily on these measures for extra income, but because of their wasteful and burdensome nature, the Parlement usually subjected them to through scrutiny. As a general rule, unless the legislation was exceptionally controversial, the court eventually gave its approval. Sometimes, however, the verification process was rather leisurely, either because of the pressure of other business or through fault-finding of the judges.

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16 B.N. Ms. fr. nouv. acq. 9890, fols. 56, 58-61, May 16 and June 2, 1625; Actes royaux, F. 46952, no. 10.
The court's hesitancy to approve additional rentes was evident in November, 1624, when the Crown presented an edict creating 500,000 livres of rentes to be issued by the Hôtel de Ville of Paris on the revenues of the gabelles. The Parlement delayed consideration until December 20, when it decided it would not proceed to the verification. By the 10th of January, though, the court had changed its mind. Then it decided to register, but only with the formula "at the very express commandment of the said seigneur King and after the said commandment was several times repeated," and under the condition that revenues coming from the sale would actually be used to defray expenses of war, government, and armies, and none others. Très humbles remonstrances were also to be sent stating the reasons for these actions. These gestures were more or less standard procedure for the court, indicating that while displeased it was willing to concede to the Crown with a statement of its opinions.\(^{17}\)

The Parlement was more reluctant than usual to approve a creation of offices proposed during the spring of 1627, even though at this time a fresh Huguenot uprising centering on La Rochelle had been gathering headway for months. At this date, of course, no one could have envisioned the lengthy siege operations which were to come during the fall and winter of 1627, yet everyone knew that the King would need money for suppression of the rebellion. Accordingly,\(^{17}\)

\(^{17}\) B.N. Ms. fr. nouv. acq. 9775, fol. 298; Molière, Mémoires, I, 337, n. 1.
in April, 1627, the Parlement was presented with a fat package of edicts creating a multitude of new offices. Among them was a scheme to double the staff of the présidiaux and prévôtes courts in the ressort of the parlement by putting them on a semestrial basis. Half of the officials in these courts would serve from January to June, the other half July through December. Another edict multiplied the staffs of the trésoriers de France and the généraux des finances; a third added a clerk to the clerical staff of all courts and jurisdictions in the kingdom.\textsuperscript{18} Without explaining itself, the Parlement ordered on May 14 "that it should not and could not proceed to the verification of the said edicts."\textsuperscript{19} Two lettres de jussion in close succession failed to move the judges, who on June 7 decided once again to persist in their deliberations.

Two of the edicts, those concerning the financial bureaus and the clerks, were finally registered on June 28.\textsuperscript{20} A final decision on the edict concerning the semestrial system in the lower courts cannot be found, and it was probably withdrawn at a later date.

\textsuperscript{18}B.N. Ms. fr. nouv. acq. 9890, fols. 212-13, June 7, 1627. The registers for this date contain a synopsis of the April edicts, two of which can be found in printed form as Actes royaux, F.46959, no. 2, and F.46960, no. 2.

\textsuperscript{19}B.N. Ms. fr. nouv. acq. 9890, fol. 213, June 7, 1627.

\textsuperscript{20}B.N. Ms. fr. nouv. acq. 9890, fol. 213, June 7, 1627; Actes royaux, F.46950, no.2, and F.46960, no. 2.
While primarily occupied with foreign affairs for the first two years of his ministry, Richelieu began to turn his attention to domestic affairs in earnest during 1626. Upon entering the ministry he had promised Louis, in the words of the Testament politique, to "humble the great nobility." The opening moves in the campaign to fulfill this promise were meant to instill respect for the King's law among those of the Second Estate by strengthening dueling laws and by ordering the leveling of strongpoints from which nobles could defy the government. The Parlement's registration and enforcement would be necessary to put teeth into these laws, but since they would strengthen the efficacy of royal law and the king's authority without challenging any prerogatives of the magistrates, the judges were inclined to support them. Hence, in seeking the court's approval, the risks of a collision were low and the rewards of success high. Louis, especially sensitive to public violation of his authority and ever determined to have himself obeyed, was in full agreement with his chief minister.

Richelieu's impulse to combat the practice of duels was fundamental if the nobility were to be subjected to the king's will, for the problem was at the same time both symbolic and a very real manifestation of the nobility's insubordination. Antique custom permitted gentlemen to carry swords, and manners just as ancient encouraged their use in affairs of honor. In feudal times the sword had been essential to the feudal code of honor as well as the battlefield, but by the seventeenth century it had become largely...
symbolic of the past and thus of the honorable lineage of the bearer. Nevertheless, gentlemen continued to consider it their privilege to wield their weapons in the settlement of private quarrels, and thousands of noblemen so destroyed themselves each year. The net result was more than a senseless slaughter. The practice of dueling set nobleman above the law by allowing him the privilege of personal justice, which inevitably became the right to murder on certain occasions. Cardinal Richelieu was aware of the problem in a painfully personal way, for his older brother had died at the hands of an unscrupulous duelist in 1619. As churchman, too, Richelieu was obliged to take an active stand against the custom, and he encouraged Louis to do the same. As he advised the King in 1629, "One could truthfully say that His Majesty and his council will answer for all the souls lost in this diabolical way if they do not prevent them by the rigor of the penalties due such a crime."  

Under these circumstances one of the Cardinal's first acts upon assuming office was to renew past injunctions against dueling. By a declaration of June 25, 1624, Henry IV's law of 1609 against dueling was confirmed. The declaration, however, went unheeded.  

21The death of Richelieu's brother is described in Burckhardt, Richelieu, His Rise to Power, pp. 130-31.  


23Isambert, Anciennes lois françaises, XVI, 146. This edict was registered in the Parlement on July 1, 1624. The edict of 1609 is given in Isambert, anciennes lois françaises, XV, 351-58.
Affairs of honor continued unabated, and by 1626 the failure of past policy became evident. "Duels had become so common, so ordinary," Richelieu wrote of the period, "that the streets began to serve as fields of combat, and as if the day were not long enough to exercise their fury, they fought under the stars or by the light of torches which served them as a fatal sun." Recognizing the failure of past legislation, Richelieu determined on a modified approach. Until this time the king's law had automatically branded all duelists as criminals of _lèse-majesté_ and uniformly required the death penalty for all participants, including seconds, even in engagements not resulting in a death. Richelieu reasoned that this severity was too rigorous because its inflexibility made enforcement difficult in cases where no loss of life had occurred, or where guilt was not clearly established. In these cases forfeiture of liberty, honors, _charges_, and social position would be much more effective.

The declaration presented to the Parlement in March, 1626, closely conformed to these thoughts. The simplistic uniform death penalty was abandoned and all former offenders pardoned in virtue of the marriage of the King's sister. Having wiped the slate clean, the edict substituted a graduated scale of punishments which acknowledged the complexity of the offense. Henceforth, all duelists would be subject to loss of public office, royal pensions, and

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24 Richelieu, _Mémoires_, III, 40.

confiscation of a third of their property. "Principal authors of the crime" stood to lose more: confiscation of half of their property and a banishment from the kingdom for three years. Repeat offenders, those who killed an opponent, or those who "cowardly" urged their seconds to join the combat were liable to "irremissible" derogation and execution since they fought by intention. Judgment of dueling crimes was specifically confided to the parlements, which were solemnly promised that the Crown would refrain from issuing letters of grace nullifying their decisions. In the future all gentlemen were expected to peaceably submit insults and questions of honor to ad hoc courts of peers which would hear the issue and exact such satisfaction as they deemed appropriate. Those who refused amicable arbitration were to suffer imprisomment and the loss of the privileges of nobility. In these ways Louis made it clear that violation of his law would certainly result in the loss of dignity, honor, and office, and, in more extreme cases, one's life.26

The Parliament's reaction to these propositions was rather interesting. Historically the court was well aware of the problem of dueling and its prohibitions. In the remonstrance of 1615 the judges had asked that

26Isambert, anciennes lois françaises, XVI, 175-83; Herr, Richelieu's Fight Against Duelling," p. 283.
the edicts and decisions imposed against dueling should be observed and upheld, under which the guilty should have no grace and abolition [from the king], [it] being a regrettable thing that so many edicts and declarations verified in your Parlement remain without execution and that the blood of your nobility, which should be conserved for your Majesty, is so often spilled for light and frivolous occasions.27

The court was particularly concerned about the frequency of royal pardons for such serious crimes, and modern research in the criminal registers of the Parlement seems to substantiate the judges' argument that all too often royal pardons undermined the efficacy of Henry's laws.28 Yet when the declaration of 1626 was presented to the court, the magistrates balked at verification on the grounds that the more realistic and enforceable penalties in it were too mild. The judges were quite willing to accept the categorical

27Molé, Mémoires, I, 40.

28According to research recently published by François Billacois, the Parlement was fully justified in complaining about the frequency of royal letters of grace pardoning dueling offenders. After the edicts of 1602 and 1609, the duel was officially a crime liable to prosecution and carrying a capital penalty for guilty parties. Billacois surveyed the criminal registers of the Parlement between 1600 and 1624, finding fifteen trials for duels or similar crimes in which a man had been killed. Decisions could be found in nine of the cases. Two of the nine were condemnations. One cleared two brothers previously adjudged guilty in exchange for 80 livres "charity for the prisoner's bread" and court costs. The other, more severe, confirmed an earlier sentence of a six year banishment. The other seven decisions all confirm royal letters of remission accorded by the sovereign. "Thus," says Billacois, "the dominant note of these verdicts for mortal duels is indulgence and even pardon." "Le Parlement de Paris et les duels au XVIIe siècle," in Crimes et criminalité en France sous l'ancien régime: 17e et 18e siècles, Cahiers des annales, no. 33 (Paris, 1971), pp. 33-47.
pardon for past offenses, but remonstrated that His Majesty should not modify the rigor of preceding edicts. In short the court preferred the austere inflexibility of tradition, however unworkable that might have been, to any softening of sentences according to circumstances. Upon hearing the magistrate's views, Richelieu urged Louis to persist, saying

that the councils of prudence should come from few men, and that the great companies were only good for compelling the observation of a written rule. The reason was that since good spirits are much less in number than the mediocre or the poor, the multitude of those in the last two categories smothered the sentiments of the first in a great company.29

Louis followed Richelieu's advice and sent the Parlement a jussion, in virtue of which the edict was verified without further debate on March 24.30

The new edict, as well as the King's will in enforcing it, were put to an important test a year later. On May 12, 1627, Montmorency-Bouteville, young scion of one of the most notable houses in France who had already killed twenty-two men in duels, publicly fought in broad daylight on the Place Royale in the center of Paris. The affair was a flagrant contradiction of the new edict and an open defiance of Louis' past warnings to Bouteville. Bouteville's youth and lineage provided a harsh test for the constancy of the King, who was petitioned from all sides to show leniency. Louis turned a deaf ear, and the case was duly dispatched to the Parlement, it being publicly whispered about in the antichamber

29Richelieu, Mémoires, III, 46-47.
30Ibid., 47.
of the Queen "that the Parlement had made the King in 1610, and that if the execution of Bouteville took place the King would make the Parlement." Louis had little need for concern. The Parlement, which began its hearing on June 16, soon returned a capital condemnation. Bouteville and his companion Des Chapelles were beheaded before the Hôtel de Ville at five o'clock in the afternoon of June 22, 1627. The decision helped discourage dueling, at least for the next few years, and dramatically demonstrated that none of the nobility, whatever their stature, were beyond the reach of the King's law.

Curiously enough the Parlement's decision was not wholly pleasing to Richelieu, who sourly commented in his Mémoires that it is necessary to point out that in the decision that the court gave against them, there were three unjust things which offended the king: one is that while condemning the two prisoners they dared acquit the dead man Baron Bussy d'Amboise, killed by Des Chapelles because his mother was the wife of président de Mesmes; another is that they confiscated only one-third of the property of the executed men instead of their whole fortune as required by law.

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31 Ibid., 303
32 B.N. Ms. fr. nouv. acq. 9890, fol. 216, June 16, 1627, notes the beginning of the hearing only.
33 Herr, "Richelieu's Fight Against Dueling," pp. 284-85; Tapie, La France de Louis XIII et de Richelieu, pp. 157-59; Burckhardt, Richelieu, Assertion of Power and Cold War, pp. 62-70. Herr concludes that the edict of 1626 was not a success: "Despite the cardinal's memoirs," he says, "one should not fall into the error of classifying the edict of 1626 among his successful measures to establish royal authority over a turbulent aristocracy." The conclusion is based on the observation that dueling resumed during the 1630's and 1640's much as it had before the edict was issued. The conventional view, assumed here, is that the edict served purposes as much symbolic as functional in reasserting royal authority over the Second Estate during the 1620's, and in the short run, at least, it was successful in exemplifying the resurgence of that authority.

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In so doing they let it be known that they did justice to them only grudgingly. In the third place, having given the decision for death, they delayed the execution until the next day, either to subject [Louis] to hearing last minute supplications against his will, or to cast on him the nuisance and the hatred for their deaths.\textsuperscript{34}

Richelieu went on to assert that the verdict was nothing other than an arrogant expression of the court's independence and not the processes of justice. By choosing to condemn the living and not the dead, and by moderating the confiscation of property, the Parlement was trying to usurp the King's authority. "They want," he said, "not only to have the execution of laws but the power which alone belongs to the King of making and changing them as he sees fit."\textsuperscript{35} Suspension of the sentence showed the same thing, "that they wanted to share pardons with those who should give them, or to libel him with hate if he did not do it."\textsuperscript{36}

Those considering the reason, equity, and the good intentions of the Parlement should also consider that the court had been faithless to its own principle of severity. Richelieu reminded readers that at first the court had made verification difficulties because the edict had been too moderate. Later, when the time for implementation came, the judges had not only moderated the penalties but did what they could to annul them.\textsuperscript{37}

\textsuperscript{34}Richelieu, \textit{Mémoires}, III, 302.
\textsuperscript{35}Ibid.
\textsuperscript{36}Ibid.
\textsuperscript{37}Ibid., 303.
A few months after enacting the prohibition on duels, the Parlement received another royal measure aimed at limiting the potential for rebellion in the kingdom. A declaration drafted at Nantes, dated July 31, 1626, ordered razing of all walls, fortresses, and chateaux that were not essential to the border defenses of the kingdom. In the seventeenth century there were many such places remaining from the medieval and Renaissance periods capable of defying any force short of a royal army; to level these would make contempt for the king's authority considerably more difficult. The Parlement agreed, and the edict was registered without trouble on September 7, 1626.³⁸

The decision to destroy the nobility's bases of operation was perhaps influenced by revelation of the Chalais Conspiracy during the summer of 1626. Since details of the plot are well known, only the outlines will be given here. Early in 1626 Richelieu had decided that for dynastic reasons Gaston d'Orleans, the King's younger brother and heir apparent, should marry the duchesse de Montpensier. Gaston had other ideas, and the decision sparked off a web of intrigue which eventually entangled Gaston; his tutor and confident, maréchal d'Ornano; Cesar and Alexandre Vendome, Louis' illegitimate half-brothers; the duchesse de Chevreuse; the prince de Conde and the comte de Soissons; and

³⁸Isambert, Anciennes lois françaises, XVI, 192-94.
Henri de Talleyrand, comte de Chalais, a young, immature, and irresponsible associate of Gaston's who believed himself in love with the duchesse de Chevreuse. The plans of the conspirators were muddled and often changed but involved liaisons with England, Spain, and Savoy through the Duke of Buckingham, thoughts of putting Gaston on the throne, and the assassination of Richelieu. Whispers of these schemes began to reach the royal ears in the spring of 1626, and on May 4 Louis ordered D'Ornano incarcerated in Vincennes.\(^{39}\) Six days later, on May 10, the plot became much clearer when Chalais was prompted to confess its existence to Richelieu and the King. For the time being though, Chalais was allowed to go his way while the Crown sought out and bought off or arrested the genuinely dangerous plotters such as Conde and the Vendomes. Dealing with them took up the rest of June.

In the meanwhile Chalais, actually one of the smaller fish in the conspiracy, had been unable to avoid further compromise after his confession. Louis, then at Nantes for an assembly of the Breton estates, had Chalais watched for some days, then ordered his arrest. On July 8 a royal commission was delivered to garde des sceaux Marillac, his brother Louis, and conseiller d'Etat Le Beauclerc

\(^{39}\)Louis was careful to notify the Parlement of the reasons for this singular move. See B.N. Imprimés 1h36.2469, Deux lettres écrites par le Roy au Parlement de Paris, & aux Gouverneurs des Provinces sur l'arrest fait du Mareschal d'Ornano (n.p., n.d.). This is a printed pamphlet of six pages containing two letters of the King.
"to secretly investigate all the facts and the above mentioned case, and to issue writs against all persons that needs be."

The proceedings that followed were the first of Richelieu's infamous commissions so often employed during the 1630's against all sorts of political offenses. On July 9 Chalais was taken into custody and held at Nantes. Questioning began immediately and revealed several accomplices, including Gaston's friends Puylaurens, the comte de Soissons, the marquis de la Valette, and others. Depositions taken on the 10th and 29th of July connected Chalais with Gaston and marshal D'Ornano; on the 17th one Sieur Lamont and several soldiers testified that Chalais had used blasphemy against God and King in their presence.

By virtue of a royal commission dated August 10, Chalais' trial was confided to a chambre de justice to be held at Nantes. The commission bared the reasons for this location but played down the fact that the King's proximity was the primary consideration:

We have decided to conduct and complete the trial and to proceed to its judgment in this city of Nantes because of our visit, and because of the detention at the chateau here of many persons close to us, of our court and following, necessary to the investigation and testimony of the said trial, together with the diligence and secrecy requisite to a trial of this quality and punishment for crimes of lèse-majesté . . . in consequence of which is born by our letters in the form of the edict of the present month . . . the creation of a criminal chambre de justice.

40Jean-Benjamin de Laborde, Recueil de pièces intéressantes pour servir à l'histoire des règles de Louis XIII et de Louis XIV (London, 1781, p. 18; Richelieu, Mémoires, III, 90-91.

41Laborde, Recueil des pièces intéressantes, pp. 26-100.

42Actes royaux, F.46957, no. 6, pp. 11-12.
The bench named in the commission was comprised of two présidents and nine conseillers of the Parlement of Rennes and three maîtres des requêtes chosen, according to Richelieu, "for their great reputation of probity," but more probably because the Crown could rely on their opinions.43 Michel de Marillac presided, assisted by the procureur général of the Rennes parlement.

Whatever their political tendencies, the judges had little problem with their consciences in the case, for the evidence presented against Chalais by his own confessions, his letters, and the testimony of witnesses was overwhelmingly damning. The hearings opened August 11 and closed on August 19 with the pronouncement of a dishonorable death sentence. The execution, horribly botched because neither the executioner nor a proper sword could be found, took place in the Place de Bouffay of Nantes on the same day that the verdict was handed down.44

43Richelieu, Mémoires, III, 91. The complete commission is in Actes royaux, F.46957, no. 6. According to this printed version of the commission, the commissaires were: Jean de Bourneuf, Sieur de Cusse, First President at Rennes; Isaac Loisel, Sieur de Brice, second président in the court; Joachin de Scartes (Descartes), Simon Hay, Gilles du Lys, Laurent Pichart, Jean du Halgouet, De Martigues, Audart, Huet, and François D'Audiquier, conseillers; Christophe Fouquet, conseiller en conseil; unnamed procureur-général at Rennes; Francois Fouquet, Charles de Machault, and Criqueville, maîtres des requêtes. The list was distinguished by the presence of Joachin Descartes, father of Rene Descartes, and Francois Fouquet, father of future surintendant des finances Nicolas Fouquet who faced a similar inquest in 1661.

44Laborde, Recueil des pieces intéressantes, pp. 181-84; Tapié, La France de Louis XIII et de Richelieu, pp. 155-56; Burckhardt, Richelieu, His Rise to Power, pp. 203-07.
Most of the other conspirators escaped such severity. The Vendome brothers remained in prison; the duchesse de Chevreuse, whose part had remained shadowy and who was perhaps viewed with some affection by the Cardinal, escaped unpunished; maréchal D'Ornano died in prison on September 4, 1626, a few days after Chalais' demise. The chief instigator of the plot, Gaston d'Orleans, suffered only the indignity of an unwilling marriage to the duchesse de Montpensier. The ignominious trial and death of his friend, for which he was largely responsible, left him unmoved, unrepentant, and as unruly as ever.

Chalais' execution produced no notable reaction among the nobility, who quietly pondered the sobering lessons to be learned from the Comte's example. In the government, however, the course of events brought one important change bearing on the Parlement. Chancellor D'Aligre, demonstrating a lack of resolution during the conspiracy, had been disgraced on June 1.45 Urged on by his mother, Louis handed the seals over to surintendant des finances Michel de Marillac. Richelieu, whose political objectives and philosophy clashed with Marillac's in a number of ways, could not have welcomed the change but could do nothing about it.46

Marillac's appointment did not bode well for the Crown's relationship with the Parlement. The judges knew him as sincerely pious, honest, intelligent, and a capable legist. They were aware,

45Griffet, Histoire de Louis XIII, I, 493; Everat, Michel de Marillac, p. 44.

46Everat, Michel de Marillac, p. 45. See supra, pp. 228-35.
too, that his religious opinions leaned to Ultramontanism, and they soon came to find that he was also a determined advocate of royal rights, a stickler for the letter of the law, and that he frequently defended his convictions with a forthrightness that slid into tactless insensitivity. Something of these attitudes are suggested in letters to procureur général Mathieu Mole even as Marillac became garde des sceaux. One of his first acts was to write to Mole on behalf of his right to preside over the Parlement. This prerogative was customarily vested in the chancellor as the head of the kingdom's justice, but Marillac insisted that tradition gave the right to gardes des sceaux as well. Mole responded that Marillac's letters of provision were modelled after those of Guillaume du Vair (garde des sceaux 1616-17) and warned that in Du Vair's case the Parlement had delayed approving his rights to preside for some time. Mole also researched Marillac's claims in the archives of the Trésor des chartes, and later wrote to him saying that he would "contribute all my care to try to see that you should receive the honor due your merit."47 The latent issue apparently never came to a head, however, for neither the court's registers nor Mole's Mémories make any further mention of the registration of Marillac's letters.

Among the judges of the Parlement the Chalais Affair came and went without contention. While the magistrates might have felt that the significance of the trial warranted its hearing before

47Mole, Mémories, I, 366.
the Parlement, they also had to acknowledge that Chalais was neither duke nor peer and thus had no inalienable claim to a trial by the court. Nor had Chalais' friends or relatives made any effort to present an appeal to the Parlement during the course of the trial, choosing instead to direct their pleas to Louis and Richelieu. Finally, the trial had been conducted by judges from a sovereign court and ample proofs had been presented that the Comte was guilty as charged. These factors, together with past precedents for such trials, probably tended to minimize grumbling from the Parisian judges.

This situation began to change when the trial of the duc de Rohan was committed to the Parlement of Toulouse by a royal edict of October 14, 1627.48 Henri de Rohan, a duke and peer of the realm, had taken up leadership of the Huguenot cause during 1625 and raised the south up in arms against the King. Though Rohan was still at large, the Parlement of Toulouse had him tried in absentia and declared guilty of rebellion and lèse-majesté by decrees of January 22 and 29, 1628.49 An irregular custom dictated that Rohan was entitled to a hearing before his peers in the Parlement of Paris. The royal administration, however, had found the needs of State more pressing and had ignored tradition in the interest of making an example of Rohan among the people he had led into rebellion.

48 Le Mercure français, XIV, 319-23.
49 Ibid., second pagination, 45-57.
Lengthy arguments justifying this course can be found in Richelieu's Mémôires, where the Cardinal maintained that Rohan had lost his privilege by his "notorious rebellion," and therefore should not be considered as a peer but as a private person who should be judged and punished in the place where his crime had been committed. There was no privilege, Richelieu argued, that could not be revoked, and everyone agreed that those who abused their privileges should lose them. Judgment of this lay in the hands of the king alone. It applied to royal officers and clerics, and it certainly applied in cases concerning the authority of the State:

Kings, by the confession of all doctors of law . . . can never give a privilege contrary to themselves, so that no privilege can deny to kings the entire liberty of using their authority to punish the guilty, even of such crimes (of lèse-majesté), and to have them judged in such place and by whatever judges it pleases them.\textsuperscript{50}

Moreover, there were ample legal precedents, based on good usage, for removing cases from the Parlement of Paris. In 1458 Charles VII had asked the Parlement about judgment of the peers and had been told that neither by institution nor ordinance was there any observation of cases concerning the peers of France, but that it was spoken of through usage and this varied. In 1463 the comte d'Angouleme had been moved to ask for a confirmation of his privilege by special letters from Louis XI. This would not have been necessary, Richelieu reasoned, had the observance been regarded as binding law. In 1474 the case of Jean d'Alençon had been referred to sixteen

\textsuperscript{50}Richelieu, Mémôires, III, 447.
judges of the Parlement without calling the peers because he was
accused of relapsing into lèse-majesté. As if these examples
were not enough, Richelieu cited others as far back as 1311. For
these reasons and by these examples, the Cardinal concluded, the
King had been within his rights in sending a commission to the
Parlement of Toulouse to judge Rohan, who "being stripped of the
peerage, there is no reason to judge him other than in the province
in which he committed so many crimes of lèse-majesté."

At Paris the judges' reaction to the transference of Rohan's
trial went unrecorded in the official registers of the Parlement.
This silence suggests that the court did not deliberate the issue
en conseil as a matter of public concern. In contrast with the
Chalais commission fourteen months before, however, there are some
hints that not all the magistrates were pleased with the move.
Mathieu Molé's Mémoires make some very curious revelations about
the judges' discontent and why it never materialized into discussion
of Rohan's trial. On the 20th of November, 1627, the procureur
general wrote to Michel de Marillac at La Rochelle concerning news
of the Rohan edict in Paris:

51 Ibid., 451. Richelieu's exposition in the Mémoires should
be compared with the reasoning given in a "Recueil Sommaire des
Raisons de la Resolution prise par le Roy d'envoyer au Parlement
de Toloze la Commission pour faire le Procez au Duc de Rohan,
le declarant decheu du Privilege de Pairie," B.N. Ms. fr. 18429, fols.
47-52. The arguments given and precedents cited here are identical
to those in Richelieu's Mémoires.
Permit me, Monseigneur, to say to you that someone has published in this city a declaration, said to be verified at Toulouse, against the duc de Rohan by which he is declared deprived of the privilege of peerage. Being a printed copy [Etant imprimée sur une copie], I said that it could not be true in order to stop the clamor that some wanted to make about the insult that the Parlement had received, since it has been the sole judge of the peers.52

Molé's letter indicates that the first news of the edict did not arrive in Paris until about a month after the original was dispatched from La Rochelle, and that the judges first learned of it through printed copies circulated around the city. Either out of simple neglect, or anticipating resistance from the Parlement, the royal administration had failed to notify the Parisian court of its intention to shift Rohan's trial to Toulouse. Molé, incredulous at this turn of events, had tried to reassure the Parisian court by dismissing the printed declarations as scurrilous fabrications. What followed at Paris during the next few weeks is unknown, but on December 1 the garde des sceaux replied to Molé. This letter, too, is significant. The wording confirms that the council had, in fact, predicted grumbling from the court and had deliberately avoided notifying it in advance of the Toulouse trial:

As to the declaration sent to Toulouse authorizing the trial of M. de Rohan, it is authentic and was deliberated [elle est veritable et a été consideree]. I trust that those who could raise a racket about it will do nothing dishonorable nor unreasonable.53

52Molé, Mémoires, I, 476. Molé's letter is undated, but Marillac's reply shows that it was penned on November 20. See Marillac to Molé, 486.

53Ibid., 487.
Marillac then proceeded to defend the Crown's action by using the same reason of State justification that Richelieu later presented in his Mémoires:

It is founded on justice and ordinary practice. There are in the State various conditions of privileged persons who have their particular judges and bylaws because of their privileges. Nevertheless, there are some crimes by which, in committing them, they lose their privileges ipso facto, and never was it said that they should be sent before their customary judges for judgment of their crime, nor even if they should be deprived of their privilege. But they are sent by all right before the judge who is their natural [or local] judge, suspending the privilege [of peer judgment] as unworthy and forfeited, judging that they are deprived ipso facto, evidentia sceleris, non indiget clamore accusatoris. And the crime of which it is [here a] question is specially designated by the law among those where it is necessary [first] to punish and then to inform [i.e., crimes of state] as duces factionum.  

The lesson that Marillac drew from Rohan's example could well have been expressed by Richelieu in the Testament politique:

It is good that les grands realize that all that they have of favor, of dignities and of prerogatives from kings, will serve them nothing against kings, and will not render them [any more] important when they offend kings by disobedience and by rebellion.  

From this exchange of letters, therefore, the following picture emerges. Louis, Richelieu, and Marillac, engaged in the trying siege of La Rochelle, decided to have the duc de Rohan condemned for his rebellion. Reasons of State demanded that this be done before the Parlement of Toulouse in Languedoc where the Protestant cause was strongest and where Rohan's condemnation would have the greatest impact. Legal precedent supported this transfer, but

54Ibid., 487-88.
55Ibid., 488.
grumbles from Paris might also be expected. To obviate this possibility, the Parisian judges were not notified when the original commission was sent to Toulouse after October 14. The manoeuvre was successful in as much as no discussion ensued, but the incident sensitized the judges to the attitudes of Louis' advisors towards their jurisdiction and customary rights and heightened their suspicions of Louis' councillors.

Suspicion and doubt engendered by Rohan's trial were accentuated by an ugly quarrel between the Parlement and the garde des sceaux that raged from the last months of 1627 throughout 1628. The heart of the dispute was not a political issue but stemmed directly from Marillac's insistence on the observance of the letter of the ordinances regarding the degree of kinship permitted within the chambers of the Parlement. In the interests of equity and justice, royal ordinances had long prohibited closely related judges from holding offices within the court. This principle of parenté, or kinship, had been maintained in the Ordinance of Orléans, Article 32, and repeated in the Ordinance of Blois, Article 116, which read:

[We, Henry III] desire that Article 32 contained in the Ordinance of Orléans, bearing prohibition against receiving in the same parlement, chambre des comptes, and other sovereign courts, or in a similar seat, fathers, sons, brothers, uncles, and nephews, should be inviolably kept in the future. 56

56Isambert, Anciennes lois françaises, XIV, 410.
As with so many of the other provisions of the same ordinances, though, this law had never been observed. Customary usage permitted free entry to close kin, though usually the court attempted to restrict them to separate chambers and prevent relatives from sitting together in a trial situation. Any attempt to enforce the letter of the law would have limited the possibilities of survivance and was certain to provoke an indignant response from judges accustomed to bringing heirs or other relatives into their institution. Additionally the judges might argue that while the law said one thing, another legal principle, that of common usage, said quite another.

So matters stood in November, 1627, when Nicolas Meliand, a conseiller in the Parlement, sought to introduce his brother-in-law, Alexandre Petau, into the court. Marillac apparently refused to set the royal seal on the lettres de provision for Petau because of parenté, whereupon Molé wrote in his behalf that

M. Meliand, conseiller in this court, was promised that you would not make any difficulty about sealing the lettres de provision for his brother-in-law, the son of the late M. Petau. It is true that the law is not kept which prohibits receiving relatives to the degree of the ordinances, and that the clause inserted into the provisions "provided that they have no relatives to the said degree" is by-passed. One sees it observed for subordinate seats . . . but serving in different chambers [of the Parlement] it seems that this would be remedy to the evil that is feared, and that usage being such before the ordinance and since continued, that this would be an interpretation that has been introduced. It would only remain to prescribe an order when the chambers assemble in order that the spirit of the law should always prevail, and to order that near kin should not be found there together, and that the most recently received should retire.\[57\]

\[57\]Molé, Mémoires, I, 476-77.
Marillac quickly conceded that the ordinances said nothing about brothers-in-law in the same court but said he thought that in another article, "where evocations are spoken of, one and the other allied by blood or marriage are included; that is why I thought that that should be considered." He then consented to seal Petau's letters without further objections, and the conseiller was received on February 11, 1628.

After acknowledging his mistaken notion in the Petau case, however, Marillac staked out a legal position which would shortly lead to further troubles with the Parlement. In the course of communicating with Molé during December, 1627, the garde des sceaux set out his views on parenté with an unbending rigidity which became ever more salted with a pious righteousness. On December 1 he wrote Molé that

in regard to the ordinance, I hold it to be in viridi observantia at law, if not in fact, and that it can no longer be held as abrogated by disuse. I avow that although the ordinances can be abrogated by lack of observation and by contrary usage received and approved by the prince or by universal consent, this cannot be applied to ordinances which the prince has continuously proclaimed, the observation of which all assemblies have always demanded, so that this could be called nothing other than a pure lack of execution and real disobedience, seen even in the present clause and condition annuling the reception in all the propositions.

58 Ibid., 488-89.
59 Manchard, Catalogue de tous les conseillers du parlement, p. 123.
60 Molé, Mémoires, I, 489.
Marillac then dismissed Molié's earlier suggestion that internal arrangements might be made within the court to alleviate the difficulty as of "little efficacy and not bearing on the sense and intention of the ordinance." 61

Three weeks later Molié penned a warm rejoinder upholding the principles of traditional practice and the abrogation of law through disuse. Concerning the Ordinance of Blois, Molié tartly noted that

this law is from 1579, verified in the Parlement in 1580 and never observed since that time. And you wish, in 1627, to have it rigorously kept? If that is the King's intention, it would be better to draft new letters patent in the form of a declaration, in order that this law being renewed and its justice recognized his subjects would render it full obedience in the future. 62

In the past the clause "provided that there are no relatives to the degree of the ordinances" had been ignored with the knowledge of the prince and those charged with enforcing it. Would it then be just, Molié asked, "to now give such force to this particular clause as to a new law verified in all the parlements and published for all of France?" To do so, the procureur général thought, would be to disrupt a workable and established practice preserving familial continuity in the court:

61Ibid.
62Ibid., 496.
In the future you will pity the condition of fathers who will be constrained to put their children out of their homes at their own risk, to send them into distant provinces, consuming themselves by the outlay of expenses necessary to maintain the dignity of the [provincial] office [of their sons], without mentioning either the excessive cost of offices or the infinite misfortunes which might follow.63

Rather than bring such hardship into robe families, the procureur général thought that when plaintiffs complained about parents, it would be simple to grant them an evocation to another parlement and thus avoid all together the problem of kin sitting on one bench.64

Marillac was not persuaded. On January 15, 1628, his insistence grew sharper in offering Mols à pointed reiteration of his views:

You propose to me that he [the King] should make a new declaration on it, and that being thus renewed, no one will have an excuse not to observe it. If this remedy had served, there could be some consideration [of it] .... But it has been made at Orléans and neglected, repeated at Moulins and neglected, renewed at Blois in very express terms and nevertheless neglected once again; repeated and renewed in each provision and always neglected. Are we to hope that a new declaration would have more effect? I pray of you, Monsieur, to consider what can the prince do in so great hardness of continual resistance to the practice of a law so useful to his subjects?65

Shortly after committing these lines to paper, the garde des sceaux answered his own questions by refusing to permit Nicolas de Bellievre, the third président a mortier, to install his son, Pomponne II de Bellievre, in the Parlement as a conseiller outside his own Grand'Chambre. This attempt conformed to customary usage in

63Ibid., 497.

64Ibid.

65Ibid., 501.
the court but violated the letter of the letter of the ordinances, and Marillac refused to seal Bellievre's letters for the office. Upon hearing of Marillac's refusal, Môlé was nettled into composing one of the sharpest letters extant in his correspondance. Clothed in Baroque formality, the letter nevertheless plainly shows the procureur général's wrath:

Whatever incident there has been in the affair of M. le président Bellievre, you will permit me to tell you that I have received from it a very lively displeasure, seeing you name and your actions (your name that it is particularly necessary to cherish and respect, and your actions which should serve as an example to each and should be without reproach), give subject to a public deliberation in an aggravated company, and all the more since your person alone has found it necessary to maintain this storm. I write you nothing about it in particular, except that M. le président has had the letter sent to the King. And permit me to tell you that the more I consider the law and the reason for it, the less I find cause to observe it now for all kinds of public and individual considerations.66

Here the matter rested for some months while Bellievre took his appeal to Louis. Throughout the spring the King was silent, possibly because he was engaged with the siege of La Rochelle, and on June 1 Bellievre wrote to Marillac once again. This request for a dispensation was tartly rejected in Marillac's response of June 28.67 Bellievre now sought the assistance of his colleagues, and on July 7 the question was discussed before the assembled chambers of the Parlement. The next day the magistrates decided to write to Louis and to Marie on Bellievre's behalf.68

66Ibid., 510.

67BN Ms. fr. 16484, fols. 362-363v°, has copies of these letters.

68BN Ms. fr. nouv. acq. 9891, fols. 261-62, July 7 and 8, 1628; a copy of the letter, signed "les gens tenant votre cour de Parlement," is in BN Ms. fr. 16484, fols. 358-60.
A courier from the court was dispatched to La Rochelle, arriving there on July 24. Louis granted an immediate interview, and six days later sent a lettre de cachet back to Paris. His response, read in the parlement on August 9, was a total reversal for the judges:

We would like very much to be able to comply with your desires . . . but considering that this observation has been practiced many times in all our parlements, that it is of very great consequence to all our subjects who are extremely beset by evocations because of parenté, and that it is not a question of hiding the lack of observation but of revoking and abridging in effect an ordinance that many of our ancestors have carefully made and that all the orders of our kingdom have very incessantly and so wisely asked. We have decided to change nothing for the present, and we deem that the welfare of justice, the dignity of our sovereign courts, and the relief of our subjects requires that we do it thusly.69

The magistrates, however, detected a certain temporizing in Louis' words and decided on September 1 to make oral remonstrances with the King returned from La Rochelle. Louis did not come back until late in December, but on the 30th of that month the court elected to send a delegation to see him about the Bellievre case. The registers of the Parlement do not mention the date of the meeting, but the deputies must have reached some accommodation, for on January 14, 1629, Louis issued lettres patente giving sons and brothers the right to sit in the same seat, the Ordinance of Blois not withstanding. Uncles and nephews were still excluded.70

These letters were evidently remitted to Marillac, who

69B.N. Ms. fr. nouv. acq. 9890, fols. 271-72, August 9, 1628.

chose to retain them until the first week in February. The Parlement
registered them on February 9, Pomponne de Bellievre was duly
sworn in as a conseiller on February 22, and the issue of parenté
did not arise again during Louis' reign.71

The magistrates of the Parlement had due cause to rejoice over
the outcome of the parenté question. For them the victory meant
a happy confirmation of past practices associated with office
holding and survivance as it was then known. Sons, brothers,
nephews, and other kin could continue to enter the court under the
tutelage of relatives with all of the advantages of friendly personal
contacts that established family ties could provide. For Michel de
Marillac, however, the wrangle with the Parlement was the beginning
of a disaster that steadily worsened until his fall in 1630. From
the time the seals had been conferred on him, Marillac's religious
views, personal history, and personality had made him suspect to
the Parlement. The Crown's handling of Rohan's trial probably deepened
this mistrust, and Marillac's stand on the parenté issue discredited
him even more thoroughly. The parlementaires would have liked
nothing better than a chance to revenge themselves on the garde
des sceaux, and as 1629 began, verification of the Code Michaud
presented the judges with just such an opportunity.

Since the adjournment of the Notables in 1627, Marillac had been
at work directing a comprehensive revision of French law based on

71 Blanchard, Catalogue des tous les conseillers du Parlement,
p. 123.
the cahiers of the Estates General of 1614, the Assembly of
Notables held at Rouen in 1617, and those of the Assembly of 1626-27.
The project was completed by January, 1629, as a massive code
embodying fifty years of progress in French law in 461 articles
touching on ecclesiastical, educational, judicial, legislative,
social, military, financial, commercial, and maritime affairs. The
net result was, in the words of Marillac's biographer Edouard
Everat, "more than an edict: never had the nation seen appear an
ordinance as extensive, as complete, as thought out."

Marillac, justly proud of his endeavors and those of his
colleagues, determined to present the Code for presentation in a
lit de justice planned to celebrate the fall of La Rochelle.
Verification of the ordinance with such pomp and circumstance was
motivated less out of egotism than anxiety for the future of his
great work, for Marillac knew of his reputation in the Parlement.
He sensed that the court would object to certain articles,
particularly to 1 and 53 which limited remonstrances; he was well
aware, too, that the magistrates would subject the Code to a
protracted and searching scrutiny which might run into years. The
solution, it seemed, was to force the Parlement's hand in a lit de
justice. The counter was clever, perhaps too clever, since one
of the Parlement's greatest sacred cows was its right to remonstrance,
a right jealously exercised in verifying the most recent ordinances

72Michel de Marillac, p. 68. A thorough section-by-section
analysis of the Code Michaud can be found on pp. 68-89; a less
complete examination is in Arnauld-Menardière, Essai sur Michel
de Marillac, pp. 24-44.
of Orleans, Moulins, Roussillon, and Blois. Thus born with the consent of the magistrature in 1626, by the time of its presentation in 1629 the Code Michaud was a suspicious document, tarred with Marillac's reputation, questionable because of its reforms, and overshadowed by the look of timorous belligerence cast by presentation in a *lit de justice* advertised for another purpose.

The ceremony that was held in the *Grand'Chambre* on January 15, 1629, with the King, Richelieu, Marillac, seven dukes, and four marshals in attendance followed traditional forms in every way. Louis opened the session with a short speech, followed by Nicolas Le Jay acting in the capacity of temporary First President. These were followed by the *garde des sceaux*, who delivered a long and elaborate discourse lauding Louis' accomplishments in subduing the Rochellois and glorifying his graciousness in extending a generous settlement to his rebellious subjects. Confident that the mechanism of the *lit* would successfully see the Code through any difficulty, Marillac then delivered a galling speech extolling the royal authority and disparaging the role of the Parlement in affairs of State. His words, reproduced for all to read in the *Mercure français*, drew heavily on principles expressed more fully in the "*Mémoire contre le Parlement*:

> We are all in agreement that the King should do nothing unjust; he knows it and believes it himself, and no matter how much he

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73 The official account is in B.N. Ms. fr. 9890, fols. 285-97, January 15, 1629. See also the less complete accounts in *Le Mercure français*, XV, second pagination, 1-28; Isambert, *Anciennes lois françaises*, XVI, 342-43; Everat, *Michel de Marillac*, pp. 90-96.

74 The chair of the First President was vacant following the death of Jerome de Hacqueville on November 4, 1628.
may be above the laws, he is nevertheless willing to subject himself to reason. But the core of the question is, who will be the judge of the King's actions, to say whether they be just or not? If we make the King's subjects or officers his judges, if it is up to them to qualify the King's actions and to declare them just or unjust, the King is no longer King but under the tutelage of his officers, and sovereignty is dependent on them. That would be to open the door to factions in the State, to give means to proponents of change who constantly criticize the King's actions, and to compromise his authority. It is therefore true that the King alone is the judge of justice and his actions. He renders account for them to God alone, and as each of us loves the State and the public peace, so too should he hold firm in this resolution.75

The absolute authority of the King thus ruled out any possibility that the Parlement might pursue an independent role in matters of State and confined it to the administration of justice. Marillac underscored this last point in unmistakable terms:

I know very well that on many occasions our Kings have wanted to take advice from this company, be it as an entire body, be it from some of it, in affairs very important to their State, when they have found it well to do so. They would still do it often were it not that some misgivings of these recent times have rendered communication more difficult. But as it is in the power and conduct of the Prince to take advice as he pleases from those that he wishes to call, so this in no way changes the condition of those he calls, and gives them no new right or new quality. The function of this company has always remained this first and principle part of all royal actions, and the most important in a State, which is the administration of justice.76

The garde des sceaux concluded that since the reign of justice was the most illustrious duty of kings, and since the parlementaires were the most worthy judges in the kingdom, the Parlement should pay the strictest attention to its judicial duties.

75Le Mercure français, XV, second pagination, 19-20.

76Ibid., 25-26.
All formal preliminaires done, the articles of the Code were brought forward for registration. In keeping with ancient custom, a rigidly prescribed ritual was followed. The greffier read a representative sample of the edict, then avocat général Omer Talon, speaking for Mole, gave his conclusions and required that it be registered according to form and tenor. The garde des sceaux then in turn consulted the présidents à mortier, the cardinals, dukes and peers, conseillers d'État, maîtres des requêtes, and conseillers for opinions and returned them to the King. This done, Marillac pronounced the official registration:

The King, seated in his lit de justice, has ordered and orders that on the back of the said letters in the form of a declaration of the month of November and December last, and the said cahiers and articles of the present month of January, will be put: read, published, and registered, heard and this requiring his procureur general, and that copies collated after the original will be sent into all the bailliages and sénéchaussées of this ressort to be there read, published and registered, kept and observed, according to their form and tenor.77

He then added a postscript which would shortly become the focal point of a bitter dispute between the Crown and its court. The présidents, he said, had requested in their opinions that the King suspend sending the articles into the provinces until the court had had time to examine them in detail. The King had granted the request, with the proviso that registration would not be delayed and that the new law would immediately go into effect. No more than two months were to be spent in such discussions.78

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77B.N. Ms. fr. nouv. acq. 9890, fol. 296, January 15, 1629.

78B.N. Ms. fr. nouv. acq. 9890, fols. 296–97; Everat, Michel de Marillac, p. 96. The registers do not mention the two month limit on discussions.
completed, the *lit de justice* was adjourned. Having suitably publicized his victory at La Rochelle and lent his presence to the verification of Marillac's ordinance, Louis departed Paris the next day for Montferrat and a resumption of campaigning in the south of France, leaving the royal government north of the Loire in the hands of Marie de Medicis. Richelieu accompanied the King, but Marillac remained behind in Paris.

The absence of the King offered an excellent opportunity for the judges to create trouble for the ordinance, and this they quickly proceeded to do. The struggle began with the judges' refusal to inscribe the formula of registration on the edict, in spite of the fact that the King had ordered them to do so in the *lit de justice*. On January 19 acting First President Le Jay, a partisan of Richelieu and no friend of Marillac, reported to the assembled chambers that the day before the *garde des sceaux* had asked for the signed and verified copy of the ordinance. Le Jay urged the court to decide what course it wanted to take: to verify and surrender the edict before discussing it, or to withhold the document from the *garde des sceaux*. It was decided with "all chambers assembled, that the said cahiers would be read, and that in the meantime their delivery would be suspended." 79 Reading of the articles began the same day.

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79 *B.N. Ms. fr. nouv. acqu. 9890, fols. 297-98, 19 January, 1629; Richelieu, Mémóires, IV, 286; Everat, Michel de Marillac, pp. 106-07.* Everat stresses the influence of Le Jay in fomenting resistance to the Code Michaud in this way: "Unfortunately for the edict, the Parlement was then directed by président Le Jay, a cunning man, violent, full of spite, the personal enemy of Marillac, a great adversary of judicial reforms. His past had necessitated lettres d'abolition and his advancement in the magistrature had only been due to the high protection of Richelieu. Resistance to the ordinance was

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Marillac, nervous about the discussions in the Palais and believing that an early assertion of the King's authority might quash the matter in the bud, resolved to write to Louis at once. By a letter of January 23, he reminded the King of the circumstances surrounding the ordinance in the lit de justice and asked that he command La Ville-aux-Cleres, one of the secrétaires d'État, to put the decision of registration on the ordinance, it being a thing appropriate to his charge and to the presence of His Majesty, by which means the publication of the ordinance, highly useful to his people, should no longer be deferred, and His Majesty's authority would neither remain impaired nor dependent on others.  

Louis' response, a lettre de cachet enjoining obedience, was not sent from Grenoble until February 15. While awaiting the royal response, was for him a means of impeding the application of projected measures and at the same time of satisfying his hatred of the garde des sceaux. Endowed with a rare perspicacity, he had miraculously detected the still-latent conflict which already existed between him and the Cardinal. He thus thought it not displeasing to the minister in entering the struggle with Marillac. Then his relations with Richelieu permitted him to surmise that the Cardinal would not vigorously support the execution of the edict. Opposition then became not only possible, but even more, had some chance of success. It is this which he very perfidiously insinuated to his colleagues. These allowed themselves to be easily convinced. Everat's comments undoubtedly are plausible and have some merit. Le Jay did apparently maintain close contacts with Richelieu, but hard evidence of their exact relationship is lacking. Le Jay left no papers, and those of Richelieu scarcely ever mention the First President in a revealing manner. In any case, as First President the opportunities for stirring up the court would have been fairly limited without a widespread animosity towards Marillac.

80 Richelieu, Mémoires, IV, 288.

81 B.N. Ms. fr. 3826, fol. 12. Everat ascribed the unusual delay in the dispatch to the influence of Richelieu on Louis: "Richelieu, one may see by the tone of his Mémoires, was not perturbed by the difficulties instigated against the garde des sceaux. On the one hand, he thereby satisfied his resentment for him; on the other, he regarded with indifference... the obstacles brought to the execution of the code. He did not then hurry to answer. It was, after Pere Griffet, only on February 16 [sic] that the King sent to the Parlement the letter patent requested by Marillac." Michel de Marillac, 108.
the garde des sceaux also approached the Queen Mother, asking her to summon Le Jay and stop the Parlement's debates. Marie acceded, telling the président on January 25 that

she found it strange that the Parlement should assemble and refuse to make the verification and deliver the cahiers; that the King would be offended, since they had been verified in his presence, and that it went contrary to the honor due the seigneur King and his authority, the act of his entry having been published and the pronouncement made in his presence.  

Le Jay answered simply that he would inform the court and withdrew. hearing his version of the interview on the next day, the Parlement decided on remonstrances. After hearing these on January 27, Marie, thoroughly irritated, once again told the magistrates that

the King wished it, and that if the Parlement continued to insist, that would give him dissatisfaction; that since they had put the registration on paper they could put it on parchment, and that would not hinder the Parlement from doing all that the King allowed.

These prohibitions, like the earlier ones, were shrugged off. On the last day of January the court decided to persist in its actions.

Pending the arrival of orders from the King himself, Marillac and Marie could only look on with helpless frustration and repeat their injunctions to a Parlement growing increasingly insolent. Just before the King's departure, Marie had been endowed with full royal powers north of the Loire, and on February 2 she used these powers, addressing a lettre de cachet to the court enjoining publication of the ordinance as her son had ordered. This document was no more

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82 B.N. Ms. fr. nouv. acq. 9890, fol. 299, January 26, 1629.
83 B.N. Ms. fr. nouv. acq. 9890, fol. 304, January 31, 1629.
84 B.N. Ms. Dupuy 94, fol. 123.
persuasive than previous warnings. When the Queen Mother's letter arrived in the Grand Chambre, Le Jay refused to open and read it. After the message was delivered orally, a tumult of jeers and cat-calls erupted within the court. One of the procurers openly labeled Marillac as being "of Spain, of the Inquisition, of intrigues," saying "that he would not live forever, that he had two children who might come into the Parlement, and that they would be reminded of it." Others muttered that under Henry IV things had been different but "at present one had to do what pleased the cardinal and the garde des sceaux." Here and there were murmurs that the Crown had been sold out, and that the princes and les grands should be assembled to hear about it. The row turned on Le Jay when some of the other présidents discovered that he had presumed to write "Le Jay, acting First President" on the court's decisions. Potier de Novion in particular had words with him "about their qualities and birth" and, among other insults, said "that the graft of the century had been put in the Parlement, and it would be justice to oust it."85

When tempers had cooled and calm returned, the judges shifted their tactics from active to passive procrastination. All discussions were stopped in deference to royal orders, but the registration was not made, the court awaiting, in Richelieu's words, the moment "to resume this affair when it could have it at its liking."86 Marillac, on the other hand, having failed with the

85Richelieu, Mémoires, IV, 289-90; Everat, Michel de Marillac, p. 109.

86Richelieu, Mémoires, IV, 291.
stick, now turned to the carrot. Swallowing his pride, he remitted to the court the King's permission to allow sons, fathers, and brothers in the court. The letters were promptly registered on February 9.87 Confident that the Parlement had been won over at last, the garde des sceaux wrote to Richelieu on the 7th that all that remained for the registration was the office of the greffier, who could not say that he had been prohibited, and thus could be forced to put it there. If there was need, the Queen could require him to put it on in her presence, or treat him as he deserved if he refused, there being an example that the chancellor, even in the Parlement, had made the greffier register without taking the opinion of the Parlement, and even contrary to the Parlement which resisted it.88

Marillac's sanguine hopes were soon dashed. On February 8 deliberation on the ordinance resumed at the insistence of the Enquêtes and continued on the 9th. Once again the garde des sceaux had no recourse but to have the Queen Mother summon deputies to account for themselves. These representatives, headed by Le Jay, appeared before the Queen at five o'clock on the afternoon of the 9th. The Queen Mother, in company with Marillac and several attendants, demanded to know why they planned to assemble the Parlement on the morrow. Le Jay replied that it was to continue the deliberation at the request of the Enquêtes. Marie then told the delegation that she had written them on February 2 so that they would not continue the discussion, but they had not wanted to see her letters; that she had sent for them in order to tell them personally that she had written to them; that there should be no doubt about it, and that

87B.N. Ms. fr. nouv. acq. 9890, fols. 306-07, February 9, 1629.
88Richelieu, Mémoires, IV, 291.
she prohibited them absolutely from discussing the affair any further, since the King was gravely offended. Le Jay answered that he would tell the court, then, relieved of the decorum required before Louis, launched into a vindication of himself and the authority of the Parlement, insinuating to Marillac that the court had at various times tried chancellors, constables, and even princes of the blood. Marillac, he asserted, had violated the agreement made in the lit de justice by having the Code printed and sent to the provinces.

Marillac, temper inflamed, retorted that he had no reason to fear the Parlement because, unlike Le Jay, he had lived a life without need of lettres d'abolition. Furthermore, he added, the bargain struck in the lit de justice had included immediate verification, then the presentation of remonstrances within a limited time. It had said nothing about printing the ordinances.

Le Jay upheld the contrary view and demanded to see what the register had to say on the point. Marillac happened to have the leaf in his possession at the time and read it before the group, finding no evidence for what Le Jay had said. Abashed, the président could say no more. The interview concluded with a compromise agreement that for four months the edict would not be sent out, during which

89 The reference is obscure. Griffet believed that it referred to Le Jay's arrest during the regency for conspiring with the Prince de Condé and attempting to stir up the Parlement on his behalf. Histoire de Louis XIII, I, 656. For the events of the incident in 1615 see Glasson, Le Parlement de Paris, I, 128-29, and Molé, Mémoires, I, 72-86.
time the court would work on its remonstrances. In the meanwhile the ordinance was to have full effect and force.

During the next few months both sides respected the agreement of February 9, but this was not necessarily out of good faith nor did it insure a quick resolution of the verification question. Marillac, content to let matters rest for the moment, departed Paris during the spring to join the King in Langued'oc. Now weighing heavily on his mind were considerations other than the ordinance: thoughts of the internal state of the kingdom, the possibility of a new war with Spain, and, inseparably from these, the problem Richelieu's growing influence over Louis at the expense of his own devot faction. In fact, the "Grand Orage" of the Day of Dupes was already beginning to gather.

The Parlement, for its part, soon began the immense task of sorting through the ordinance. During March, April, and May the first ten articles were examined, discussed, and modified according to the judges' lights. Of these ten paragraphs, only the remonstrance on the first is of any significance here. According to

90 There is no agreement on the length of time granted for remonstrances. The registers of the court give four months; Griffet indicates six months; Richelieu's Mémoires say two months. B.N. Ms. fr. 9890, fol. 311, February 10, 1629; Histoire de Louis XIII, I, 656; Mémoires, IV, 294.


93 B.N. nouv. acq. 9890, fols. 311-21, March 6-May 12, 1629; Isambert, Anciennes lois françaises, XVI, 342-44.
Article 1, all laws from past reigns and Louis' rule that had not been abridged, discarded, or modified, whether registered in sovereign courts or not, would be considered valid and in force. The judges were given six months to present their remonstrances about any of these laws. Such restrictions were intolerable to the court, and on March 6 it opted for remonstrances favoring a continuation of past practices. The Parlement made its usual criticisms of nine more articles by May 12, but after this date enthusiasm lagged and no more provisions were taken up.

This situation still prevailed in August when Louis, having completed the pacification of Languedoc, retraced his steps towards the capital with Marillac accompanying him. Richelieu stayed in the south to supervise the destruction of fortifications. With the King approaching Paris, Mole warned the Parlement on August 11 that "on his return he wanted to have his ordinances with the registrata just as he had pronounced in his presence." The judges did nothing. Exactly a week later, with Louis now in the immediate vicinity of Paris, Mole again said that

the said seigneur King had told him to make known to my Parlement that I want the registrata to be put on my ordinances, and intend that they deliberate only as to whether they will do it or not, because it is a thing done. I intend that they should be brought to me if I am nearby, or if not, to the Queen Mother. When I or she has them, then I will return them at once to my Parlement to be deliberated.95

94B.N. Ms. fr. nouv. acq. 9890, fol. 311, March 6, 1629.
95B.N. Ms. fr. nouv. acq. 9890, fols. 335-36, August 18, 1629.
Mole then added that Louis would not receive any deputies from the court until the ordinances had been presented to him. This meant the judges could not see the King about any official business, could not discuss other affairs, among them the paulette which would expire at the end of the year. The Enquêtes, especially, were already pressing for renewal of that cherished right. Even with the pressure of these considerations, the Parlement still took no action. In the meanwhile Louis took the road for Fountainbleau, and Marillac, growing impatient, urged Marie to get authorization to force the greffier into registration. On August 24 Louis did just that, writing his mother from Ferte-Alais that

seeing the slowness of my court of Parlement to render me the act of obedience that they owe me concerning my ordinances, I have deemed it most appropriate to command the greffier Du Tillet to do his duty and put on the edict containing the said ordinances the act customarily put in similar cases. For this I am writing Monsieur Des Landes to bring you the said edict that he has in his hands, and to the greffier to inscribe the act. I entreat you to have them do this, to command them and all others that need be as much as you will judge necessary, at which I desire that they obey.

The arrival of these injunctions at last prompted the court to order the Code Michaud registered on August 29, seven months after the January lit de justice. Louis received the registered ordinance on September 4 and promptly handed it back to Mole with permission to present remonstrances.

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96 B.N. Ms. fr. nouv. acq. 9890, fols. 33-34, July 6, 1629.
97 B.N. Ms. fr. 3829, fol. 224, Louis to Marie de Medicis, August 24, 1629.
98 B.N. Ms. fr. nouv. acq. 9890, fol. 336, August 29, 1629.
These remonstrances were never presented. Instead the Parlement turned to quite different tactics to disable the ordinance. Having been compelled to register what they were now derisively calling the "Code Michaud," the judges could not be forced to put it into practice as they were sworn to do. During the remainder of 1629 and 1630, lawyers who chose to argue from its principles were hooted down before the bar and faced the certain loss of their cases if they persisted. At best the Crown had few alternatives to counter such behavior, even had the will existed to force the issue, and a combination of circumstances conspired to insure that Louis did nothing to enforce his new law. One of these circumstances was the royal presence. During most of 1629 and 1630 Louis was busily engaged asserting the French presence in the Duchy of Mantua and had little time for judicial affairs in Paris. Just as these campaigns drew to a close, Louis suffered a nearly fatal breakdown of his health, and upon his recovery the Day of Dupes produced Marillac's disgrace, arrest, and imprisonment. After this time Richelieu had little interest in resuscitating a measure widely credited to his erstwhile rival, however worthy it may have been, and the Ordinance of 1629 remained in limbo, a monument to the high hopes, hard work, and poor political judgment of the former garde des sceaux.

Some of the same factors that spelled the doom of the Code Michaud also dampened Parlementaire politics during 1630. Louis was far from his capital for most of the year. Richelieu and Marillac were too preoccupied with the King's affairs in Mantua, the possibility of European war, with Louis' failing health, or with fending
off their rival's claims on the royal affections to chance a distracting encounter with those wearing the black robes of justice in the Palais. For their part the magistrates were also content to let sleeping dogs lie. The paulette agreement concluded in 1621 expired at the end of 1629, and the Crown made no immediate effort to open negotiations with its magistrature. The King's initial offer came from Lyons only on June 21, 1630, in a declaration which included the outrageous demand that the judges pay an immediate loan of twenty-five percent. As soon as these terms became known in Paris, the Parlement declined to pay them and forbade any member of the court from acceding to the June edict until better conditions were forthcoming. Nothing better, though, was offered until the very end of the year. In the meanwhile, the judges had to bide their time and hope for the royal grace. For these reasons the Parlement's record during 1630 was very routine. It was a year of suspense for both Crown and court, a hush before the storm that broke in the Palais Luxembourg on November 10, 1630.

99 For tensions in the innermost circles of government during 1630 see the important article by Georges Pagès, "Autour du 'Grand orage.'"

100 B.N. Imprimés, Actes royaux, F.46968, no. 17.

101 B.N. Ms. fr. nouv. acqu. 9891, fols. 34-35, July 1 and 5, 1630.
CHAPTER VII

THE PARLEMENT AND THE DAY OF DUPES

Sometime during the mid-morning hours of November 10, 1630, a dramatic confrontation took place within the luxurious confines of Marie de Médicis' Palais de Luxembourg in the faubourg St. Germain. Two of the principals in the tempestuous scene—Louis XIII and his mother—had come together to discuss a matter of the highest importance, the rendition of a royal promise to remove Richelieu from the government. Marie, now estranged from her one-time favorite and fiercely jealous of his influence over her son, had extracted the promise from Louis as he lay recovering from a nearly fatal illness contracted during the Mantuan campaign. That had been in October. Now miraculously recovered, Louis had done nothing about his pledge, and that November morning Marie meant to persuade him. Just as their conversation waxed warmest, however, Richelieu had appeared as if by occult summons through an unlocked door, interrupting this most private of meetings and bringing Marie to a fit of outrage which, in her son's eyes, finally crystallized a long postponed decision. The details of what followed vary, but none of the results are open to speculation. During the afternoon and evening of the 10th, Richelieu's primacy in Louis' councils and confidence was solidly confirmed by long, intimate exchanges at the then secluded hunting lodge of Versailles. Never again would that primacy be seriously challenged.

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The dupes of the day, those who had wagered their all on the mother rather than the son, soon found themselves disappointed or, worse yet, disgraced. Michel de Marillac, center of the Queen Mother's faction, was stripped of the seals on November 11 and packed off to confinement at Chateaudun where he died two years later. Orders for the arrest of his brother, maréchal Louis de Marillac, governor of the fortress of Verdun, commander in Italy with La Force and Schomberg, went out on November 13. The maréchal offered no resistance and was conducted under close guard to Ste. Menehould to undergo an investigation which would shortly involve the Parlement of Paris. Maréchal Bassompierre, compromised by letters to Louis de Marillac, was assigned a cell in the Bastille where he spent the next twelve years. Marie and Gaston d'Orléans, obstinate and unforgiving in their hatred of Richelieu, were beyond direct chastisement; Louis, indeed, would have preferred a peaceful reconciliation with them. This, as ensuing events would show, ultimately proved impossible.1

Reverberations from the Day of Dupes were felt almost immediately in the halls and chambers of the Palais de Justice as Richelieu moved to consolidate his victory. While the politics of the Parlement would be dominated by the consequences of the Day of Dupes for the next three years, the new order manifested itself first in two crucial appointments made shortly after November 10. With the

1Mongrédiens, La Journée des dupes, passim; Tapie, La France de Louis XIII et de Richelieu, pp. 215-26; Burckhardt, Richelieu, His Rise to Power, pp. 370-402; Pagès, "Autour du 'Grand Orage," passim.
displacement of Michel de Marillac as garde des sceaux, the seals had reverted to Louis' custody; Richelieu determined to entrust them to a reliable créature, some suitably qualified figure of dignity but, above all, one of straw. In Charles de l'Aubespine, marquis de Chateauneuf, Richelieu found such a man.² Chateauneuf, of one of the best Parisian families, son of a long-time ambassador to England and himself experienced in government, brought sufficient stature but little of Marillac's native interest, ability, or independent obtrusiveness to the office. His role vis-à-vis the Parlement during the next two years might best be described as that of the Crown's mouthpiece, personally inoffensive, except for an exasperating habit of whispering his speeches, and officially complaint with instructions from Louis and Richelieu. There is nothing to suggest that his relationship with the Parlement had any connection with the intrigues that led to his fall in February of 1633.

Custody of the seals was not the only important judicial disposition made after the Day of Dupes. On November 18 Nicolas III Le Jay was sworn in as First President of the Parlement, filling a

²Charles de l'Aubespine, marquis de Chateauneuf, seigneur de Préaux, was the son of Guillaume de l'Aubespine, dean of the king's council and Chancellor of the Order of the Holy Spirit. Chateauneuf became conseiller clerc in the Parlement of Paris in 1603; ambassador to Holland, 1609; to Germany, 1620; to Venice and the Grisons, 1626; to England, 1629; Chancellor of the Ordre du Saint Esprit in 1630. Chateauneuf was handed the seals on November 14, 1630, and retained them until February 25, 1633, when he was disgraced and exiled to Angoulême. He returned to the court after the death of Louis XIII and played a significant role in council on several occasions thereafter.
vacancy open since the death of Jean V Bochart de Champigny in April, 1630. In actuality, however, Le Jay had been First President in all but name since the death of Jerome d'Hacqueville in November, 1628, since Champigny had never presided over the court. The appointment of a First President should have given Richelieu long pause, for the charge was an important one and the selection of its bearer a delicate proposition. While the First President did not control his associates, he represented them on ceremonial occasions and played a large part in shaping their deliberations. These considerations made it imperative that the First President be a moderate or, if possible, a royalist. Yet the potential candidates for the position were limited, because to be reasonably acceptable to his brother judges the First President had to be of the robe and experienced in the Parlement. In effect this meant that the office had to be filled from among the présidents à mortier or gens du roi and while there had been exceptions such as that of Champigny, there was great pressure within the court to promote the ranking président to First President upon the death of his forebearer.

In November, 1630, circumstances made Richelieu's decision easier, for the ranking président à mortier, Nicolas Le Jay, was

The First President's position was really a commission which could be revoked, although removal was quite rare. Since it was a dignity and not a purchaseable office, charge describes its nature better than office.
also known and acceptable to him. As a First President, even as a président à mortier, Le Jay was strangely stypical. His family background showed no association with the Parlement and was not particularly distinguished in government service. Nicolas Le Jay had been a secrétaire du roi and maître des comptes under Francis I, titled as écuyer (squire) by virtue of his lands at La Fouche Hersans. Nicolas I's only son Jean, grandfather of the First President, kept his father's office of secrétaire, married Guillelmette Hotman, and died in 1556. In October, 1559, Jean Le Jay was posthumously qualified as noble, probably through his office of secrétaire. Noble homme Nicolas II inherited the family office of secrétaire by survivance in 1552 and became a correcteur des comptes in 1571. Through inheritance, purchase, or his marriage to Madelaine Grotton de Gron, Nicolas II held the seigneuries of Bervilliers, 

4A brief sketch of three other contemporary présidents à mortier will illustrate more typical patterns among them. Nicolas de Bellievre, received as président à mortier in 1614, was the eldest son of Chancellor Pomponne I de Bellievre, who, in addition to several ambassadorships, had also been surintendent des finances and a président à mortier (1579-80). In 1605 Nicolas de Bellievre married Claude Brulart, the daughter of Nicolas Brulart, Chancellor of France, and member of a parlementaire dynasty. Andre I Potier, sieur de Novion, became président à mortier in 1616 and remained in the office until his death in 1635. His father, Nicolas III Potier, had been a président à mortier and his grandfather a conseiller in the court. His mother was the daughter of a président à mortier and his wife was the daughter of conseiller Michel de Lauzon. Finally, Henri de Mesmes, received as président in 1621, was the eldest son of Jean-Jacques de Mesmes, conseiller in the Parlement and later conseiller d'Etat, and grandson of a maître des requêtes under Francis I. Henri de Mesmes marital alliances were somewhat exceptional, for both of his wives were of the noblesse d'espé. See the entries in B.N. 7553-7555bis, "Receuil alphabetique de notices et amoires des présidents, conseillers, etc., du Parlement de Paris," and B.N. Ms. fr. 11427, "Mémoires sur les familles du Parlement."
Quinquempoix, La Grange, Tilly, and La Maisonrouge, leaving these to five sons in 1586.\(^5\)

The eldest of these sons, Nicolas III Le Jay, pursued a strikingly successful career in the judiciary, beginning as a conseiller aux Enquêtes in 1600 and moving to the Châtelet as procureur au Roi in 1602. In 1609 he took a step up in the Parisian world, becoming lieutenant civil "by means of 50,000 sous that he paid to the son of M. [François] Miron, and 25,000 to Concini, maréchal d'Encre [sic], to get permission for it."\(^6\) As lieutenant civil, Le Jay had earned something of a reputation for maintaining calm in the city after the assassination of Henry IV in 1610. Three years after this episode, Le Jay went back into the Parlement, securing a presidency à mortier by resignation from Jacques-Auguste de Thou.

At the time of his appointment as First President, Le Jay had seventeen years of experience in the court and was at the top of the list of presidents. By this time, too, he had increased the extent and stature of the family lands, having raised the seigneuries of Tilly, La Maisonrouge, and Saint-Fargeau to baronies, and having added the seigneuries of Villiers, Les Salles, Saint Y, Bretigny-sur-Mont, Malabri, Paray, Conflans, and Les Carrieres. His marriage to Magdelaine Marchand, daughter of Charles Marchand, colonel of three

\(^5\) B.N. Ms. fr. 29913 (dossiers bleus 368), "Le Jay"; Ms. fr. 7553, fol. 21; Ms. fr. 7555, fols. 505-06.

\(^6\) B.N. Ms. fr. 29913 (dossiers bleus 368), "Le Jay," fol. 3.
companies of soldiers attached to the Hôtel de ville, was apparently not as successful as his acquisition of lands, she bringing him neither high connections nor children before her death in 1625.7

At the time of his appointment as First President in 1630, Le Jay's public reputation was that of a "knowing [savant], honest man, although a philanderer; also his charge cost him a great deal."8 In 1615 Le Jay had made a flirtation with the rebellious princes Condé and Soissons and had been briefly imprisoned for it.9 This escapade may have taught him a lesson, for by the late 1620's he had become a royalist, as his behavior during the verification of the Code Michaud testifies. During 1630 Le Jay acted as First President in the absence of Jean Bochart de Champigny. Undoubtedly, too, by this time he had developed some association with Richelieu, although the extent and nature of this relationship is shrouded in conjecture since Richelieu's papers, correspondence, and Mémoires make only infrequent and fleeting references to him before November, 1630. Certainly if Le Jay was a créature of Richelieu in some way before this time, he retained these ties of loyalty after becoming First President, for within the rules of the court, he always diligently worked to further the royal cause.

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7B.N. Ms. fr. 7553, fol. 21; Ms. fr. 7555, fols. 505-06.

8B.N. Ms. fr. 29913 (dossiers bleus 368), "Le Jay," fol. 3. The Historiettes of Tallemant des Réaux make no meaningful comment on any aspect of Le Jay's life except his amorous adventures, from which he received some notoriety and several illegitimate children.

9Molé, Mémoires, I, 72-86.
The beginning of Le Jay's presidency found the Parlement in a sullen mood brought on by the prolongation of the paulette renewal. Since issuing its declaration of June 21, 1630, the Crown had held fast in its determination to negotiate the paulette in exchange for an extortionate loan of twenty-five percent from its judicial officers; by the opening of the 1631 session in November, 1630, the judges in the Parlement were anxious and angry at Louis' failure to come to terms. One of Le Jay's first tasks, therefore, was to lead a delegation to see the King about the droit annuel. On November 22 Le Jay, Bellièvre, and Potier de Novion, in company with several conseillers, rode out to Saint-Germain-en-Laye to meet with the King. Louis promised them his good intentions, but the new offer that was issued on December 21 hardly pleased the magistrates. It called for the officers of all sovereign courts to pay a loan of twelve and one-half percent; the trésoriers de France and the présidiaux, sixteen and two-thirds percent; and all others twenty percent. Thoroughly dissatisfied, the judges refused to pay on these costly terms which took no account of their elite status by comparison with that of the provincial sovereign courts.

Before a protest could be mounted against the paulette, however, the magistrates' spirits were further irritated by an attempt to create offices within the Parlement, the first such effort since Henry IV's reign. By an edict presented December 30, the judges were asked to approve two new maîtres des requêtes and a conseiller laïque

10 B.N. Imprimés, Actes royaux, F.46968, no. 20.
in each of the five Chambres des enquêtes and two of Requêtes. The King regretted such means, but "the urgent necessity of our affairs" made them imperative, and the Parlement was ordered to register without delay, restriction, difficulty, or modification. This the court refused to do, opting instead to present remonstrances.\(^{11}\)

These remonstrances, together with the longstanding paulette grievances, were the central topics on the morning of January 20 when a delegation headed by Le Jay met Louis and his advisors at the Louvre. From the standpoint of both parties, the session was fraught with potentially important consequences. For the Crown, desperately in need of funds after the Mantuan campaign of the preceding year, the most obvious considerations were financial: sale of the big judicial offices plus a plump paulette settlement could substantially ease the treasury's pains if the Parlement could be persuaded to accept them. Less perceptible, but at least as meaningful, were psychological factors surrounding the solidarity and credibility of Richelieu's newly confirmed ministry. The wily judges could not be allowed to dictate terms to the council; conversely, an impression of mutual trust and open-minded compromise were also desirable. Louis and Richelieu, therefore, resolved to put on a grand show. When the deputies from the court arrived late in the morning, they were received by the King and his entire council: Richelieu, the garde des sceaux, the surintendant des finances, four maréchaux de France, several

\(^{11}\)B.N. Ms. fr. nouv. acq. 9891, fols. 59-60, December 30, 1630, and January 2, 1631.
secretaires d'Etat, conseillers d'Etat, maftres des requêtes, and even the captain of the King's guards stood in reception.

For the judges, on the other hand, the dual issues of the paulette and creations came to the same point: the Parlement, the oldest and most honorable sovereign court, should not be treated in common with other institutions. Both a principle and material interests were at stake. A distinction for the sovereign courts had been made when the paulette had been assessed in 1620, a distinction which in 1630 the Parlement hoped to further improve into an exclusive privilege; in the same way the Parlement, long exempted from creations of office, should continue to enjoy its immunity. Opposition on the latter point, of course, could easily be defended in the name of legitimate public concern, good government, and the welfare of the kingdom, because everyone knew the sale of office was a notoriously wasteful and injurious means of public finance. This seemed to be especially true at the beginning of 1631, since the military activities of the past year had largely been concluded and the need for extraordinary financing much diminished.

These basic aspirations, therefore, were foremost in Le Jay's mind as he argued the court's case. The First President began by maintaining that just as the Crown's needs had slackened with the coming of peace, so too should it relent in its demands:

While Your Majesty had war underway and armies within and without the kingdom, it was impossible for him to order anything for the relief of his subjects; that is why your
officers remained silent by reserve and modesty. But at present it seems that necessity has had its day, and that the serenity of peace has moderated in several ways the rigor and calamities that war customarily brings.  

Le Jay then went on to develop the Parlement's refusal to pay the forced loan associated with the *droit annuel*, intimating that its rank entitled to special considerations:

Allow us, Sire, that on this occasion we should say that your Parlement, which is the first *parlement* of France and the Court of Peers, should believe itself to have prerogatives and pre-eminences above the others. Nevertheless, we do not know by what misfortune it finds itself mingled in confusion and in rank with companies which are inferior to it.  

The Parlement of Paris was especially deserving through its elite standing, but all the sovereign courts were deserving because they contributed by administering the King's justice at very low salaries, drawing less than 500 *livres* a year for the *conseillers laïques* and 400 for the *conseillers clercs*. Furthermore, Le Jay continued, the Parlement had never asked for any increase in these humble wages and contributed 300 *livres* out of them for the privilege of the *guarante jours*. That left 200 *livres* remuneration, "a strange and pitiable thing which merits consideration."  

After offering these considerations, the First President specified two deficiencies in the December declaration of the *droit annuel*, neither of which, oddly enough, referred to the forced loan. One was that there was no provision made for safeguarding and conserving offices for widows and orphans of those who had died during

12 *B.N. Ms. fr. nouv. acq. 9891, fol. 64, January 24, 1631.*  
13 *B.N. Ms. fr. nouv. acq. 9891, fol. 64, January 24, 1631.*  
14 *B.N. Ms. fr. nouv. acq. 9891, fol. 64, January 24, 1631.*
the rupture of the agreement. Because of this, a conseiller who had
died six months before had lost his office, leaving behind ten
children to subsist on 100 livres of rentes. Secondly, the recent
edict had made a distinction among the présidiaux, royal judges, and
lesser jurisdictions "who are poor and miserable, the highest of
them having only fifty livres in salary." As for the creation of
the maîtres des requêtes and conseillers, the Parlement had
deliberated on them for three consecutive mornings and decided on
remonstrances. Le Jay though that "to represent all the reasons which
were expressed against them [the creations] would be to bore you,"
but the principal one was "that it had always been judged that the
multiplicity of officers in France is very injurious, that they will
be perpetual, and that in eight years we will be constrained to do
the same or the equivalent, and so on to infinity." In summary, the
judges hoped and believed that Louis, out of bounty and consideration
for subjects, officers, and honor, would preserve the Parlement in
its rights and privileges.15

Louis' response, given by Chateauneuf, was conciliatory in tone
but made no compromise on the main issues. The garde des sceaux
told the deputies that the King greatly regretted having been driven
to such means in his hour of need; in the past he had been helped
by the clergy and the nobility which had given property, blood, and
lives in his service; the people, too, had born several new imposts,

15B.N. Ms. fr. nouv. acq. 9891, fol. 66, January 24, 1631.
but "the war, the necessity, and the sterility of the seasons having saddled all alike, the King thought it possible only to draw help from the zeal and affections of his officers." He had, however, several propositions to make. In those cases where security of investment was threatened, the King would see to the conservation of office in the family; he had not wanted to augment the Parties casuelles by his first asking of twenty-five percent in June, 1630, and "not wanting to profit from his officers," had reduced it to the very moderate former taxes; these things considered, the Crown could find no other resource than the present and moderate one; that having sent his edict to the Parlement, the King wanted it verified, which the officers should do "by the zeal and affection that they bear for his service." With this not very promising dismissal, the deputies had to be content and retired to reflect on it.16

Even as Le Jay reported the interview of January 20 to his colleagues, however, consequences of the Day of Dupes were taking shape which would soon displace the paulette and December creation in the judges' attentions. These matters were never out of mind during the spring and summer, but they came to be mingled with issues of even greater importance surrounding the administration of high justice by commissaires and the fundamental right of the fundamental right of the Parlement to mingle in affairs of State.

16B.N. Ms. fr. nouv. acq. 9891, fols. 67-68, January 24, 1631.
Violent bickering over these matters would dominate the politics of the Parlement until February, 1632, making 1631 a year of crisis between the Crown and the court unequalled until the outbreak of the Fronde in 1648. By February, 1632, Louis and Richelieu had secured a wobbly victory on several major points, but only by the repeated use of punitive measures which in themselves accentuated tensions playing between the council and the sovereign court.

The Parlement was first sucked into the turbulent wake of Richelieu's ascendancy when, in the closing week of January, the court received a plea for justice from Catherine de Marillac, wife of the maréchal who had been arrested in Italy and returned to France for trial. Preparation of a case against him had been handed over to conseiller d'État Moricq and maître des requêtes Isaac de Laffemas, later notorious as "Richelieu's hangman." Laffemas proceeded according to his own methods, indiscriminately seizing boxes of the maréchal's private papers without warning or explanation, breaking them open, and forwarding the contents to Moricq for examination. The first reaction of the maréchal's wife was to present a recusation against Laffemas; when this had no effect, she protested to the Parlement of Paris, sending a request for justice and an interdiction of Laffemas' activities. 17 Molé received the

17 B.N. Imprimés Lb 36.2839, Requestes présentées à la Cour de Parlement de Paris par le maréchal de Marillac et sa femme (n.p., 1631), pp. 3-5. This pamphlet of twenty-seven pages contains the petitions of Marillac and his wife presented to the Parlement and the arrêts issued in their favor between January and September, 1631. Several of these documents are not to be found in other sources such as the registers of the Parlement.
appeal on January 23 and gave his approval for its consideration before the Parlement, writing across the bottom of the original: "In consequence of preceding decisions of the court interposed on commissaires extraordinaires, I do not bar it from the King." The reception of the Parlement encouraged Marillac to present a formal appeal in his own name a few days later:

Louis de Marillac, maréchal de France, humbly pleads, saying that he has seen himself suddenly struck as if by thunder, and by and by closely imprisoned and carefully guarded as if he were a criminal of lèse-majesté and could bring some terror to the State, without knowing why, at the request of whom, who the prosecuting party is, nor why they wish it.

Actually, the Marshal strongly suspected the origin of his troubles and intimated it, even though Richelieu was not mentioned by name:

He has since learned and is advised that in order to substantiate such unwonted extraordinary methods and to make him out a criminal in some way, they are examining all his life, imputing unknown crimes to him which were born and came to light only during the night and day following Saint-Martin's Day last [November 11], solely through malevolent intentions of those who desire and procure his ruin.

Marillac maintained his innocence could easily be shown before ordinary courts, but he had not had the chance because the investigation was being made

18"En consequence des precedents arrestes de la Cour intervenus sur les commissaires extraordinaires, je ne l'empesche pour le Roy." Ibid., p. 5. From the beginning of the Marillac Affair, Molé showed himself receptive to appeals from the maréchal, although he must have known that the case was extremely sensitive to the King and Richelieu. On the question of Molé's involvement in the Marillac Affair, see the important footnote in his Mémoires, II, 68, n.3, where the editors have provided a valuable annotation to documents presented in the text.
by way of *commissaires*, chosen and named by deceit, among others *sieur de Laffemas*, *maître des requêtes* that the court knows well enough and how he came into the charge of *maître* that he has, in which he is still not recognized by the court, and *monsieur de Moricq*, also a *maître des requêtes*, in truth a personnage of honor, against whom he has nothing to say except that he could only be suspect, being chosen and influenced by unknown parties adverse to him.

These judges had proceeded against him in unheard-of ways,

beginning by imprisonment, by seizure of property, titles, and papers of the plaintiff, then seeking out witnesses from all sides to inform on his life and to have them deposit all the wrongs that they imagine to have been committed, [in order] to make a case of it.

Beyond these injustices, the maréchal thought the court should recognize the fact "that the commissions of the said sieurs de Laffemas and de Moricq had never been verified by the court, and that their procedure is completely novel and unprecedented." Under the extremity of these conditions, the maréchal hoped to receive recourse and justice from the Parlement:

If it please your graces, receive the said plaintiff appellant from incompetent and recused judges as well as from the complete procedure done by them, holding him to be wholly relieved; order that on the said appeals the parties will have audience on such a day as it pleases the court to order; that until such day the pretended investigation and other procedures carried out by them against the said plaintiff, together with their commissions, in virtue of which they have worked, will be brought to the greffier of the court; that to do this the greffiers of the said commissaires will be constrained by all due and reasonable means, even by imprisonment of their persons; permit the said plaintiff on the said appeal to summon those that he believes to be his secret parties and those it will seem proper to him, and until then, to prohibit the said sieurs de Moricq and De Laffemas and all other judges from proceeding to the execution of the said commissions.

Mathieu Mole inscribed favorable conclusions on the petition on January 29, and it was taken up by the court some time within the next three days, though the registers do not indicate the exact date.\footnote{Molé wrote, "Je ne l'empesche pour le Roy." B.N. Imprimés lb36.2839, Requestes présentées par de Marillac," p. 8. See also Mole, Mémoires, II, 68, n. 3.}

With the paulette pending, what provoked the court to take this action contrary to the King's will and contrary to its feelings towards the Marillac family? The answer probably lies with the Parlement's longstanding concern with commissaires extraordinaires vested in maîtres des requêtes or conseillers d'État. The granting of such commissions had persisted in spite of the court's repeated injunctions and remonstrances against them, and just before Marillac's case appeared the Parlement had recognized a similar appeal coming from Antoine Brillet, lawyer in the présidal of Angers.\footnote{See supra, p. 176.}

The Parlement had unanimously accepted his claim; having done so, it could hardly do less with a much more spectacular appeal coming from a Marshal of France. As Pierre de Vaissièrè, historian of Marillac's trial put it, this eagerness of the Parlement to welcome the Marshal's complaint is explained by the uneasiness caused it for a long time by commissaires extraordinaires confided to maîtres des requêtes ordinaires de l'hôtel du roi, and which threatened to dispoil the highest jurisdiction of the kingdom of a part of its prerogatives.\footnote{Pierre de Vaissièrè, L'Affaire du maréchal de Marillac (Paris, 1924), p. 109. This is a very substantial and thoroughly documented work covering all aspects of Marillac's trial in detail.}
Additionally, of course, Marillac had the imponderable factors of justice and popular opinion on his side; in this instance, these also happened to coincide with the court's interests of the moment.

The King's interests were diametrically opposed to those of his Parlement, and on February 3 Le Jay and three conseillers were summoned to the Louvre to account for their acceptance. There Louis told them in no uncertain terms that they had been called because of the Marillac petition and that he "did not intend for them to consider the affair and that he wanted to be obeyed." Le Jay said that he would tell the court and the deputation retired.

Having been apprised of the royal will, the next day Le Jay's colleagues promptly decided to disregard it. On February 4 the Parlement gave a formal arrêt in Marillac's favor totally satisfying his request. The maréchal and his wife were held to be relieved of obedience to the commissaires, permitted to summon any witnesses they chose in his defense, and granted a hearing before the Parlement as soon as possible ("audience au premier jour"). The investigations and papers of Moricq and Laffemas were to be deposited with the greffier of the Parlement for the procureur général's examination.

An emphatic royal reply to this decision was soon forthcoming. On February 6 an arrêt du Conseil quashed the Parlement's decree and

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23 B.N. Ms. fr. nouv. acq. 9891, fols. 70-71, February 4, 1631.

24 B.N. Imprimés Lb36.2839, Demandes présentées par de Marillac, p. 9, gives the text of this arrêt. It is not found in the registers.

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and forbade the court to take any cognizance of commissaires extraordinaires. Those on Marillac's case continued their work, Moricq leaving the next day, February 7, for Champagne with a new commission. The councillor arrêt set off a great commotion in the Palais, deputations, discussions, and meetings with Louis and the garde des sceaux coming thick and fast during the next three days. On the 9th Chateauneuf, in Louis' presence, laid down the final royal stand:

[In regard to] the affair pending in the Grand'Chambre by reason of the commission addressed to two maîtres des requêtes concerning the sieur de Marillac, [he] did not intend that the court should take cognizance of this affair; that the King was going to Compiègne for a few days and that he remanded the city of Paris to them.

These words and the arrêt du Conseil did not deter the Parlement, which now knew that the King would soon leave. On February 11 it decided to make très humble remonstrances on the arrêt du Conseil of the 6th. In the meantime the gens du roi were instructed to ask for a suspension of matters until the remonstrances could be presented.

Matters rested here for a few days, but on the 14th the court received a second request from Marillac pointing out that the commissaires were going about their inquest, the decision of February 4 notwithstanding. If the Parlement did not act quickly, the maréchal

25 Vaissière, L'Affaire du maréchal de Marillac, pp. 110-11; Griffet, Histoire de Louis XIII, II, 120; Richou, Histoire des commissions extraordinaires, p. 53. The text of the arrêt is not found in the registers or printed sources.

26 B.N. Ms. fr. nouv. acq. 9891, fol. 74, February 10, 1631.

27 B.N. Ms. fr. nouv. acq. 9891, fol. 75, February 11, 1631.
thought, "he will find himself guilty and will be judged, ... [it]
being considered that commissaires are chosen not so much to condemn
the guilty as to see that the innocent perish." To prevent this
Marillac asked for a renewal on enjoiners against Moricq and
Laffemas,

conforming to your arrêt[ of February 4] that the charges and
investigations and other procedures made by the said commis-
saires ... will be brought to the registry of the court, ... and that the plaintiff will be led away and imprisoned in the
Conciergerie of the Palais, to be under the jurisdiction of
the court."28

Once again the Parlement was receptive, issuing a second arrêt
on February 22 which largely reiterated its earlier one of the 4th.29
The commissaires were prohibited from continuing work on Marillac's
trial; remonstrances were to be made on the case; the huissiers of the
Parlement were enjoined to deliver the arrêt when they were required
so to do.30 As before, however, such efforts remained a dead letter,

28 B.N. Imprimis Lb36.2839, Requestes présentées par de Marillac,
pp. 10-12.

29 This time Molé inscribed more vigorous conclusions on the
bottom of the request: "Vu l'arrêt du Conseil du 6 février dernier,
avec la commission dudit jour, et autres pièces y attachées, je
requiers pour le Roi très-humbles remonstrances être faites audit
seigneur Roi, tant sur le sujet de l'interdiction que des termes
extraordinaires contenus audit arrêt du Conseil, et cependant que,
conformément à l'arrêt de la Cour conné, les Chambres assemblées, le
2 février dernier, les commissaires ne passeront outre à l'instruction
dudit procès, jusque à ce que les remonstrances ordonnées par ledit
arrêt aient été faites audit seigneur Roi." B.N. Imprimis Lb36.2839,
Requestes présentées par de Marillac, p. 12.

30 The text of the Parlement's arrêt is in Lb36.2839, Requestes
présentées par de Marillac, pp. 13-14. Neither the debate nor the
text of the arrêt is preserved in the registers.
for an arrêt du Conseil nullified the Parlement's decision on the same day it was issued. Under these circumstances none of the Parlement's huissiers dared risk delivering the decision, and the arrêt had to be carried to Moricq at the citadel of Verdun by an agent of the Marshal's family. The court's huissiers had been right: upon his arrival on the 28th, the messenger was arbitrarily thrown into a fortress where he remained incommunicado and without trial for six or seven months.

Help from the Parlement frustrated, the maréchale de Marillac appealed to Louis for an audience. This was turned down. She then went to Richelieu, who told her that he would not see her without Louis' permission. Some time after this the maréchal's wife was conducted outside Paris; other members of his family were exiled from Paris or expelled from their positions. At the same time the maréchal drafted writs of recusation against the garde des sceaux, Moricq, and several other royal agents; during March these were summarily rejected by three arrêts du Conseil.

Having brushed aside the opposition of the Parlement and Marillac's personal appeals, the Crown pressed on with its prosecution of the hapless victim. Letters from Paris dated May 13, 1631, proclaimed the official version of charges against him, ordered


Marillac moved from Ste. Menhoult to Dijon, and commissioned a chambre de justice to carry out his trial. This bench was initially composed of Noel Brulart, Claude de Paris, and Paul Hay de Chastelet, maîtres des requestes; Pierre des Barres and Jean Bouchu, présidents of the Parlement of Dijon; and ten conseillers drawn from the same court. As the trial progressed the garde des sceaux and others came to be added to the list. Moricq and Laffemas acted as rapporteurs with prosecution in the hands of Pierre Saintonge, procureur général at Dijon. At least ten judges had to be present to return the verdict.34

Why had the government chosen to locate the commission at Dijon? Marillac’s partisans saw in this royal intentions to have him judged by those whose lands and buildings had suffered in the passage of the maréchal’s army from Champagne to Piedmont during the campaign of 1630. But Vaissière, Marillac’s historian, suggests that the Crown had other more important, considerations connected with the influence of the Parlement of Paris:

I believe, however, that the preoccupation of the government was especially to have the case judged outside the ressort of the Parlement of Paris. That which tends to prove it is that an epidemic having broken out in Burgundy, and another place of assembly having to be designated for the commission, they immediately accepted Laffemas and Moricq’s proposition to meet at Verdun, "place, said they, sufficiently prescribed by the investigation which is there continuing, and which is outside the jurisdiction of the Parlement of Paris."35

34 The text of the commission of May 13 is in B.N. Imprimés Lb 36 .2839, Requestes présentées par de Marillac, pp. 15-17. Additional details may be found in Vaissière, L’Affaire du maréchal de Marillac, pp. 113-14.

35 Vaissière, L’Affaire du maréchal de Marillac, p. 115.
The transfer to Verdun took place on July 2; evidently even at this late date the commissaires had enough respect for the influence of the Parlement in Marillac's cause to avoid operations within its jurisdiction. Finally, both Dijon and Verdun were close to the Duchy of Lorraine where Gaston D'Orleans had sought refuge after fleeing the kingdom in pique and panic during March. Making an example of the maréchal nearby might serve to remind his followers of the treatment meted out to rebels and conspirators.

According to the commission of May 13, the commissaires were to try Marillac on the broad grounds that he has very badly abused the authority that we [Louis XIII] gave him, and that he availed himself of it only to oppress our subjects and to impede the implementation of our good intentions, so that on the complaints [of our subjects] . . . we have been constrained to assure ourselves of his person, and to investigate his actions and behavior that we have found so contrary to the expectations we had conceived in him. After seeing in our council the charges, investigations, and other procedures made against him by commissaires we have deputed for this purpose, we have deemed ourselves unable, without wounding our conscience, to any longer conceal his evil actions nor excuse him of them without punishment, exemplary for the public interest rather than for our own. For these reasons, completely assured of your integrity and wisdom, we have commissioned, ordered, and deputed you . . . to prosecute and extraordinarily try the said sieur de Marillac.

During the following months the Crown's prosecutors found that translating these vague assertions into legal torts of lèse-majesté was impossible; unable to show that the maréchal had committed any crime of State, the judges then concentrated on his handling of State

36 B.N. Imprimés Lb36.2839, Requestes présentées par de Marillac, pp. 15-16.

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funds involved in construction of the citadel of Verdun and the conduct of his troops, where, under accepted military practices of the times, it was easy to dredge up some misconduct. By mid-summer the semblance of a case had been built around three general categories of charges: peculation of funds dedicated to the army in Champagne during 1630; malversations committed in the course of construction at Verdun, which Marillac commanded; and excessive requisitions levied on civilians where the army had passed on its way from Champagne to Piedmont. Arraignment on these charges did not take place before late in the year, however, and long before that time the Parlement of Paris had become embroiled in a host of other difficulties with the Crown which it is now necessary to examine.  

The thorniest problem that Louis XIII faced after the Day of Dupes was that of his immediate family, for despite large bribes, tearful promises, and solemn reassurances, a peaceful and trustworthy rapprochement between Louis, Richelieu, Gaston d'Orléans, and Marie proved impossible. At the end of January Gaston withdrew from court in a huff and retired to Orléans, thereby raising the possibility of new cabals. Long discussions between Louis and his advisers then produced reluctant decisions: mother and brother must remain separated; the Queen Mother must be secretly deported to a close and certain supervision secure from Gaston's machinations and far from Paris. The place chosen was an ancient royal residence

Vaissière, L'Affaire du maréchal de Marillac, p. 115.
deep in the forest of Compiègne, where the King, Queen, and an unsuspecting Queen Mother gathered in the middle of February. Louis' stay, however, was short. Before morning broke on the 23rd, Louis and the court slipped silently into the dawn, leaving Marie and her entourage behind, for all intents isolated in the care of eight companies of royal guards. With his mother thus restricted, on March 11 Louis set out for Orléans to bring his younger brother to reason. Gaston, impetuous and foolish as ever, refused any contact and fled to Lorraine, all the while papering the countryside with vehement letters, tracts, and broadsides blaming his own and the kingdom's misfortunes on the scheming, ambitious, and hard-hearted Cardinal. Louis followed, stopping in Dijon on March 30 to register a proclamation with the parlement in which his brother's supporters were declared guilty of lèse-majesté.

These events of the early months of 1631 presented the monarchy with a delicate situation, for Louis now had the embarrassing and dangerous public image of having hounded both his mother and brother into exile. If Marie was temporarily in hand, Gaston was free and quite capable of stirring up major troubles with the duc de Lorraine or even with the Spanish in nearby Franche Comte. Within the kingdom, where popular discontent was running high because of economic hardship and oppressive taxation, various elements could easily raise the standard of revolt in the name of the heir apparent against an unjust king and his tyrannical minister. The possibilities of a linkup between internal and external forces was thus very real and readily apparent to both sides during the spring.
At the same time a powder keg was developing in Louis' capital where high elements of the royal administration were among those Frenchmen most disturbed by royal policies. To be sure, under normal conditions Louis' familial estrangement would have left his officials largely unmoved. But in this uneasy spring of 1631, all of Paris was depressed by unusually severe outbreaks of vagabondage, crime, and epidemic sickness which were compounded by rumors of royal intentions to impose an aide of twenty-five percent on the retail sale of wine. On February 3 these rumors brought a hundred and fifty wine merchants and four or five hundred tavern keepers, porters, lackeys, servants, and onlookers to the front of the Hôtel de ville for a demonstration against the tax. The prévôt des marchands was unable to give them any satisfaction, and soon the crowd was crying for blood. When the city guard was called up, the colonel de quartier in charge found that not a single one of his command would bestir themselves in support of law and order. The mob soon surged through the city streets seeking Jean Bryois, the local aides farmer, screaming that they would throw him into the Seine or flay him and set his house on fire. The rioters were finally dispersed by two companies of guards brought over from the Louvre who shot down several of the crowd and seized others; Bryois was personally rescued from hiding by the duc de Montbazon, governor of Paris, and spirited off in his carriage for safekeeping.38

38D'Avenel, Richelieu et la monarchie absolue, II, Appendix VII, "Emeute provoquée par un droit de détail sur le vin," pp. 434-35. For the conditions of the spring of 1631, see supra, p.
Encouraged by these hardship conditions, a particularly potent combination of annoyances had been building steadily among the Parisian courts since the beginning of the new year. The interaction of contemporary conditions with the politics of the sovereign courts was noted by D'Andilly, who, with slight error in time frame, observed that "during the indecision of the Compiègne journey [February 11-23] there transpired three things which proved very unsettling." The first of these was the departure of Gaston for Orléans; the second, the émeute populaire in Paris over the new imposition of aides; the third was the protest of the sovereign companies on edicts that the King wanted passed because, seeing that they those in the council did not want to give them the paulette, they would not verify any edict, which frustrated the King's chances for the revenues that he hoped to draw from the edicts.

Then, as a postscript, D'Andilly tellingly added, "the real cause was the November stroke which continued the displeasure of M. the brother of the King with M. the Cardinal." 39

D'Andilly was especially accurate in regard to the Parlement, where dissatisfaction had been mounting since the Day of Dupes. Three major reasons for the court's inquietude, the seizure of Marillac, the accusation of Brillet, and the problem of commissaires in general, have already been seen. Even in the midst of discussing these topics, however, the Parlement could not forget that the paulette had been suspended or that a creation of office was pending. On

39Biblio. de l'Inst., Ms. Codefroy 285, "Journal de la cour sous Louis XIII," by Robert Arnauld d'Andilly, fol. 28. This manuscript includes material that is not found in the Journal inédit for the years 1630-32.
February 17 the judges in plenary session decided that thereafter there would be no deliberation on the provisions to any office in the court and that the droit annuel would not be paid. The Crown did not act to relieve any of these grievances, and near the end of February the Palais was seething with anger, as witnessed by an interesting letter from conseiller Pierre Berger, one of Richelieu's informants in the Parlement, to the Cardinal. Berger very frankly advised the minister on the 24th that it appears that the spirits of the company are growing more and more irritated, and beyond that the enemies of your power, who are hardly more friendly to that of the King, are taking subject to render you odious and are everywhere making malicious accounts of you. I see by the gestures and by ways of acting and speaking of several that I have always known to be the friends of innovation, that they promise themselves a change soon .... They are making an inventory of these [complaints in] remonstrances: on the last Briois riot; .... that several quarters of rente on the city have not been paid; that the poor folk of the country are dying of hunger, and that nevertheless instead of discharging they surcharge them; that all the notable people of the State are exposed by means of these extraordinary commissions to the danger of suffering anything one wishes at the court.... I make no judgment on all that .... I will only say that one sees by these and by an infinite number of other circumstances .... that public discontent grows from day to day, and that the particular remedies of driving away or putting in the Bastille those that it seems are accounted more bad than good give the King and you a hundred adversaries for [each] one so treated .... It is thus necessary to find some universal remedies to put an end to these discontents. Discharge yourself of the spirit of all these little topical remedies which are not even palliatives in the [present] ill-disposition of spirits and which serve to sharpen and aggravate the evil rather than to tone it down. I have no need to tell you, indeed, that which you known better than I, that is more expedient to reign in hearts than with stick in hand.

40B.N. Ms. fr. nouv. acq. 9891, fols. 77-78, February 17, 1631.

41Vaissière, L'Affaire du maréchal de Marillac, pp. 111-12, quoting an uncited letter of Berger to Richelieu.
Louis, then at Compiègne, was well aware of the prevailing state of affairs in his capital and kingdom. Before setting off to deal with Gaston, he composed a long lettre de cachet to the Parlement explaining the woes of the kingdom, his reasons for the humiliating treatment of his mother, and his enduring support for Richelieu. The letter was carefully timed to arrive in Paris just after the King left Compiègne, and between the lines the judges could read that it was a subtle warning not to further complicate the royal dilemma at this critical juncture.42

The judges of the Parlement understood the King's situation but tacitly chose to ignore it as the most serious crisis of the spring budded in the Palais de Justice during early March. The fresh turmoil had not originated with the Parlement, but with the Cour des aides which, in early February, had been asked to register an increase in the wine aides of Paris. There was great popular resistance to the tax, as the Bryois riot showed; the Cour des aides had refused registration, whereupon on February 27 the Crown ordered it interdicted and transferred its functions to a commission of maîtres des requêtes and conseillers from the Grand Conseil.43

42 B.N. Ms. fr. nouv. acq. 9891, fols. 78-81, February 26, 1631. The text is also printed in Molé's Mémoires, II, 35-37. The letter was, in effect, a press release to the public in the form of an open letter to all the parlements. It was also printed in the Mercure français, XVII, 130-33. The letter was dated from Compiègne, February 23, though it was certainly postdated, for the King departed before dawn on the 23rd. It was presented in the Parlement on the 26th, by which time news of the Queen Mother's exile and the King's departure would have reached the capital.

were thrown into a quandry: should they accept a commission ousting an entire corps of their fellow magistrates, or should they resist the King's orders? Normally there would have been little difficulty in deciding for the King whose councils they served, but the maîtres, like the other judicial officials, had not yet been granted the paulette; their corps, too, had been threatened with expansion in the edict pending before the Parlement. Therefore, in early March the maîtres assembled as a body, refused the Crown's commission, and even made remonstrances to the garde des sceaux. The council retaliated with an arrêt of March 10 which annulled the decisions made in the maîtres' assemblies "as made by incompetent judges and without power," ordered their acts stricken from the registers and replaced by the arrêt du Conseil, and proscribed any such assemblies in the future. Finally and most remarkably, three of the maîtres were suspended from their duties and barred from participation in the Conseil privé.\footnote{Molé, \textit{Mémoires}, II, p. 38-39.}

On the same day the commissaires went to the Cour des aides, took their places, registered their commission, and promptly adjourned because the greffier, the registers, and necessary instructions could not be found.\footnote{D'Avenel, \textit{Richelieu et la monarchie absolue}, II, Appendix VIII, p. 440.} At this point the Crown was faced with the possibility of a general revolt among the most elite members of its magistrature, including those serving the council itself.
This rebellion threatened to infect the Parlement just as Louis was departing for Orleans when some judges proposed to take up the interdiction of the Cour des aides and the maîtres' commission.46 The prospect of parlementaire cooperation with the maîtres and other sovereign courts in the King's absence presented a specter of the first magnitude, and Louis hastened to avoid it. Before leaving his capital on the 11th of March, Louis forbade any assembly in the Parlement touching on the Cour des aides. After the King had departed, however, some judges again suggested discussions, and on March 13 royal couriers pounded up the road from Etampes with a bundle of lettres de cachet: one each to the Grand Conseil, the gens du roi in the Parlement, the court as a whole, and one each to the présidents à mortier. The general tenor of each copy was the same, the most interesting one to the présidents à mortier reading:

Monsieur le Président, yesterday I was informed that an assembly of the chambers had been asked, there to put forward considerations on the establishment that I have made of some commissaires to attend to rendering justice to my subjects on the collection of Aides. I avow to you that this affair is sensitive to me, because those of my Parlement have no jurisdiction over matters which others have competence, and that it seems that having prohibited the undertaking of it on Monday [the 10th] that Wednesday it was pursued. Seeing the different directions which that might take, learning the ones who injured my authority, and not wanting to be obliged to make an assertion of all extremity against my Parlement, I have resolved to prevent the evil, using new prohibitions, not only writing to the court, to the sieur Le Jay, First President, and to my attorneys as is accustomed, but to each of you, présidents in the Parlement, in order to explain to you my sentiment and to declare to you that

46The registers do not contain this initial consideration, which must be inferred from later references. See B.N. Ms. fr. nouv. acq. 9891, fols. 81-82, March 14, 1631, and Molé, Mémoires, II,
I would be offended if, in the face of my intentions, it were to continue. I am counting on your fidelity and affection in case the affair is advanced so far that the dignity of your offices and the weight of your reasons cannot stop them, nor the force of my letter, nor that which will be said to them by our avocats and Procureur Général, [so] that you, with your colleagues, will adjourn yourselves at one time which will prevent the continuation of this deliberation. I am writing in these same terms to your colleagues, and have very precisely mandated my will to the said sieur Le Jay, whom I entreat you to support and follow. Relying on your fidelity and accustomed affection, I pray God that he will have you, Monsieur le Président, in his holy care. Written at Etampes the 13th day of March 1631.47

Despite these explicit instructions, the next day the Parlement ordered très humble remonstrances on the commissaires in the Aides' seats as well as the interdiction of the three maîtres. Bellièvre and several conseillers were entrusted with the task of presenting them.48

At first glance these actions of the court appear to be daring defiance of the royal wishes. The Crown took them to be so, and rightly feared the consequences. Other pieces of evidence, however, indicate that the court had proceeded quite cautiously behind Louis' back. Noting the Parlement's actions of the week, D'Andilly wrote that

Although the King in leaving Paris had made prohibitions to the Parlement to assemble, it assembled nevertheless; but the action passed with great respect [l'action se passa avec grand respect] and only M. le président de Bellièvre was deputed to go to make remonstrances to the King on the unpleasant impressions given to him by his Parlement.49

Assuming the veracity of D'Andilly's remarks, it seems likely that the Parlement's involvement was intended more as a gesture of support

47Molé, Mémoires, II, 41-42.
48B.N. Ms. fr. nouv. acq. 9891, fol. 84, March 14, 1631.
for the Cour des aides and the maîtres than a determination to press
matters to a confrontation and possible co-operation among the
discontented magistrates. If the judges had wished to underscore
deeply held feelings, a larger delegation would have been named under
the direction of the First President. Finally, although the Crown
made no conciliatory move to the Parlement, the matter disappeared
from the court's registers after the entry of 15th. Undoubtedly the
decision to drop the issue was encouraged by withdrawal of the
twenty-five percent aide on March 17 and by increasing evidence that
the commissaires would not be able to function, since they received
no pleas and lawyers refused to argue before them. Nevertheless,
for a time the ominous possibility of united action among the
sovereign courts of the capital had presented itself, and at least
partially because of pressure from officers, the Crown had been
forced to compromise with them by withdrawing the wine tax. The
commissaires, too, proved an experience in burlesque and were
completely withdrawn on May 7.

The affair of the Cour des aides had scarcely subsided when the
Parlement was drawn into consideration of a matter of State of the
utmost significance: the rebellion and flight of Gaston d'Orléans.
This momentous issue, like so many others, was grounded in the Day
of Dupes, but in gravity it far outstripped any the Parlement had
considered up to that time. Indeed, this affair was not only the

50 D'Avenel, Richelieu et la monarchie absolue, II, Appendix VIII, 440-43.
51 Ibid., 444.
climax of the spring crisis but potentially became one of the most perilous periods of Louis' reign when, in the middle of April, Louis and Richelieu had to contend with a public overture to the Parlement submitted by Gaston. The court went on to discuss royal policies towards his followers, and the Crown's firm resolve had to be underscored in the strongest terms to that date, including a summons to meet the King en corps at the Louvre, public destruction of its records, and the exile of several magistrates.

The Gaston d'Orléans Affair began innocuously enough. On March 30 Louis had had registered in the Parlement of Dijon a declaration against his brother which outlined his contrary behavior, ingratitude, and final flight from the kingdom. The King's brother, as Louis' heir-apparent, was invulnerable, but the edict declared his followers the comte de Moret, the ducs d'Elbeuf, De Bellegarde, and De Roannez, the président à mortier Jacques le Coigneux, the sieurs de Puylaurens, Montsigot, and Chanteloube, "and all other persons of whatever quality and condition that they should be" guilty and convicted of lèse-majesté on the prima facie evidence of having fled the kingdom without permission. From Louis' view there was nothing unusual in the pronouncement, which was soundly grounded in the ordinances. The Parlement of Dijon had been presented with the document out of force of circumstance, because Louis had ended his pursuit there and because the court was close to Gaston's refuge.

52 Le Mercure françois, XVII, 1:6-52.
Likewise, as far as the Crown was concerned, Gaston's supporters had convicted themselves by their treasonous behavior in assisting and advising the King's brother against the known will of the King. Their actions had included the raising of troops in Gaston's behalf, an offense plainly defined as lèse-majesté in Article 183 of the Ordinance of Blois.

Therefore when the Parlement of Paris received the declaration on April 4, there was no readily apparent reason why registration should not have followed immediately. Nevertheless, it did not, the court deciding "to deliberate on the said declaration and to see the registers." The reasons for this decision and the ensuing hearings were never formally expressed, but they were probably an amalgam of accumulated mistrust from earlier in the spring, institutional pride, and legal reasoning. The Parlement received the declaration in a low humor, which was not improved by the news that it had first been presented in a provincial sovereign court and not the first court of the land. Upon examination the magistrates found that one of their own number, the président à mortier Jacques le Coigneux, had been condemned without being heard before the Parlement. Lastly, the court may have believed that Gaston's other supporters had been unfairly condemned because their offices required that they remain near his person, thus having been declared guilty of lèse-majesté for merely having followed their master.

53 B.N. Ms. fr. nouv. acq. 9891, fol. 85, April 4, 1631.

54 Griffet, Histoire de Louis XIII, II, 144-45. Griffet added a fourth reason that is more difficult to substantiate, that the judges acted out of concern for Gaston, "whose interests had always been dear to the company."
Unhappily for those who would know the court's actions at this time, the registers contain no entries between April 4 and April 24. If the court followed its usual procedure, and there is no reason to suppose that it did not, a committee was appointed to examine the declaration and report on it. A few days later, perhaps on the 7th or 8th, a report was presented and deliberations begun. However, according to D'Andilly,

When it came to Mf Pinon (dean of the conseillers of the Grand' Chambre) he said that it seemed to him that they were going a little quickly in an affair of so great a consequence, and that he was of the opinion that they should see the registers as they customarily did on similar occasions.55

The proclamation was probably still under examination on April 12, when a new development cast the Parlement's consideration in a radically different light. On Saturday, the 12th, one sieur Michael Roger, Gaston's procurer general, delivered a request for justice from the prince to a conseiller of the Parlement. The petition was in two parts, the first a polemic against Richelieu, who "had undertaken open force upon his person," driven him from the kingdom, and sent a declaration to the Parlement of Dijon "filled with various facts that he imagines contrary to the honor and reputation of the said seigneur duc." Gaston then enlisted the aid of the Parlement through a legal appeal:

55D'Andilly, Journal inédit, X, 162-63. D'Andilly recorded this entry for April 24, then noted: "This [opinion] of Mf Pinon came more than fifteen days before, the first time that they had deliberated on the declaration, [and] upon which they re-deliberated from the beginning on the said day the 24th." This note would then place the beginning of the deliberation around the 7th or 8th of April.
This considered, Messieurs, [if] it please you [to] give writ to the said Duc on that which he declares, that the enterprise and violent persecution of the said Cardinal against his person is the cause of his sortie from the kingdom, and that there is not one among those named in the said declaration, nor any other, which by counsel or otherwise has there contributed; give him writ as well as on the protestation which he makes so that the said above mentioned declaration cannot damage or prejudice those included in it, nor him, from that which he opposes; that it oppose the execution of the said declaration and the registration of all similar [ones] which might be presented on the same subject; to arrest the course of the pernicious designs of the said Jean Armand de Plessis, Cardinal de Richelieu, the said Duc asks that it render itself a formal party against him, his abettors and abherents, to have them tried on the facts mentioned in the present request, circumstances, and dependencies; requiring to this effect permission to investigate, obtain monition, and the adjunction of the King's Procureur général; to do yourselves justice.56

This was nothing less than an attempt to rally the Parlement to Gaston's cause, and the conseiller, well aware of the significance of what was happening, passed the petition to Le Jay, who remitted it to the King.57

Does this mean that the request was not debated in the Parlement? The question cannot be answered with certainty. The court's registers and the memoirs of Molière, Talon, and Richelieu make no mention of any deliberation en conseil between April 4 and 24. That no debate on the

56 Le Mercure françois, XVII, 178-82.

57 According to Griffet's account, "The First President made clear to him [the conseiller] the consequences of such a step, and the request was sent to the court. Bernard [Charles Bernard, Histoire de Louis XIII composee par Messire Charles Bernard (Paris, 1646), 258-59.] asserts that it was presented to the Parlement on April 12, but in the preamble of the arrêt du conseil returned on May 12, 1731 [sic, 1631], by which this request is suppressed as calumnious and contrary to the repose and security of the State, it is said that the conseiller comported himself in this affair according to his duty [Griffet's italics]; this signifies in the style of the cardinal that the request had been remitted to the King." Griffet, Histoire de Louis XIII, II, 145-46. The arrêt du Conseil of suppression of May 12, 1631, may be found in Le Mercure Francois, XVII, 183-84.
request took place, or that Le Jay attempted to stop it, is supported by Gaston's later accusation that the First President had "prevented [a empesché] that the said request should be presented to you."58 Equally, Le Jay might only have impeded presentation of the request by forwarding it to Louis. This view is supported by the testimony of Robert D’Andilly, which indicates that the Parlement did deliberate the request:

The Parlement of Paris assembled all the chambers to deliberate on the request presented to them by the procureur général of Monsieur D’Orléans and was concluded by voice illegible were of the advice to make très humble remonstrances to the King and convoc the peers and the others to make an investigation.59

Probably Le Jay first took the request to the King, then, its presentation being widely known, others demanded that it be deliberated en conseil as a matter of public concern. The appeal was, of course, closely tied to the subject matter of the March 30 declaration and could easily be insinuated into discussions on it. Whatever the nature of the discussions during the week of April 12-17, they produced no decision, for on April 17 the Crown addressed a lettre de cachet to the court requiring a prompt registration on the first day of audiences after Easter (April 20). The court refused to comply. Upon its return on April 24, it decided to continue its deliberations on the next Saturday, the 26th.60

58 Le Mercure français, XVII, 201. This accusation against Le Jay is found in a second petition to the Parlement recusing Le Jay dated May 30, 1631.


60 B.N. Ms. fr. nouv. acq. 9891, fols. 86-87, April 24, 1631.
Happily for those who would understand the temper of the Parliament at this time, the deliberations that took place on April 26 are known in some detail. The final *billet des opinions* for this day has survived in manuscript form; along with a detailed commentary in D'Andilly's journal and a few remarks in Molé's *Mémoires*, this permits a reasonable accurate reconstruction of what transpired. On this notable Saturday there were only sixty-eight judges present because, according to D'Andilly, many were still away at their country homes after the Easter holidays. Perhaps, too, some of these were wary of returning to what the Crown could only regard as a contumacious assembly. Among those present, D'Andilly remarked, "some strange things were said" (Il se dit des choses estranges).61 Amid the clamor of the day, a report on Gaston's request was not presented, but there were rumors circulating about it. No one spoke for verification. After the report by *rapporteur* Boucher, debate organized itself according to four opinions. The first, moderate and temporizing, was to turn the issue over to the *procureur général* for investigation. The second, presented by *président des Enquêtes* Jean-Jacques Barillon, was to make remonstrances to the King, not only on the declaration but also on the presentation of Gaston's request, for, as he said, "if it were true, he was shocked that they [the judges] had not spoken of it, and if it were not, its publication [in Paris] would not have been allowed."62 *Président à mortier* Nicolas le Bailleul


62 Ibid.
offered a third course, that the King should be petitioned to send an
envoy to Gaston "to exhort his return and to enjoin all those who had
followed him and were for the King to return within the month."63
Finally and most radically, président des Enquêtes Pierre Gayant
recommended calling the peers. Very few favored either of the last
two courses, and the opinions were reduced to the first two, an
investigation and report on the declaration by the procureur général
or, more drastically, to refuse verification and make remonstrances.
The court could not decide between these, and the day ended with a
split decision, thirty-four votes to thirty-four.64 Le Jay was
infuriated at this turn of events, telling his colleagues that "the
King will see to it."65

63Ibid.

64Ibid., 164. B.N. Ms. fr. 18413, fol. 127v°, "Act de delibera­
tion de la Cour de Parlement de Paris L'an 1631 le xx6er avril sur la
declaration que dernier du mois de Mars," gives the votes on this
decision. Those for an investigation and report were: présidents à
mortier Le Jay, Bailleul, Séguier, and Bellière; conseillers Bouchier,
Bauny, Pastoureau, Crespin, Damours, Durant, C. le Clerc, Viole,
du Fautray, De la Barre, Le Ferron, Hatte, Ruelle, Rancher, Charlet,
Jabin, Fayet, Pinon, De Pleure, Saunier, L'Alemand, Le Coq, Portail,
Méliant, Magdelaine, Catinat, Sauarre, De Machaut, Halle, De Bretagne.
Those for remonstrances were: Batillon, Tudert, Laisne, De Longueil,
Lescalopier, De Coumont, Durant, De Montlon, Lefebvre, Amelot,
Du Tranchay, Saveuse, Bici, Ferrand, Viole, Broë, Parfait, Saunière,
Berrochel, Doulat, Baton, Le Roy, Benoiste, N. Le Clerc, Perrot, Gayant,
Du Tranchay, Luillier, Pithou, Brussel, Favier, Brisart, De Ligny,
Courtin. Spelling of names, still highly variable at this time, is
given as in the original.

65The original reads: "[After the decision was returned]
Quelques'uns dirent qu'il se fauldroit rassembler la semaine
prochaine, auquel temps tous M°°s seroient revenus des champs. Mais
le premier president, tout pique, leur dit: 'Le Roy y pourvoyera.'"
D'Andilly, Journal inédit, X, 164.
This Louis did, but with discretion and careful planning. On April 29 Molé was instructed to immediately send an account of the April 26 deliberations, which he did, providing Chateauneuf with a copy of the opinions, along with the advice that

I know very well that this is not satisfactory to the King's will, who has sent his letters to be published and registered, and this difficulty in his view could have the same effect as a refusal. In which case, it will be necessary to send lettres de jussion in order to oblige the company to return a certain resolution.

But instead of sending a letter, Louis and Richelieu determined on the toughest of measures to deal with the court. Sometime before May 12 the King and his chief minister hashed these measures out, then their decision was presented in a pro forma meeting of the council attended by all the princes, dukes, peers, officers of the Crown, and conseillers d'Etat. The first opinion was delivered by the senior conseiller, De Roissi, who presented the Crown's argument that there was no reason why the Parlement should not be excluded from considering matters of State, Francis I and Charles IX having created precedents for such a ruling. This proposal carried easily because, in Griffet's words,

the opinion of M. De Roissi was too much in conformity with the maxims and interests of the Cardinal not to be followed by all who voted in his presence. Everybody was of the opinion to tear up the deliberation of April 26, and to put in its place in the register an arrêt by which this act would be annulled as foolhardy before the laws and usages of the kingdom.

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66Molé, Mémoires, II, 48.

Two arrêts du Conseil were then drafted, the first quashing the Parlement's deliberations and barring it from matters of State; the second suppressing Gaston d'Orleans request of April 12 as "calumnious, contrary to the wellbeing of his service, the repose of his subjects, and the security of his State." These arrêts were not immediately signified to the Parlement. Instead, lettres de cachet were sent notifying it to appear at the Louvre en masse the next day at 4:00. The greffier was specifically ordered to bring the official minutes of the April 26 debate, but the reason was not given.

Mole presented the summons early on the morning of May 13, and after having hurriedly sent the gens du roi on a reconnaissance mission to the Louvre to try to find out what the King was up to, the Parlement finally resolved to obey the royal order to appear. At 3:30 in the afternoon 140 of the assembled magistrates departed

68 Le Mercure François, XVII, 183. The arrêt against Gaston's request was published in its entirety in the Mercure François, XVII, 182-83.

69 Moliéres, Mémoires, II, 49.

70 Robert D'Andilly's journal makes some very revealing comments about this expedition and the events of the morning of May 13. Upon receiving the lettres de cachet of May 12, the court assembled and called for the gens du roi to ask their opinions. Avocat général Omer Talon, new to the court and perhaps a little overawed, "said that they had nothing to say." This riled the judges, who finally decided that they should send procureur général Molié and not Talon to find the King. Molié arrived at the Louvre at 11:30, just as the King was getting up, and found Louis "so irritated against the Parlement that he [Molié] could never win anything, saying that he wanted to be entirely obeyed and, during this time, having sent to Mgr the Cardinal, he received the following note: 'It is with kings as with gods who never refuse to pardon and remit the faults of those who repent. If Messieurs of the Parlement, coming to find the King upon the letters de cachet that His Majesty has sent to this effect, say to him that they have come to recognize the wrong they have had in the procedure that they followed [on April 26], the regret that they have for it, and the resolution that they have taken to correct themselves
the Palais on foot in black robes and square bonnets, marching two by two, led by the huissiers, to one of the most memorable rendezvous in the court's history. The judges filed out through the Cour du mai at the front of the Palais, turned left, transversed the few hundred meters to the Pont au change, then turned left again at the Chatelet, passing along the Seine up to the church of St. Germain-l'Auxerrois facing the Louvre. There they were met by De Souvre, premier gentilhomme de la chambre, who conducted them into the Louvre, down Henry IV's Grande galerie, and into the Galerie des Peintures.

Before they saw the King, however, secrétaire d'Etat La Ville-aux-Clercs came forward and asked if the First President had a satisfactory response to make regarding registration of the March 30 declaration. Le Jay answered that the court did not, since each magistrate had voted his convictions and conscience following one side or the other according to his Majesty's desires, and give him their word on it, I believe that His Majesty should use his extraordinary bounty, and dispense them of that which was resolved yesterday, [it] being much better that men return to their duty of their own rather than by force, which is a remedy of which God and men should serve themselves only on default of the first."Louis handed the note to Mole, saying "You see how Mf the Cardinal and I are of the same opinion. I never give away Mf the Cardinal's notes, but want to make you a copy of it" and at the same time sent for a secretary. One could not be found, but Mole understood the point and excused himself, saying he could well remember what the note had said and would make his report to the Parlement on it. This was done at 1:30. The procureur général was not specific about the words of the King but said "only that he was extremely indignant and absolutely wanted to be obeyed." The Parlement considered what to do, and it was decided to say nothing to the King at all, but only to make "grandes reverences." This resolution to remain silent, D'Andilly adds, was taken in the morning before sending the procureur général to the Louvre. Journal inédit, X, 167-70. This account should be compared with the editorial comments in Richelieu, Lettres, IV, 149-50, and especially 150, n. 1, where the above note is published without knowledge of the circumstances of its presentation at the Louvre. The registers of the Parlement do not mention the interview.
of the split decision. Neither opinion, he said, was given contrary to the service of the King. La Ville-aux-Clercs retired, reported to Louis, and returned to advise Le Jay that the King rejected his explanation and "prohibited him from speaking in his presence." 71

The court then shuffled up to within twenty feet of the King, seated on a dias at the end of the hall with the Cardinals Richelieu and La Valette, the comte de Soissons, Marshals Schomberg and D'Effiat, the garde des sceaux, the ducs de Nemours, de Montmorency, d'Angouleme, de Chevreuse, de Longueville, and several others. Louis "said a few words to them, of which the word rebellion was one," then turned the proceedings over to Chateauneuf, who spoke forcefully and "extremely rudely," albeit softly, for about fifteen minutes. 72 The garde des sceaux's speech showed little originality; rather, it was a canned reiteration of the ancient royal position that the court was established to render justice between individuals and not to meddle in affairs of State. It was certainly true, Chateauneuf admitted, that the court had been commissioned to participate in such affairs during the fifteenth century, but since the present declaration was a recognition of lèse-majesté following Article 183 of the Ordinance of Blois, rather than a commission to try and to judge, the Parlement

should register it without question. It had not done so, necessi-
tating the arrêt du Conseil of May 12. 73

La Ville-aux-Clercs then stepped forward and read the text of the
arrêt du Conseil, the accusative portion of which held that the
Parlement

instead of proceeding to the pure and simple registration . . .
had put the affair into deliberation and taken various opinions
so that there was no resolution of it, to the great contempt
of the King's authority and of his commandements, [and to]
the well-being and repose of France, where it is not permitted
to courts of parlement, nor allowable to any other officers,
to take knowledge of affairs of State, administration, and
government of the kingdom.

This being the case,

the King being in his council, wishing to prevent and remedy
improprieties which might in the future come from such abuses and
 undertakings against his authority and the public well-being,
has voided and annulled, voids and annuls, the act of the deli-
beration made in his said court of the Parlement of Paris on April
26, 1631, upon the said letters of declaration of March 30 last,
as impertinent and made contrary to the laws and usages of the
kingdom, and by private persons without power in this regard.
His Majesty makes very express proscription and prohibition to
the said court of Parlement of in the future putting into deli-
beration such and similar declarations concerning the affairs of
his State, administration, and government, at pain of inter-
diction from their charges, and greater if need be.

The irresolution of the Parlement thus overridden,

His Majesty orders that the said letters of declaration should be
withdrawn from it [the Parlement], very expressly forbidding them
from taking any jurisdiction or cognizance of the contents of it,
and that the act of the said deliberation will be withdrawn from
the register of the registry of the said court and torn up, and
the present arrêt put in its place, of which collated copies will

73B.N. Ms. fr. nouv. acq. 9891, fols. 96-97, May 14, 1631; Griffet,
Histoire de Louis XIII, II, 150-51. B.N. Ms. fr. 3834, fols. 34-34v°,
"Harangue de mons^ le garde des sceaux a la cour de Parlement,"
contains an incomplete version of the speech lacking the introductory
remarks.
be sent, together with the said letters of declaration, into all the bailliages and séné-chaussées of the ressort of the said court, to be there read, published, and registered; His Majesty enjoining the officers of them to keep and exactly observe them; His Majesty reserving to commission such other of his courts of Parlement or other officers that it pleases him to proceed against those denominated in the said declaration, to make and pursue their trials through definitive and sovereign judgment, notwithstanding and without regard to their qualities and privileges that they might pretend in consequence of it, of which they are rendered unworthy. Done in the Conseil d'Etat of the King, His Majesty there sitting, held at Paris the 12th of May 1631.74

After reading the arrêt, Louis told the greffier, Jean du Tillet, to bring him the register of April 26. The King took the page and tore it into pieces. The council's decision of May 12 was then given to be put in its place. These unmistakable gestures of authority completed, the assembly was adjourned and the magistrates retired to ponder the day's happenings.75

For three magistrates, though, the worse news was yet to come. Immediately after the meeting, Louis rode out to Versailles where that evening he ordered the radical ringleaders of the 26th out of Paris within twenty-four hours. Présidents des Enquêtes Barillon and Gayant were to go to Bourges and Clermont; conseiller Jean Laisné was to take himself to Limoges.76 These exiles, the first since 1597, were the

74Molé, Mémoires, II, 50-52. A manuscript copy with very slight variations is found in the registers of the Parlement, B.N. Ms. fr. nouv. acq. 9891, fols. 90-92, May 13, 1631.

75The official record of the meeting of May 13 is in the registers, B.N. Ms. fr. nouv. acq. 9891, fols. 88-98, May 13 and 14, 1631. Other information may be found in D'Andilly, Journal inédit, X, 169-70; Molé, Mémoires, II, 49-52; Biblio. de l'Inst., Ms. Godefroy 285, fol. 37; Griffet, Histoire de Louis XIII, II, 149-51.

76D'Andilly, Journal inédit, X, 170; Molé, Mémoires, II, 52-53; Griffet, Histoire de Louis XIII, II, 152. The billet des opinions for April 26 confirms that all three exiled magistrates favored the more radical proposal to offer remonstrances to the King. B.N. Ms. fr. 18413, fol. 127v°.
first signs that Louis, under Richelieu's guidance, would take the firmest steps to ensure that the Crown's will was obeyed. Later, the manner and timing of the exiles' return would also show the minister's finesse in managing the Parlement.

News of the exiles percolated into the Parlement early on the morning of the 14th, setting off rumors and murmurs as to what was afoot and what should be done. Some of the judges quietly slipped away until the uproar should die down, while others accepted what D'Andilly called the Crown's "coup." The rest of the 14th was spent verifying the banishments, and it was not until the 15th that the gens du roi were ordered to the Louvre to beg for the King's grace. In the meanwhile Louis remained inaccessible at Versailles, hunting and doubtlessly savoring the hornet's nest stirred up in the Palais. Out of the buzz of hearsay in Paris, though, came a rumor that some of the magistrates were considering a judicial strike and closing the Palais; upon hearing this, Louis rode back into Paris on the evening of the 15th. In parting he was overheard to jibe, "I am going to see if the Parlement will give me battle."

Cooler tempers prevailed on both sides, however, when the gens du roi finally saw Louis on the 16th. The King received the attorneys graciously, and sent them off with a promising concession: the miscreants would be allowed to return to their country houses near Paris to await further word. After receiving the gens du roi's report,

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77 Journal inédit, X, 172.
Le Jay subtly advised the court to accept this gesture of conciliation: "The court," he said, "has good reason to be content and satisfied with the action taken by them [the gens du roi], which was full of courage, virtue, and ability." But the court was not satisfied with half the loaf. According to the registers the attorneys were sent back to ask Louis "very humbly to render the grace perfect," but D'Andilly candidly noted that they were also warned "not to return until they had obtained the re-establishment of these Messieurs." The gens du roi, however, had to be content with promises from the garde des sceaux, because Louis had hidden himself away at Fountainbleau and made himself inaccessible to his attorneys. Unknown to the court, though, the royal grace was not long in coming. On May 22 conseiller d'Etat de Roissi carried secret permission for the exiles' return back to Paris with instructions not to release the news until one week later. In the interim the Enquêtes continually pressured the First President to assemble the chambers for debate, but Le Jay refused, being assured, he said, of the King's good intentions. The King's word was made good by way of de Roissi on Monday, May 30, and the three absentees re-entered the court on June 2.

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81 B.N. Ms. fr. nouv. acq. 9891, fol. 102, May 17, 1631; Journal inédit, X, 173.
82 Biblio. de l'Instit., Ms. Godefroy 285, fol. 38; Molière, Mémoires, II, 57-60.
83 D'Andilly, Journal inédit, X, 178; Molé, Mémoires, II, 57.
84 Molé, Mémoires, II, 60.
The warning to Gayant, Barillon, and Laisne did not serve to hush their outspoken criticisms in the Palais, for no sooner had they rejoined their colleagues than "the next day, when the occasion presented itself, président Gayant spoke as freely as ever." On the whole, though, the Parlement understood the lessons of May, for during the next few months, at least, the court refused to be drawn into Louis' very serious family troubles. Gaston d'Orléans, for one, continued to believe that he could charm the Parlement over to his cause. On June 6 one of his lackeys attempted to deliver some letters on his part, whereupon the First President told him to wait until the next day and went on with the audience. The messenger stayed until the hearing was adjourned, tried again, was refused a second time, and disappeared without coming back. Three weeks later Gaston tried again, this time sending a Provencal gentleman named Sanis into an audience of the Grand' Chambre. When the First President finished announcing a decision, Sanis stood up and said


86 D'Andilly, Journal inédit, X, 181. This incident is not mentioned in the memoirs of Talon or Moll. The agent was probably trying to deliver copies of the so-called "Gaston d'Orléans Manifesto," composed at Nancy and dated May 30, along with a recusation of Le Jay and an appeal to the Parlement. These documents were widely distributed throughout Paris at the time and were reprinted in the Mercure français, XVII, 196-260. None of these tracts contained anything new in regard to the politics of the Parlement. The "Gaston Manifesto" is put into the context of the pamphlet warfare of the times by W. F. Church in Richelieu and Reason of State, pp. 207-11.
Messieurs, this is a packet that Monsieur [Gaston's usual title],
my master, has commanded me to bring to company and to present
to you, Monsieur [Le Jay], who are its chief. He has sent a
gentleman several times before who could not receive an audience.

Having said this, Sanis threw a packet onto the greffier's desk.
Le Jay ordered the huissiers to take him to the gens du roi,
who recommended that the unopened packet should go with the gentleman to
the King. After fifteen minutes debate, the court agreed. Sanis
ended up in the Bastille; his packet proved to be copies of material
already widely circulating in printed form throughout the capital.
Louis was pleased with his judges' action and told them so through
the gens du roi.

Marie de Medici also unsuccessfully attempted to woo the
Parlement during the summer. During the session of July 21, one
St. Affange, an Angevin page of the Queen Mother, appeared in the
Parlement, announced his mission, and delivered a bundle of letters
very similar to Gaston's earlier appeals. Marie asked the Parlement
to give her justice against the "pernicious designs and violent
actions of Jean Armand Cardinal de Richelieu," and requested a recusa-
tion of Le Jay and président des Enquêtes Lancroc.

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88 B.N. Ms. fr. nouv. acq. 9891, fols. 105-06, July 1 and 3, 1631;
89 B.N. Imprimés 1b36.3571, *Lettre de la Royne [sic] mere du Roy
au Parlement* (n.p., n.d.), pp. 1-2. This little pamphlet of four
unnumbered leaves contains two tracts, "Lettre de la Royne mere du
Roy au Parlement" and "Requête de la Royne mere du Roy au Parlement
contre le Cardinal de Richelieu."
debate the judges sent the tracts unopened to the King but set the
messenger at liberty, "which did not please M" the First President at
all."\textsuperscript{90} Undaunted by this rebuff, Marie tried again at the beginning
of August, and again the Parlement refused to become involved.\textsuperscript{91}

By the time these appeals reached Paris, however, the Queen
Mother had already sought refuge in Flanders. On July 18 Marie had
slipped secretly away from Compiègne and fled north into Spanish
territory, eventually settling in Brussels. Richelieu probably knew
of the escape beforehand but allowed it to continue as the simplest
disposition of a nagging problem.\textsuperscript{92} Louis was notified of his
mother's flight during the night of July 19, and rumors of it probably
reached the Parlement soon afterwards. Nevertheless, Louis was careful
to officially inform his court of what had transpired. A large
delegation from the Parlement was summoned to the Louvre after dinner
on the evening of July 23, where Chateauneuf recounted what was
known of the escape. Afterwards the King announced there had been
some gossip about his death, but he was well, and his astrologers had
predicted that he would fare well amidst the cabals of the Queen
Mother and his brother. In closing Louis took Le Jay aside and told

\textsuperscript{90}D'Andilly, Journal inédit, X, 190. This incident is also
briefly recounted in the registers, B.N. Ms. fr. nouv. acq. 9891,

\textsuperscript{91}B.N. Ms. fr. nouv. acq. 9891, fols. 117-118, August 4, 1631;
D'Andilly, Journal inédit, X, 195; La Gazette de France, August 7, 1631.

\textsuperscript{92}The opinion of Burckhardt in Richelieu, His Rise to Power,
him that "he would protect him against all and that this was a mark
that he had served him well, seeing that he stood badly with the
Queen Mother and with Monsieur." 93

Marie de Medicis' decampment was an embarrassment for the royal
position, but at the same time it also helped clarify and solidify
it. As July faded into August, both Marie and Gaston had indicated
to one and all that they could not be placated and would not be
reconciled with Richelieu and his policies. Their demonstrated
hostility and continued attempts to stir up sedition within the
kingdom discouraged hopes for any kind of rapprochement and
encouraged Louis and Richelieu to take up authoritative counter-
measures. One of these, the future Chambre de l'Arsenal, was in
gestation as an investigation of counterfeiters; September would see
it taking steps against some of the followers of Marie and Gaston.
Another move was made on July 22, when a royal ordinance was issued
giving the followers of Marie and Gaston fifteen days' notice to
adjure their allegiance and return to the kingdom at pain of being
declared spies and disturbers of the public peace. 94 As the
prescribed fortnight came and went, it became evident that the line
drawn in the sand would go unheeded, and early in August a declaration
was drafted outlawing those who had left the kingdom and confiscating
their fiefs, properties, and titles. 95 At the same time the Parlement

93 D'Andilly, Journal inédit, X, 192-93. B.N. Ms. fr. nouv. acq. 9891, fol. 110-15, July 26, 1631, contains a complete account of
this meeting.

94 The text is in Le Mercure français, XVII, 372-74.

95 The text is in Le Mercure français, XVII, 377-89.

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of Paris had, since the end of May, shown itself thoroughly aloof from any solicitations thrown out by the King's contumacious kin. Active interest in other grievances of the spring—the paulette, commissaires, creations of office, Marillac's trial—had also been quietly shelved since the arrêt du Conseil of May 13. From the Crown's view the time had come to reward this diligence with a paulette settlement while extracting the last possible bit of leverage from its concession.

These modified political circumstances of the late summer brought Louis into a lit de justice with his Parlement on August 12, a ceremony which would represent the final act in the spring crisis and settle several issues pending since early in the year. Accompanied by the usual ceremonies and formularies, Louis presented the declaration outlawing those supporting his mother and brother, along with a new edict cancelling the December, 1630, creation of offices and substituting a lesser one of two maîtres des requêtes and four conseillers. The edicts were duly registered, then in exchange for the ceremony, the King spoke briefly, then Chateauneuf took the floor for fifteen minutes, but he talked "so low that there were not six persons who understood him. (It was laughingly said that he really had not spoken but only propped up Mf de St. Brisson, prévost de Paris, who was beside him.)" D'Andilly, Journal inédit, X, 199. The declaration created three conseillers des Enquêtes and one conseiller in the Chambres des Requêtes, a reduction of one in the Requêtes from the December, 1630, edict. D'Andilly noted that the two maîtres des requêtes were sold for 45,000 ecus each to Mf de Thou and Behevre, the last being strongly criticized because he was but twenty-four. This was the third dispensation he had received, the first for serving as conseiller with his father and the second for not having served the necessary time to become a maître des requêtes.
for swallowing this bitter pill, the Parlement was granted the paulette on the favorable terms of the past.97

For better or for worse the lit de justice of August 12 resolved several issues that had disturbed the Parlement since the Day of Dupes. The Crown's employment of commissaires, however, was not affected by the settlement, and if Louis and Richelieu had any illusions that the Parlement had permanently abandoned its concern about these agents, those illusions were rudely dispelled early in September when the trial of maréchal Marillac was brought to the attention of the court once again. After learning of the men who would be his judges, in July the maréchal addressed a third letter of protest to the Parlement asking nullification of their commissions and that the court send deputies to investigate "subordinations, violences, and practices which have been, are done every day, as it is said, by many false witnesses against the plaintiff." Marillac hoped that the Parlement would "name an advocat and procurer for him, to furnish and administer his counsel and to take care of his affairs in the

97 B.N. Ms. fr. nouv. acq. 9891, fols. 119-33; D'Andilly, Journal inédit, X, 190-201; Biblio. de l'Instit., Collection Godfroy 285, fols. 49-50; Molé, Mémoires, II, 63-65; Gazette de France, August 14, 1631. The other sovereign courts were granted the droit annuel on favorable terms over the next few months.
Meanwhile." As before the court was sympathetic. It received his appeal on September 4 and issued new injunctions that the decisions of February 4 and 22 should be obeyed, as well as ordered that "très humble remonstrances will be made to the King on the execution of the said commission of May 13 last, and the prohibitions contained in the said decisions." The Crown's reaction was predictable and forthcoming. An arrêt du Conseil of September 12 voided the Parlement's decision, but this time Mathieu Molié was suspended and summoned to Fountainbleau to account for his acceptance of the request, "where," according to Omer Talon, "he was well

98 B.N. Imprimés Lb36.2839, Requestes présentées par de Marillac, pp. 20-25.

On this occasion Molié wrote across the bottom of Marillac's request: "Vu l'arrêt de la Cour du 22 février dernier, et autres pièces y attachées, je requiers pour le Roi l'arrêt donné, les Chambres assemblées, le 11 février dernier, ensemble celui du 22 du dit mois, être exécutés; et ce faisant, très-humbles remonstrances être aussi faites sur l'exécution de la commission du 13 mai dernier, et les défenses y contenues être réitérées, et que les deux lettres missives signées FORTIN seront mises au greffe, paraphées et reconnues, pour, ce fait, prendre telle conclusion que de raison."

B.N. Imprimés Lb36.2839, Requestes présentées par de Marillac, p. 25. See also Molié, Mémoires, II, 68, n. 3.

99 On this occasion Molié wrote across the bottom of Marillac's request: "Vu l'arrêt de la Cour du 22 février dernier, et autres pièces y attachées, je requiers pour le Roi l'arrêt donné, les Chambres assemblées, le 11 février dernier, ensemble celui du 22 du dit mois, être exécutés; et ce faisant, très-humbles remonstrances être aussi faites sur l'exécution de la commission du 13 mai dernier, et les défenses y contenues être réitérées, et que les deux lettres missives signées FORTIN seront mises au greffe, paraphées et reconnues, pour, ce fait, prendre telle conclusion que de raison."

B.N. Imprimés Lb36.2839, Requestes présentées par de Marillac, p. 27.
received; and without any further judicial procedure his bearing and natural gravity, which he bore up in this encounter, obtained for him an arrêt of discharge.\textsuperscript{101}

Molé's suspension drove home the fundamental inability of the judges to influence the outcome of the Marillac Affair, making the counciliar decision of September 12 the final act in the Parlement's long involvement with the maréchal's trial. By this time three arrêts in Marillac's behalf had satisfied the honor of the court, while three nullifications made it evident that further efforts would be futile. Marillac, too, realized this and sent no more petitions to the Parlement, preferring instead to address his pleas to the King and to recuse his judges before the public eye. These recusations finally resulted in the resignation of one judge, Paul Hay du Chastelet, but did not alter the final decision of death which was handed down on May 8, 1632. In sum, though defeated in its interventions, the Parlement gone beyond the letter of its legal obligations by trying to preserve the maréchal from condemnation at the hands of

\textsuperscript{101}Mémoires, 6. The text of the arrêt is in Talon's Mémoires, 5. There was no formal arrêt in the form of a judicial document pardoning Molé. The editors of Molé's Mémoires were unable to uncover such a writ among the papers of the procureur général or those pertaining to the Marillac trial and believed "that there was no other administrative act made against Mathieu Molé, nor likewise an arrêt of discharge in his favor, as Omer Talon believed." Molé, Mémoires, II, 68, n. 3. This opinion is verified by D'Andilly, who observed that Molé was well treated at Fountainbleau and was even asked to dinner twice by the garde des sceaux. D'Andilly continued that in a council meeting held on Sunday, October 12, "where only the ministers met," the King restored him to his charge without any arrêt. "The said Sr Procureur général conducted himself throughout this action with much prudence and courage." Journal inédit, X, 222-23.
incompetent judges and unjust process. The court’s motives throughout had been both honorable and self-serving but were overwhelmed by consideration of the needs of State arising out of the Day of Dupes, needs which, in the eyes of Louis and his advisers, outweighed all considerations of private morality and conventional law.

The Day of Dupes not only precipitated the condemnation of maréchal Marillac, but it also produced proceedings against many lesser-known figures hovering about Marie and Gaston, individuals who, in one way or another, contributed to their sedition or carried on criminal intelligences between them and figures remaining in the kingdom. A large proportion of these cases were handed over to an irregular body of commissaires sitting at the Arsenal, a munitions factory and storage facility on the edge of Paris built by Henry IV. The history of this Chambre de l'Arsenal and its relationship to the Parlement is one of the most infamous, yet curious, episodes of Richelieu's ministry. Initially presented to the court as a special investigation into counterfeiting, the Chambre went into operation as something much more, a kind of general clearing house for minor crimes of State which did not warrant the formation of individual benches. For a number of reasons the Parlement opposed the establishment of these commissaires even more vigorously than earlier ones, but the court could not restrain the creation and continuance of so useful an administrative instrument, and by February, 1632, the Crown had won a most significant victory over its high judicial

The mastery of this question was most meaningful, for never again

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during Richelieu's ministry would the Parlement challenge the Crown's right to the free appointment of commissaires or the right to exercise justice retenue.

The Chambre de l'Arsenal had unique origins that were much different from its ultimate functions as a court of political justice. Its formation was ordained in lettres patentes sent to the Parlement of Paris on June 14, 1631, in which the Crown announced its intentions of investigating counterfeiters, money clippers, traffickers in bullion, and "other persons of their cabals who are found to give cause to false money, of which the substitution surpasses the providence of laws and ordinances that the kings or predecessors have made to remedy such abuses." To carry out the investigation, the Crown had of our full power and royal authority made, ordered, and established, ... by these patents signed by our hand, a sovereign chamber which we want to be called a Chambre de justice for the punishment and correction of abuses and malversations committed in the making of monies over all our kingdom, pays, lands, and seigneuries in our obedience.102 The composition of the Chambre was conventional by past standards: two présidents and ten conseillers from the Parlement and four conseillers d'État or maîtres des requêtes. The procureur général, his alternate (substitut), the greffier, and the receveur des amendes et confiscations were to be named by the King. No individuals were specified in any of the commission's places. To a minimum of ten of these as yet unnamed judges was given power and authority "to know and sovereignly judge in dernier ressort, at the expense of all other

102 Le Mercure français, XVII, 714-16.
judges, all crimes concerning our monies, in first instance as by appeal from ordinary judges." These high powers were accompanied by the usual injunctions to other officers to obey and co-operate with the Chambre's jurisdictions. The Parlement duly registered the letters according to form and tenor on July 9 but appended two important limitations: the Parlement's procureur général would have charge of investigations and a commission bearing the names of judges would be sent to the court for registration.

A list of commissaires' names was sent to the court on July 30, but this did not satisfy the court because nothing was said about nomination of the attorney who would direct the prosecution. Even after a lettre de jussion was sent on August 7, the Parlement held fast to the condition that Mole should be named to the commission. On September 6 the court agreed to accept a procureur général nominated outside the Parlement, but it renewed its enjoinders that his substitut and the greffier of the Chambre should be taken from the Parlement.

The Crown found this foot-dragging intolerable, particularly since by now it had been decided to use the Chambre de l'Arсенал to prosecute those indicted by the lèse-majesté declaration of August 12. The council therefore decided to proceed promptly, arbitrarily, and

103 Ibid., 716-19.

104 B.N. Ms. fr. nouv. acq. 9891, July 9, 1631.

105 Le Mercure françois, XVII, 720-21.

totally without consulting the Parlement by withdrawing the letters of June 14 already registered and issuing a new general commission for the Chambre de l'Arsenal on September 23. This asserted that the Parlement had "greatly erred, from believing that it could impose a new law on us, to laws that we had to take and chose officers from it to make up and compose chambers of extraordinary commissions for the good of our State." Then in a single sentence the Crown proclaimed simple expeditiousness as the grounds for its action:

We have believed, being founded on the example of our predecessors, who for less reason have composed chambers of judges and officers convoked from various bodies, that we should, to avoid new contentions, absolutely deny competence of it [the Chambre] to the Parlement in order to give it to other judges.107

This commission was not sent to the Parlement but was registered in the Chambre de l'Arsenal by the same judges that would carry it out. The issuance of the new commission was not the most arbitrary aspect of the Chambre, however, because the commissaires simply went into operation even before it was sent. On September 11, nearly two weeks before any general enabling act was dispatched, the Gazette de France announced the opening and composition of the Chambre de l'Arsenal in this way:

On the 10th the sieurs Favier and Fouquet, conseillers d'Etat; De Criqueville, Deschamps, De Nesmond, Barillon, De Laffemas, and Du Pré, maîtres des requêtes; De la Bistrate, Charpentier, Le Tomelier, De Montmagny, De Boucqueval, and Lanier, grand rapporteur, conseillers in the Grand Conseil, held their first sitting in the Arsenal for several affairs important to the

107Le Mercure françois, XVII, 721. The text of the commission of September 23 is found on pp. 719-22.
State, and among others for some prisoners of the Bastille.
The sieur d'Argenson, maître des requêtes, is procureur général, and the sieur Du Jardin, secrétaire du Roi, greffier in this commission.108

There is other evidence that the commissaires were named even before the time, for as early as September 1 the case of Charles Senelle, a royal doctor accused of various crimes, was committed to the commissaires listed above.109 On September 7 another commission sent the trial of the Marquis de la Vieuville "to our respected and loyal judges by us ordered in the Chambre de justice established at our chateau the Arsenal of Paris."110 Furthermore, textual discrepancies in La Vieuville's commission indicate that a general enabling commission for the whole bench had not yet been sent.111 In all probability, therefore, the Chambre de l'Arsenal was actually founded during late August, when the council simply selected some maîtres des requêtes and began sending them cases on individual warrants without a general enabling commission, which was issued only later for form's sake.

108 Gazette de France, September 11, 1631.

109 The commission for Senelle's trial is in B.N. Ms. Dupuy 94, fols. 319-20; another copy is in B.N. Ms. fr. 16537, fols. 24-25v.

110 The commission for La Vieuville's trial is in B.N. Ms. Dupuy 94, fol. 323; another copy is in B.N. Ms. fr. 16537, fols. 16-17.

111 The first few lines of this commission read as follows: "Louis par la grace de Dieu Roy de France et Navarre, a noz aimez et feaux les juges par nous ordonnez en la Chambre de Justice establie de nostre chasteau de l'arsenal a Paris, Salut. Depuis le pouvoir que vous nous avons donne par nostre lettres patentes du Jour de faire le proces blanks in original manuscript aux nommez Sennelles, Duval, et Chavny et autre prisonnier d'estat qui sont en nostre chasteau de la Bastille, Nous
The arbitrary methods of operation and the jurisdiction which characterized the Chambre de l'Arsenal during its formative period persisted through its history. The Chambre was never organized as a regular court and kept no regular records, though it heard at least several dozen cases over the four year period. Each of these trials, or at least the most significant ones, was warranted by an individual commission to the Chambre, which took depositions, heard evidence, and disposed of the case as it saw fit without benefit of appeal. The chamber was purely an instrument of political justice, though some of the individuals brought before it were formally charged with very curious crimes of State, some of which seem amusing to modern ears but which were taken with great seriousness at the time. The case of two royal doctors, Senelle and Duval, were of this type. Senelle had been snapped up by royal agents while coming from Lorraine with letters from Madeleine de Silly, comtesse du Fargis, a former lady-in-waiting to Anne of Austria exiled because of her intrigues. These letters, addressed to Queen Anne and various persons at court, contained insults avons eu advis que le Marquis de la Vieuville s'estoit tant oublie que de sortie de nostre royaume sans nostre conge pour aller trouver la reyne nostre tres-honnore dame et mere a Bruxelles. . . ." The blanks in this manuscript show that when it was issued on September 7 a general commission had not yet been sent for the entire bench. B.N. Ms. Dupuy 94, fol. 323; B.N. Ms. fr. 16537, fol. 16.

The largest quantity of surviving documentary evidence is in the form of commissions and arrêts in B.N. Ms. Dupuy 94, fols. 319-333, and B.N. Ms. fr. 16537, fols. 15-35v°, 71-73.
against Richelieu and prognostications on the death of Louis XIII based on astrology. The investigation of Senelle was joined with that of Duval, another royal doctor arrested for having made a horoscope ending with the prediction Sol cancrum non peragrabit quin valedicat—the King would die before the sun left the sign of Cancer.113 The two physician-astrologers were arraigned before the Chambre de l'Arсенал which made them its first victims by sentencing them to the galleys for life on October 17.114 Madame du Fargis was also tried in absentia for the composition of the seditious correspondence carried by Senelle. An arrêt of December 22 declared her guilty of lèse-majesté and ordered her decapitated in effigy.115 The same judgment was returned against La Vieuville on January 10, 1632, for having left the kingdom in spite of prohibitions of the King and for the murder of the sieur de Poitrincourt.116

News of the commissaires' doings began to filter into the Parlement during the middle of September. The Chambre des vacations under the presidency of Nicolas de Bellièvre began an inquiry into the rumors. Procureur général Mole was then under suspension in connection with maréchal Marillac's last petition, but his substitute, Tranchot, was sent to determine exactly what was going


114 Gazette de France, October 24, 1631.

115 B.N. Ms. fr. 16537, fols. 34-35v°.

116 B.N. Ms. fr. 16537, fols. 18-23v°.
on. On September 20 he was able to confirm what most of the judges already suspected, that a bench of two conseillers d'Etat, six maîtres des requêtes, and six conseillers from the Grand Conseil had been holding several hearings at the Arsenal during the past fortnight. On the basis of Tranchot's report, the magistrates decided to summon some of the commissaires for a personal hearing. Two days later, on September 22, maîtres des requêtes Favier, De Criqueville, and Laffemas appeared for the interview. Upon being questioned, they freely confessed that the King, "having had complaints of several individuals who were now prisoners in the Bastille," had sent them to interrogate them; that they had personally reported the results to the King; and that a few days before, he had sent them a commission to carry out the trials. Bellève lectured them on the Parlement's stand towards commissaires, told them that the King would be informed, and that in the meantime they should cease their activities. Favier replied that he would tell his colleagues and that a decision would have to be reached among them.

117 B.N. Ms. fr. nouv. acq. 9891, fol. 148, September 20, 1631; Molé, Mémoires, II, 70-71, where the date of September 27 is evidently a misprinted error. Though the registers do not mention it, the court probably decided to present the remonstrances drafted by Bellievre some time after the 20th. See supra, p.

After hearing the commissaires, Bellièvre wrote up a rather moderate remonstrance on their employment and forwarded this memoranda, along with a personal plea, to Chateauneuf.\textsuperscript{119}

Chateauneuf sent back an agreeable note which suggests that the garde des sceaux had been acting as Richelieu's agent in the matter for some time:

\textit{[As] for the commission of Messrs. at the Arsenal, I want to tell you that it could be done by some chosen from the Parlement. You know how I have worked at the difficulties and the prohibitions \textsuperscript{[or, deferences?]} which have been demonstrated at length over four months. There remain to me no more reasons to suspend the execution, unless some remedies agreeable to the King should be proposed to us.\textsuperscript{120}}

A few days later the président responded in a way showing that he, too, had worked to resolve the problem from within the Parlement:

I am an irreproachable witness to the great desire and long patience, as you have heard, for the establishment of the Chambre de justice in the Parlement. If so little a thing has deprived us of this honor, why could we not recover it by your authority and fine vigilance, since things are not yet much engaged otherwise? The Chambre des vacations could easily \textit{be entreated} for all these little formalities to which it has held. Then I could write with assurance that you had judged expedient and more, that, for the King's service, that there should not be any Chambre other than that of the Parlement employed in sovereignly judging private parties sent before these commissions.\textsuperscript{121}

\textsuperscript{119}The remonstrances are in B.N. Ms. fr. 18415, fols. 24-31v°, and the letter, dated September 23, is at fol. 38. See supra, p.

\textsuperscript{120}B.N. Ms. fr. 18415, fols. 36-36v°, Chateauneuf to Bellièvre, September 26, 1631.

\textsuperscript{121}B.N. Ms. fr. 18415, fol. 34, Bellièvre to Chateauneuf, October 2, 1631.

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The garde des seaux, of course, was unable to act without the authority of the council, and this was lacking. On October 4 he sent a final reply to Bellèvre, notifying him that the King's mind was made up and that

it is necessary to consider that the King ... knows better than any one that which is good for his State, and that when he pronounces it thus he deems duty done and that simple remonstrances founded on the individual opinions of the interests of the Parlement are not going to change the course of public affairs, and [which] for the conservation of his authority can only accept the submission and entreaties of your company.122

Chateauneuf's advice put a temporary quietus on the issue of the Chambre, which, whether because of Bellèvre's hesitancy or because of limitations on the Chambre des vacations' staff and authority, was allowed to go its way undisturbed by further inquiries.

This tranquility evaporated soon after the session of 1632 opened late in November.123 The new Parlement discovered that in its absence the Chambre de l'Arsenal had been busily at work. On November 28, the same day that it announced the Parlement's resumption, the government-sponsored Gazette de France told its readers that "the Chambre de justice established at the Arsenal is

122B.N. Ms. fr. 18415, fol. 32, Chateauneuf to Bellèvre, October 4, 1631.

123The court should have opened after the solemn mass celebrated by the Archbishop of Toulouse in the Grande Salle of the Palais on the traditional November 12 date. The Gazette de France reported that the First President, Bellèvre, de Mesmes, Bailléul, and "a great number of conseillers" had attended, but the number that returned to plague-infected Paris was actually insufficient to fully resume the court's calendar. For nearly two weeks this situation prevailed, and not until November 24 did enough of the staff drift back for the court to conduct important public business. Gazette de France, November 14 and 28, 1631.
is trying more than sixty persons without distinction of quality accused of the crime of counterfeiting." Indeed, the Chambre was trying counterfeiters, but it was also reaching into many other areas as well, as the court heard on November 26. Jérôme Bignon, Advocat General, "spoke with great vehemence against the enterprises of the judges established at the Arsenal," telling the Grand'Chambre that during its absence the commissaires had carried out an execution of two counterfeiters in the Place de Grève at midnight, "violating by this means the royal authority, the order of justice, and the public security." This, however, was not the greatest affront to the Parlement. The commissaires had also interfered with the jurisdiction of the bailliage du Palais, which was directly under the Parlement's supervision, by attempting to imprison its greffier and actually jailing sieur Jean Gillot, its lieutenant général, "on pretended malversations in his charge." The lieutenant général had appealed to the Parlement for relief on the grounds that as one of its subalterns it alone should consider

124 Gazette de France, November 28, 1631.

125 B.N. Ms. fr. nouv. acq. 9891, fol. 163, November 26, 1631; D'Andilly, Journal inédit, X, 235.

126 B.N. Ms. fr. nouv. acq. 9891, fol. 163, November 26, 1631. According to the court's registers, the greffier of the bailliage had refused to give the commissaires his records on the counterfeiting trial of Henry de Gresse, sieur de Vaugrenier. B.N. Ms. fr. nouv. acq. 9891, fol. 161, November 18, 1631. D'Andilly noted that Gillot had been put in the Bastille "because, to the prejudice of their evocation, he had freed a prisoner accused of counterfeiting in virtue of a sentence that they pretended was antedated." Journal inédit, X, 235.
his conduct. The gens du roi had agreed; Bignon recommended
remonstrances about the Arsenal as well, both in writing and orally,
for

this last action was so prejudicial to the repose of the King's
subjects that it seemed that an action so indecent should
reveal to the said seigneur King the disadvantages of the
said extraordinary commissions and how contrary they were to
his service. ^ 7

The Grand'Chambre thought the matter was of such importance that it
delayed a decision until all the chambers could be assembled the
next day. 128 This move was the beginning of the greatest crisis in
the Parlement since the spring, a crisis which, before its ultimate
resolution in March, would go through weeks of plenary debate,
repeated royal injunctions of obedience, and culminate in the exile
of several magistrates and the severest royal lecture to the court
in decades. The Parlement, while certainly self-interested, was
not making a mountain of a mole-hill. The nuclear issue was of
considerable importance to both Crown and court, for tied to it
were the basic constitutional questions of the delegation of royal
power, the right to create officers, respect for the ordinances, and

127 B.N. Ms. fr. nouv. acq. 9891, fol. 164, November 26, 1631.

128 Molé, Mémoires, II, 76-77. Of this decision Molé wrote,
"This shows that it was not the Enquêtes who demanded the assembly
of chambers, but the Grand'Chambre which had thus decided itself.
It could have taken care of it by itself, since the complaint had
been made only to the Grand'Chambre and not to the assembled
chambers. This easily demonstrates that the impressions that one is
given are not true, the first decision that of November 26 serving
as the touchstone for all that followed afterwards. These is a
case for blaming the spirit of those who assemble the chambers
within the Parlement, and [then] manifest the contrary to the King,
[then] look in vain for remedies, although it had caused the
problem itself."
the rights of subjects and officers alike—in brief, royal arbitraire versus customary law and the respect for rights associated with good kingship.

The debate on the commissaires began in plenary session on November 27 and continued through the 29th, becoming more complex and angry as agitation over the Arsenal commission was blended with excitement about an arbitrary royal increase in the legal fees associated with sealing decisions from the Parlement.\textsuperscript{129} On Thursday, November 27, the Parlement ordered a cease and desist on all action against Gillot, prohibited his imprisonment, and decreed that "on the conclusions of the procureur général of the King, that très humble remonstrances would be made to the King and in writing on extraordinary commissions, and particularly on the Chambre de la Bastille [sic]."\textsuperscript{130} In addition the two ranking maîtres des

\textsuperscript{129}This was the so-called droit de petit sceau, which had to be paid by litigants for application of the petit sceau to legal decisions issued by the Parlement or other courts for cases of private law. The petit sceau was held by the petit chancellerie of the Palais but was still under the supervision of the chancellor who controlled the grand sceau appended to public documents. The petit sceau of the Parlement bore the inscription Sigillum parvum pro absentia magni. By a declaration of October 16 not registered in the court the Crown had doubled the fees required for the use of the seal. The Parlement had decided to make remonstrances on November 15, and the matter was still under consideration two weeks later. B.N. Ms. fr. nouv. acq. 9891, fols. 157-59; Marion, Dictionnaire des institutions de la France, p. 84; Doucet, Les Institutions de la France, I, 109.

\textsuperscript{130}d'Andilly, Journal inédit, X, 236.
requêtes would be summoned before the Parlement for personal injunctions to their corps. The court went on to attempt to cripple the Chambre de l'Arсенал by forbidding any "minister of justice" to obey its instructions, at pain of personal responsibility for all claims, damages, and interests so inflicted."131 The next day the Parlement accepted a second request for justice from Gillot and granted him full relief from the prosecution of the commissaires.132 On Saturday, November 29, the court assembled all chambers and continued its discussions about rights to the petit sceau in spite of an arrêt du Conseil forbidding any consideration of matters relating to the seal.133 Indeed, the court was now becoming imbued with a frondeur spirit, as Mathieu Moll observed:

The design [of the court] was nothing other than, by mixing several affairs together, to resolve none of them, making it seem that internally the Parlement was jealous of the honor of the company and, by contrary action underhand, giving the King notification to oppress it, and crossing the accustomed order, to do nothing for one or the other. That is very far from treating affairs in a virtuous spirit and, by the force of royal authority and by justice, conducting them to the necessary purpose, to represent the just causes that are there to be advanced or retarded, and by the credence that one acquires in a succession of worthy actions, to make the most of the royal name and oblige the company to follow its will with worthy intentions.134

131 Ibid. There is no register entry for November 27.

132 B.N. Ms. fr. 9891, fols. 166-67, November 28, 1631; Mollé, Mémoires, II, 78-79.

133 The arrêt du Conseil was issued at Fountainbleau on November 24 and was presented to the Parlement on November 28, though the registers make no mention of it. The text is in Mollé, Mémoires, II, 80-82.

134 Mollé, Mémoires, II, 82-83.
The Crown, no less than the Parlement, was willing to press matters to extremes, but handicapped by Louis' absence from his capital, it was limited to sending expostulatory letters and arrêts du Conseil. The first of several of these, a lettre de cachet, arrived on December 1. It summarily forbade any assemblies and ordered the court to send the first and second présidents à mortier and six conseillers to the King at Chateau Theirry with any remonstrances. The Parlement never complied with the request to send deputies, but this royal order, plus Le Jay's maneuverings, managed to keep the situation under control until December 5, when the Enquêtes demanded an assembly of all chambers to debate the commissaires' continuing prosecution of Gillot. Once again Le Jay

135 During the fall Louis was active in northeastern France, raising troops and securing the countryside against his younger brother.

136 The text is in Molé, Mémoires, II, 83, n. 1.

137 On December 2, for example, Le Jay sought to frustrate the extreme anti-royalists by refusing to turn over the minutes for November 28 and saying that he would not sign them. "This," Molé commented, "was a dodge of complacency [tour de souplesse] which was found out by those who had conducted the affair, for, seeing that the lettres de cachet could have no effect on that which had been passed on Friday, the 28th, since the letters being presented on Monday, the arrêt of Friday preceding would stand, they the Enquêtes thought that it would be easy to say there had been no decision at all. He that is obliged to keep order in the company [Le Jay], letting himself be persuaded that he could do this by himself and that it was a result of his power, took resolution not to turn over the leaf." Molé, Mémoires, II, 90.
tried to put them off, while secretly writing to the King for assistance. New royal prohibitions duly arrived, along with an arrêt du conseil nullifying the Parlement's decision of November 28 against the Chambre de l'Arsenal.\footnote{138} Under pressure from the Enquêtes, the whole court refused to obey; on December 12 it renewed its attack on the commissaires by ordering three of them to appear before the bar along with those responsible for levying the new rights of the petit sceau. The commissaires were to be apprised of the seriousness of their pursuits, told that remonstrances were going to be made, and warned that they were to cease their hearings at once. The officers of the Paris watch and the lieutenant criminel of the bailliage du Palais were also to be enjoined against carrying out orders from the Arsenal under pain of suspension.\footnote{139}

This kind of resistance soon eroded the royal patience, and on December 16 the council moved definitively to put a stop to it. A new arrêt du Conseil was issued which left no room to doubt the King's resolve. Parlementaire decisions of November 28, December 10, and December 12 were quashed as "given by incompetent judges and without power"; the Chambre de l'Arsenal and lesser regular officers were enjoined to ignore the Parlement's decisions; levying of the droit du petit sceau would continue; the officers of the city watch, the officers of the Paris watch and the lieutenant criminel of the bailliage du Palais were also to be enjoined against carrying out orders from the Arsenal under pain of suspension.\footnote{139}

\footnote{138}The King sent lettres patentes dated December 7 from Fountainbleau forbidding any assemblies and asking for remonstrances; the arrêt du Conseil was dated December 4 from Chateau Thierry and was presented in the court on December 10. Molé, Mémoires, II, 91-93, 97-98.

\footnote{139}Molé, Mémoires, II, 103-04. This deliberation is not found in the registers.
the Châtelet, and the bailliage were instructed to obey the commissaires at pain of 10,000 livres fine and deprivation of their offices. Injunctions like these had been made before, but the ones that followed had not been seen since the spring. Présidents à mortier Pierre Seguier and Bellievre, the oldest conseillers of each chamber, those conseillers who had signed the December 12 decision, and the ranking présidents from the second, third, fourth, and fifth chambres des Enquêtes were ordered to appear before the King fifteen days after the delivery of the arrêt with the minutes of the offensive deliberations. Finally, présidents aux Enquêtes Gayant and Barillon and conseillers Tudert, Thelis, and Laisne were ordered to account for themselves before the King's council; in the meantime they were suspended from their charges. All in all, the arrêt was a no-nonsense warning, and the Crown intended to make it stick. The comte de Soissons, recently made lieutenant général for Paris and the Île-de-France during Louis' absence, was ordered to see that the Parlement obeyed. On December 24 he acknowledged the charge, saying "I will not lack if they make a mistake," and then significantly added, "they have received the arrêt [du Conseil] and nothing has surfaced but obedience and submission." 141

Soissons was correct in his assessment. The decision to obey the King had been taken on December 23, the day after reception of

140 The text is in Molé, Mémoires, II, 118-21. It was signified to the Parlement on December 22.

141 B.N. Ms. fr. 3833, fol. 26, comte de Soissons to Louis, December 24, 1631. Louis' letter to Soissons is not available.
the royal order, and on the morning of December 31 the procession of thirteen magistrates assembled in the Recolets convent in the faubourg St. Martin. After hearing mass the group set out, taking the muddy winter road northeast to Metz by way of Rheims and Ste. Menehould. The journey took eleven days, the judges arriving on January 10, but despite entreaties to the garde des sceaux and to the Cardinal, Louis kept them waiting three weeks for an audience. Finally, on January 31 the judges were instructed to appear at 3:00 in the afternoon, leaving behind the five suspended representatives from the Enquêtes and the greffier with his records of the deliberations. They found Louis assembled with Richelieu, the garde des sceaux, Schomberg, three secrétaires d'État, and several others. Louis told them that they had been summoned to hear his displeasure and what he wanted done in the future. Chateauneuf then began speaking without the formal courtesy of an introductory "Messieurs," outlining the actions of the fall, emphasizing the King's discontent, and telling them that Louis would not hear their remonstrances. In the future, he said, they were not to mix in his affairs, be they concerned with his mother, brother, or those of foreigners, because the King was determined to preserve the peace in his kingdom. They should therefore, return to the capital and remain within the limits of their duties.142

142B.N. Ms. fr. nouv. acq. 9891, fols. 180-84, February 16, 1632; Molé, Mémores, II, 140-42.
Le Jay then mistakenly tried to defend the Parlement's actions with a badly worded and ill-timed speech:

Sire, the speech made to us by Your Majesty's commandment makes clear to us your wrath for your Parlement. This gives me pause, because your subjects are not permitted to justify themselves in the presence of their King irritated against them. We hope by an obedience to your commandments to life the bad impressions that we have given you, and that you will grant this grace, that the interdicted ones in this company should return to perform their duties, for the public has been scandalized at the procedure of the Chambre established at the Arsenal and by a new impost on the seal. The company hopes that His Majesty will, through his justice, revoke one and the other, for Louis XI had regrets from having mistreated his Parlement.143

The First President got no further. Louis, reddening with anger, broke in and retorted that

I am not prepared to answer you, but I want to tell you that you are encroaching on my authority, you are dabbling in the relief of my people for whom I care more than you. You tell me that individuals learn in the company to obey me, yet nevertheless they themselves uphold that very poorly. You were established only to mete out justice between master Pierre and master Jean, and if you go on with your enterprises, I will clip your nails to the quick.144

The judges, though accustomed to this kind of outburst, could do nothing but make a "very humble reverence" and retire.145

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143 B.N. Ms. fr. nouv. acqu. 99891, fol. 184, February 16, 1631.
144 B.N. Ms. fr. nouv. acqu. 99891, fols. 184-85, February 16, 1631.
145 B.N. Ms. fr. nouv. acqu. 99891, fol. 185, February 16, 1631. A very similar account was sent to Mathieu Molière by an unknown witness and is presented in his Mémoires. Even in comparison with other examples of Louis' temper, this was by all accounts an exceptionally severe display. D'Andilly commented in his journal that "On Friday the 30th M's of the Parlement had [their] audience. M le premier président delivered a speech which was good neither for the King nor for his own, having said to them nothing other than what has become known. He put the King in a rage. The King answered with words like 'Master to one and the other,' an eloquence and energy shocking to all attending [eloquence et énergie qui tous les
After the humiliation of January 31, the magistrates futilely tried to prevail on Richelieu or Chateauneuf to lift the banishment of the five Enquêtes. At last, being told that their presence and appeals only worked to their detriment, the judges departed Metz on February 4. They arrived in Paris on the 12th and recounted the dismal chronology of the journey to the Parlement four days later. Then unknown, but soon to arrive, was news that the five absent judges had been sent to Meaux, about a day's travel from Paris, and told to await the King's grace. Richelieu interceded on their behalf shortly thereafter, probably advising Louis to release them after allowing a few weeks for the disciplinary lesson to take effect. Louis willingly agreed, and the exiled judges were given permission to seek out the King at St. Germain on March 3. Here Louis waggled a verbal finger at them, saying "I pardon the mistake you have made, on the condition that you do not let it happen again. It is the second time, but if you relapse a third time, there will be no more pardon for you." Gayant is supposed to have answered "in general terms," while "M. the Cardinal made great civilities to them." 

146 As can be judged from the letter Louis wrote to Richelieu on February 12 acknowledging that he would "willingly accord that which you have asked of me in regard to the five robes." B.N. Ms. fr. nouv. acqu. 7223, fol. 53. See Supra, Chapter IV, pp. 220-21.

The dramatic interview at Metz was certainly one of the most famous episodes in the history of the Parlement. Many contemporaries marvelled at it, and nearly every later historian of the reign has found reason to mention what was said. This attention, while well-founded, usually leaves the impression that the interview was nothing more than a remarkable demonstration of royal tactlessness which had little long term effect on the court. The impression is accurate only as far as it goes. Strong Louis' words certainly had been, but he had spoke out of temper to the Parlement before and would again; it is to be expected that while this royal temper tantrum was neither forgiven nor forgotten, its lasting impression on the court would be slight indeed. Much more meaningful than the royal lecture were the permanent effects of the meeting on the course of parlementaire politics over the next decade. While the interview did not exclude the Parlement from all future affairs of State, nor render it submissive to Louis' will, the meeting did have a very real significance in punctuating a royal victory on the issue of commissaires. After January, 1632, the Parlement obeyed the judicial directives of December, 1631, as they applied to the employment of commissioned agents, and though it was unrealized by either party, the Crown's ascendancy after this time was going to be complete: the Parlement never again raised objections to commissaires during Richelieu's ministry. The resultant thrust towards absolutism was substantial. The Chambre de l'Arsenal continued its operations in Paris without further harassment from the Parlement.
until its dissolution in 1635, passing judgments on the famous oppositionist pamphleteers Mathieu de Morgues and Père Chanteloube as well as other types of offenders. Ultimately, too, the Crown's successful neutralization of the Paris Parlement furthered the breakdown of parlementaire resistance to all types of commissaires over all the kingdom. The provincial parlements continued to bewail their intrusions, but deprived of the leadership of the greatest parlement in France, the chances for a united and co-ordinated resistance extending over the central provinces were

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Père Jacques d'Apchon, seigneur de Chanteloube, an Oratorian priest, was one of Gaston's most capable polemicists. Having followed the prince into exile in 1631, he continued to support his cause with vitriolic attacks on Richelieu's policies which led to his condemnation by the Chambre de l'Arsenal. On May 5, 1632, that body ordered Chanteloube roué (broken on the wheel) for having bribed Francois Alpheston to do away with Richelieu. B.N. Ms. fr. 16537, fols. 78-78v°. A judgment against Mathieu de Morgues was produced by the commissaires in July, 1635, "for having written impious letters contrary to the glory of God [and] respect due the chief of his Church, for cabals against the King, and for fomenting enterprises on the life of Cardinal Richelieu." This decision is the last recorded verdict of the Chambre. B.N. Ms. fr. 16537, fols. 70-73; Gazette de France, no. 105, July 28, 1635, p. 422. The Chambre de l'Arsenal also continued to consider crimes other than those of State. On April 15, 1634, the Gazette de France notified its readers that on the 11th the Chambre de l'Arsenal had condemned "for crime of magic" two men named Bouchard and Gargan to make an amende honorable before the Church of St. Pol. They were then hanged and their bodies burned along with their books and impleiments (charactères), which consisted of a black stole, two parchment books of magic, and a small pewter chalice. Gazette de France, no. 35, April 15, 1634; Richou, Les Commissions extraordinaires, p. 59.
considerably reduced. This situation would prevail until the Fronde of 1648 when the Parlement once again took the lead in attempting to restrict the employment of commissaires.

The meeting at Metz also served to mark the end of another phase of the Parlement's political history. With the return of the exiled judges and the continuance of the Chambre de l'Arsenal, the Parlement's involvement with the most direct consequences of the Day of Dupes largely came to a close. During the course of 1631 this involvement had drawn the Parlement into the trial of Louis de Marillac, the flight of Gaston d'Orleans and Marie de Médicis, and royal prosecution of their followers, but by the first months of 1632 the court had been excluded from active consideration of these matters. This exclusion, however, was not yet complete because the course of domestic politics continued to be heavily influenced by the doings of Gaston and Marie, and the Crown's efforts to deal with their supporters would result in a last disruption of the relationship between the Crown and its highest court.

During the summer of 1632 Gaston re-entered the kingdom at the head of an army and made for Langued'oc where he expected assistance from the duc de Montmorency, governor of that province. Montmorency, disgruntled with the introduction of the elm into Langued'oc, was ready to be tempted into rebellion. The two chiefs met at Lunel and marched together on Nîmes, which refused to open its gates to them. While Montmorency tried with indifferent success to rally the towns of his governorship to Gaston's cause, Louis withdrew from
the area, turned the royal army over to maréchal Schomberg, returned to Paris, and countered the rebels with a new blanket declaration outlawing all those giving direct or indirect support to Gaston as guilty of lèse-majesté.\textsuperscript{149}

To publicize the declaration Louis had it registered in a \textit{lit de justice} held on August 12. There was nothing unusual about either legislation or ceremony, except that the judges were insulted by several ceremonial usages which the Crown insisted upon. The King had notified his Parlement of the \textit{lit} by \textit{lettres de cachet} specially instructing the magistrates to rise upon the entry of the \textit{garde des sceaux}, an honor, it was said, that was given all \textit{présidents} and \textit{conseillers}. Past custom, however, had required this courtesy only for the Chancellor. Louis took no chances that his instructions might be misunderstood; when he arrived at the Sainte Chapelle to hear mass before entering the Palais, all of the \textit{présidents} were summoned and sharply warned to be on their best behavior. They did as they had been told, but the First President remarked to the \textit{garde des sceaux} in passing that "this honor rendered him was not due to the dignity of \textit{garde des sceaux}, that this was not the custom to use it in this way, but that the King having commanded it, they would obey the King's command, and that they would register a complaint of it."\textsuperscript{150} Later, Le Jay confessed to Talon that he

\textsuperscript{149}\textit{Le Mercure français}, XVIII, 520-36.

\textsuperscript{150}Talon, \textit{Mémoires}, p. 16.
had been so surprised when the King had demanded the gesture of him
at the Sainte Chapelle that he was on the point of asking Louis to
relieve him of his charge and to per-it him to resign. This
was not the least affront the court had to endure that day. When
all the speeches were done, contrary to all custom and precedent
the opinions were taken first from the princes of the blood, then
from the cardinals, before consulting the présidents à mortier.
After the ceremony Le Jay protested this order of precedence, but
"M. le garde des sceaux answered that the King could do as he
pleased."  

Indeed, by now it must have seemed to the parlementaires that
Louis could do as he pleased, at least in matters of high justice.
Enforcement of the August 12 declaration was almost completely
taken from the Parlement and put into the hands of provincial
sovereign courts or commissaires, even though in the instance of
Henri, duc de Montmorency, it was very much a question of trying a
duke and peer of the realm. Montmorency's efforts in Gaston's
dehalf had been brought to a quick and violent end by mareschal
Schomberg's forces in a thirty minute battle near Castelnaudary on
September 1. The comte de Moret, one of Henry IV's bastards, was
killed at the front of Gaston's forces; Montmorency, wounded

151Ibid., pp. 16-17.
152Molé, Mémoires, II, 156; D'Andilly, Journal inédit, X, 280.
seventeen times, was captured, his forces dispersed, and his royal patron-ally reduced to negotiations. In these, for once, the King's brother made some remonstrances for the salvation of his ally. These availed for nothing; Richelieu and the King had determined to make an example of the duke, and Montmorency's trial was sent to the parlement of Toulouse which had refused to follow him in aiding Gaston's movement. The parlement had no trouble ascertaining the duke's guilt and returning a death sentence which was carried out at Toulouse on October 30.

The execution of the duke created a sensation throughout France but produced no noteworthy reaction among the benches of the Parlement of Paris. Bearing himself with the hauteur of his class to the end, the duke proudly accepted his fate, renounced his privilege, and made no appeals for justice to the Paris court, which, since the duke had been taken arms in hand, could hardly have altered his fate. Several months later, however, the Parlement did make a modest murmur of protest at the violation of its jurisdiction. Upon Montmorency's death the Crown had divided his lands and property among the prince de Conde and the duchesses d'Angoulême and de Ventadour; on March 9, 1633, the Parlement of

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153 A short-lived settlement was reached with Gaston on the end of September. The Parlement was duly informed on September 30 in Lettre du Roy envoyée à nosseigneurs de la cour de la Parlement, contenant l'accommodement de Monsieur en la bonne grace du Roy; Le lieu où s'en va; avec ce que sa Majesté a accordé à ceup de sa maison. Paris, 1632. B.N. Imprimés 16.2897.

154 Le Mercure français, XVIII, 530-36; B.N. Imprimés, Actes royaux 146974, no. 11.

155 Ibid., 836-38.
Paris registered the settlement but "decided that the King will be humbly petitioned in due time and place to maintain and preserve the said court in its privileges in regard to that concerning the competence over dukes and peers and officers having seats in it."\cite{156}

This decision of March 9, however, was aimed at something more than the Montmorency Affair months before, as the inclusion of "officers having seats in it" suggests. This phrase had been written into the complaint because at the time it was voted the Parlement had become warmly engaged with the Crown over the final disposition of offices in the Parlement belonging to two of Gaston's associates. One of these, président à mortier Jacques le Coigneux, had been provided with his office by Richelieu at the beginning of 1630 as part of a package offer to placate Gaston and his followers. The bribe had failed and Le Coigneux followed the prince to Lorraine, for which he was tried and condemned by the parlement of Dijon during the fall of 1632. Then in December, 1632, the similar case of Pierre Payen, sieur des Landes, conseiller in the Parlement, was given over to his colleagues for judgment.\cite{157} "Because of the bad state of his affairs," as Talon put it, Payen had been obliged to

\cite{156}B.N. Ms. fr. nouv. acq. 9891, fol. 230, March 9, 1633.

\cite{157}Pierre Payen was received as a conseiller clerc in the fifth Chambre des enquêtes on February 19, 1621. He was at the same time abbot of Saint-Martin and prior of Cerqueux and De la Charite-sur-Loire. In 1645 he entered the Grand Chambre, where he remained until he sold this office in 1664. He died in 1669. His father was Pierre Payen, sieur des Landes and Montereau, secrétaire du roi in 1607. B.N. Ms. fr. 7555bis, fol 100.
seek refuge in Brussels, where he had sought out the Queen Mother and become one of her secretaries.\textsuperscript{158} Charged with having levied men-at-arms without permission, taken commissions from the German Emperor, founded cannon, and fled the kingdom without royal leave, Payen was found guilty "through ordinary means of contumace.\textsuperscript{159}"

In keeping with customary practice in such instances, he was banished from the kingdom in perpetuity, his property confiscated in the name of the King, and his office of conseiller in the Parliament suppressed.

It was this last provision, the disposition of Payen's office, which stirred up a furor in the Parlement. According to Article 28 of the Ordinance of Moulins (1566), all persons condemned for \textit{lèse-majesté} by default and contumace were given five years to clear their names before the sentence could be carried out.\textsuperscript{160} Unfortunately, Article 183 of the Ordinance of Blois (1579) presented something of a contradiction, since it maintained that the penalties for \textit{lèse-majesté}--confiscation of property and suppression of office among them--could never be remitted in the future.\textsuperscript{161} This implied, of course, that the five year grace period of the Ordinance of Moulins had been negated and that the King could immediately dispose of any offices held by traitors as he saw fit. But which

\textsuperscript{158}Talon, \textit{Mémoires}, p. 17.

\textsuperscript{159}Ibid.

\textsuperscript{160}Isambert, \textit{Anciennes lois françaises}, XIV, 196-97.

\textsuperscript{161}Ibid., 424.
ordinance was to apply in the case of Le Coigneux and Payen? The
Crown held for immediate disposition, and on January 19, 1633, it
sent a declaration to the Parlement setting out that the Ordinance
of Moulins was limited by that of Blois and that the five year
suspension of execution for sentences of lèse-majesté had no
validity.\textsuperscript{162} This should have paved the way for the reversion of
the offices to the Crown and their resale, but the Parlement
refused to verify it, and a lettre de cachet of February 19 failed
to budge the court from its stand.\textsuperscript{163}

Further action on the edict was delayed for a few days by the
removal of Chateauneuf as garde des sceaux and the appointment of
Pierre V Seguier in his place. Seguier, former président à mortier,
brought no significant change to the policies of the charge, or to
its function as intermediary between the council and the Parlement.\textsuperscript{164}
One of the new garde des sceaux's first endeavors was to attempt to
persuade the Parlement to approve the suppression of Le Coigneux's

\textsuperscript{162}B.N. Ms. fr. 23410, "Licts de justice des Rois au Parlement
de Paris et aultres de ce royaume," fols. 373-76. Another copy is
in B.N. Ms. fr. 18424, fols. 2-4.

\textsuperscript{163}B.N. Ms. fr. nouv. acqu. 9891, fols. 224-28, January 31,
February 19 and 21, 1633.

\textsuperscript{164}Pierre V Seguier belonged to an ancient and distinguished
robe dynasty which produced a chancellor of France, five présidents
à mortier, thirteen conseillers, and seven maîtres des requêtes.
The rise of the family had taken place during the sixteenth century,
from the time that Blaise Seguier, an aristocratic merchant of
Paris, made a marriage alliance with the daughter of a maître de la
Monnaie of Paris. Blaise died in 1510, leaving five children to
begin a classic ascent, first through the world of finances, then by
judicial offices. Pierre I Seguier, grandson of Blaise, became
président à mortier in 1555 and considerably enlarged the family's
status and fortune. The succeeding generations of Seguiers sustained
this elite position at the top of the governmental hierarchy. Pierre
and Payen's offices, and to carry this out two new declarations containing an elaboration on that of January 19 were sent to the court. The first of these set forth the principle that offices and charges were different and distinct from other property belonging to a subject, since charges were only an emanation of the royal authority which was bestowed on a private individual. When the individual lapsed into lèse-majesté or rebellion against the source of his public power, that power was cancelled and returned to the Crown. Thus, the Crown reasoned, offices and charges were immediately forfeited upon commission of the offense and did not require the five year waiting period as set out in the Ordinance of Moulins. By virtue of this interpretation, the offices of Le Coigneux and Payen

V Ségui er, son of Jean Ségui er d'Autry, was born in Paris in 1588 and became, in succession, conseiller of the Parlement and président à mortier by resignation from his uncle Antoine Ségui er on April 17, 1624. Ségui er proved himself in the charge of garde des sceaux from 1633 and was made chancellor of France upon the death of Etienne d'Aligre in 1636. The Parlement of Paris and the council addressed him as "Monsieur" as befitted only the princes of the blood, but the provincial parlements and all other bodies, corporations, and individuals gave him the title "Monseigneur." By the time of his death in 1672, his titles of nobility included duc de Villedor and comte de Gien. There is no satisfactory biography of Ségui er, that of Rene Kerviler, Le Chancelier Ségui er (Paris, 1874), being superficial and hagiographical. A limited amount of information may be found in Blanchard, Les president a mortier du parlement de Paris, pp. 397-98, but the most satisfactory source is presently Mounier, Lettres et mémoires adressées au chancelier Ségui er, I, 26-41.

165 Talon, Mémoires, p. 18. The text of these declarations has not come to light, but they were probably very similar to those registered in the lit de justice of April 12, 1633.
were suppressed and their disposition returned to the King. The second edict followed this up by creating and erecting two identical offices to be provided to capable and worthy persons.\textsuperscript{166}

The Parlement took the new letters under consideration in plenary session on March 18, promptly provoking an outburst of rancor. Barillon, the radical président des Enquêtes, proposed that the declaration could not and should not be registered, but support for his opinion dissolved when président à mortier de Mesmes cleverly suggested that the court should follow the Ordinance of Moulins and sidetrack the letters by pigeon-holing them in the registry until the five year grace period had expired. This allowed the magistrates to hide behind a certain legality, and the Parlement adopted it. Louis, annoyed as usual by this legal dodge, was quick to retaliate. On Wednesday, March 23, in the middle of Holy Week, président de Mesmes received royal orders to retire to Blois within twenty-four hours. He departed the next day at ten o'clock.\textsuperscript{167}

Reaction to de Mesmes' banishment was buffered for a few days by the Easter recess, but on the last day of March the assembled chambers ordered a large delegation to complain about his treatment and ask for his speedy return. A meeting was arranged for April 9, and on the appointed day three présidents, several conseillers, and the gens du roi rode out to St. Germain-en-Laye. There they were

\textsuperscript{166} Talon, Mémoires, p. 18.

\textsuperscript{167} Ibid.; Molié, Mémoires, II, 169-70. There is no register entry for this day.
served dinner before being shown in to the King at two o'clock. Louis
was in a solemn and sober mood. Departing from usual practice he
addressed the magistrates himself and, even more extraordinarily,
kept his temper under control while making it plain that he expected
nothing but obedience:

When one judges someone at the Tournelle, this is not only to
make him suffer the penalty of his crime but in order that
others should be kept within their duty by his example. Thus,
when président de Mesmes was commanded to go away, this was
done not only by reason of his error, but also to ensure that
in the future you should be wiser. When présidial judges fall
short in that which they owe you, you declare them criminals
of lèse-majesté before the Parlement, and you suspend them
from their charges. You have to admit that the power that I
have over you is much greater than that which you have over the.
It is therefore for me to use my authority with respect to you
when you forget what you owe me. If I send some affair to the
Parlement which merits making remonstrances to me, I will
always find them worthy; but likewise, after that, I intend to
be punctually obeyed. As for your saying that this is no lack
of good will if I am not content, I declare to you that I
want effects other than good intentions from my Parlement.
Serve me better in the future.168

Louis then went on to announce a lit de justice to be held the
following Tuesday, April 12, a ceremony in which he expected the most
careful attention to due form as well as the substance of obedience:

Tuesday I am going to my Parlement and I desire that the former
order be re-established: that four of the présidents should
come before me, with a number of conseillers; that the
chambellan at my feet should be reclining and not seated; that
the garde des sceaux, coming to address me, should be on his
knees as it has customarily been.169

168Molé, Mémoires, II, 172-73.

169Ibid.; the same recitation, with some minor variations, is
also given in Talon, Mémoires, p. 19.
This short admonition delivered, the présidents and conseillers withdrew, leaving the gens du roi to receive a confidential reminder that Seguier was rendered all the honors due him.

In the event the lit de justice went smoothly. The King arrived at Sainte Chapelle at ten o'clock; Bellievre, Potier, Le Bailleul, and Tanneguy Seguier conducted him into the Grand'Chambre where the magistrates duly stood when garde des sceaux Seguier entered. As in the lit de justice of the preceding year, however, the First President told him that this was an honor rendered at the express command of the King. Seguier then went to his knees before the King, delivered a short, unexceptional address outlining the reasons for the ceremony and finishing with some words of praise for his former colleagues in the Parlement. Le Jay then spoke, noting that

It was of great consequence to change the laws in a State which been long approved and observed; and that although there was some utility evident in new laws, nevertheless it was perilous to make new introductions in a State which very often ended in the subversion of monarchies and the ruin of States. But it was another thing when it was a case of absolute necessity, for in these cases only the necessity made law. 170

Le Jay continued by recommending that Louis respect the ancient integrity and splendor of his Parlement, which even foreigners had recognized and had had recourse to, as had many kings in serious affairs of State. Then he shrewdly added in conclusion, "We pride ourselves, Sire, boldly in this honor, for our glory is not ours,

170 Talon, Mémoires, p. 21. The registers do not contain even a synopsis of the First President's speech in this lit de justice.
it depends on you. 1 With the completion of preliminary addresses, the important business of the day was brought forward in the form of edicts suppressing the offices held by Le Coigneux and Payen by virtue of the modification of the articles of Blois and Moulins. These were followed by letters substituting two new creations in lieu of the suppressed offices, the presidency à mortier being granted to Chretien de Lamoignon and the conseiller-ship to Jean de la Haye. The Crown took no chances that the Parlement might find an excuse to bar the newcomers: Lamoignon and de la Haye were sworn in and took their places before the ceremony was adjourned. 2

The April 12 lit de justice accomplished its purpose very well: the last sparks of parlementaire resistance to the Le Coigneux-Payen Affair were effectively snuffed out, and the court raised no more objections in the case. Though this issue turned about a legal interpretation of the ordinances rather than grave issues of State, the Crown had once again fallen back on the omnipotent mechanism of the lit de justice to override free discussion in the court. From the standpoint of the law, of course, there was little question that from initial accusation of lèse-majesté through debate over the ordinances the royalist argument had the greatest validity. Le Coigneux and Payen had violated long established principles of lèse-majesté, they had been duly judged, and the Crown's legal

171 Ibid.

172 B.N. Ms. fr. nouv. acq. 9891, fols. 240-42, April 12, 1633.
position in regard to their offices was impeccable. Beyond these strictly legal considerations, though, were deeper ones of the violation of the Parlement's historic right to freely weigh the lives, property, and fortunes of subjects without royal interference; in the Le Coigneux-Payen Affair, as in the most evident matters of State necessity, the King had been willing to use the most rigorous means to suspend an element essential to the traditional monarchy.

In addition to these considerations, the ceremony of April 12 was also a milestone in the history of the Parlement marking the end of an era of conflict arising out of the Day of Dupes more than two years before. These two years had been important, perhaps critical, in shaping the relationship between the Crown and its high court for the remainder of Richelieu's ministry, for after November 10, 1630, the Parlement had been conclusively defeated on each of the several major affairs of State it had heard. The court had been unable to prevent the execution of maréchal Marillac nor able to halt the proceedings of the Chambre de l'arsenal; after the interview at Metz the question of commissaires, so vital to the establishment of absolute government, was totally barred from the court. The Parlement had been equally frustrated in bringing its interpretation of justice to Gaston, Marie de Medicis, and their followers. The remaining years of Richelieu's ministry would show that this succession of actions would go far towards restricting the Parlement's
effectiveness in carrying out its political role: the free employ-
ment of judicial arbitraire had, by 1632, contributed to a
noticeable shift towards absolutism in the monarchy.

The Parlement had fared somewhat better in protecting its
own privileges of office-holding. The paulette settlement of 1631,
tardy though it was, upheld a cherished tradition that the sovereign
courts were entitled to special treatment in assessment of office-
holding taxes, and while the 1630 creation of offices in the court
was not blocked, it was subjected to a compromise in which the
initial establishment of conseillers was reduced by twenty percent.

On the whole, however, the three years following the Day of Dupes
were hard ones for the Parlement. Its political role in the body
 politic had been reduced, its members had been subjected to tough
disciplinary measures and degrading gestures of submission, and
its ressort had been violated. By way of compensation in this
funereal picture of royal ascendancy, the Parlement could claim
few moments of triumph or glory—a situation that would persist
throughout the remainder of Richelieu's ministry.
On May 19, 1635, Louis XIII issued a formal declaration of war against His Most Catholic Majesty Philip IV of Spain. In conformity with custom dating to time immemorial, the declaration was properly announced to the Cardinal-Infante Don Fernando, Spanish governor of the Netherlands, following the strict protocol accorded such matters. A herald in medieval costume, bearing the arms of France and accompanied by a trumpeter, presented himself in the Grande Place of Brussels and demanded an interview. Don Fernando, suspecting the mission of the French representatives, was reluctant to receive them. Learning of their news at the sound of trumpet's blare, his fears proved well-founded: a technical pretext for war between the powers had been raked up in the Spanish seizure and imprisonment on March 26 of the Archbishop-Elector of Trèves, Philip von Sötern. Louis, having undertaken to guarantee the safety and territorial integrity of the Elector and other ecclesiastical princes along the Rhine, found the Spanish behavior to be an intolerable act of belligerency requiring the declaration of hostilities. French participation in the great German War was now an accomplished fact.

Actually, however, the archaic ruffles and flourishes displayed before the Cardinal-Infante were nothing more than a showy formality, for an under-the-counter kind of cold war between Bourbon and
Hapsburg had been going on for years. The French had been dabbling in German politics since 1631, when the Treaty of Bärwalde committed French monies in exchange for Swedish military activity against the Emperor. Richelieu had hesitated to do more until after the disaster at Nordlingen in 1634, when the Swedish cause virtually collapsed. That defeat had been so decisive for the anti-Imperials that the French hand had been called—and Richelieu opted for war. French troops under French commanders acting in the interests of the Bourbons were now thrown into the field on a large scale for the first time in more than two decades. That commitment, begun in 1635 with high hopes for the greater grandeur of France, would drag on for nearly twenty-five more years. In the end there would be no clear-cut victory, but the Hapsburg ascendancy in Europe would be over and a century of French predominance begun.

Warfare has always been one of the most costly of humankind's endeavors, and the early seventeenth century was no exception. To be sure, the spiraling military expenses of the twentieth century provoked by the technological arms race had little place in the cost structure of seventeenth century warfare, since the military technology of the era remained about where it had been for the past fifty years. At the same time, however, that limited technology, along with the shortcomings of the mercenary system of recruitment and command, was incapable of returning any decisive conclusions in the field. A peculiarly tragic paradox thus came to characterize the German War: armies came and went, appeared, occasionally fought, and then
melted away, seemingly without lasting effects on the course of political events. Decision from the battlefield, like the fabled philosopher's stone of the alchemist, remained an elusive chimera ever hovering on the verge of realization. Governments on all sides were unable to grasp this basic premise, and princes continued to pour enormous sums into yearly campaigns in the hope of some definitive result. For the great powers, at least, the war came to be as much a quest for funds as a military effort.

In France the government's search for resources followed the well-trodden paths of the "ordinary" and "extraordinary" revenues. The ordinary revenues were a melange of various funds, mostly dating from the Renaissance or earlier. The once formidable contribution taken from the royal domain had shrunk to a pitance by the 1600's, but the return from impositions like the taille, gabelle, aides, octrois, and traites amounted to a healthy two-thirds or more of royal income in peacetime. The great problem with these revenues was their restricted capacity for exploitation. All of them fell on the unprivileged and the least able to pay, and all were heavily mortgaged in advance to rapacious financiers. Even by disregarding the dictates of humanity and wise economic policy, therefore, Louis XIII could expect to make only limited expansion of the ordinary revenues because of the relatively inelastic economic structure of the kingdom. After increasing taxes to the point of rebellion, then pawning them for immediate credit, the Crown had to fall back on the
greater potential of the extraordinary revenues and other irregular methods to meet its wartime obligations.

The euphemistic term "extraordinary revenues" covered a variety of schemes used to paper over the Crown's yawning deficit spending. Chief among them were the rentes, or State bonds, often issued on the superior credit of the Hôtel de ville of Paris; the sale of offices; other income, principally loans and the droit annuel, from the Bureau des parties casuelles; and a "free gift" periodically given by the clergy. The last category can be dismissed as insignificant in comparison with the first three, which actually fueled the French war effort after 1635. In the typical wartime budget of 1639, for example, the government spent roughly 173,000,000 livres, of which 86,000,000 were destined for war.¹ In the same year receipts also amounted to about 173,000,000. But this was on paper only, because the costs of tax collection and payment on previous rentes skimmed off 68,000,000 livres. In the actual fact, in this year Louis had an income good at the treasury of between 89,000,000 and 105,000,000 livres, according to various ways of accounting. Of this total, ordinary tax revenues amounted to 31,500,000 livres; the clergy's free gift came to about 2,000,000 livres; and income from the domain brought in about 2,000,000 livres. By way of contrast, no less than 57,000,000 livres, or well over fifty percent,

¹From the figures supplied by D'Avenel, Richelieu et la monarchie absolue, II, Appendix X, "Budget de 1639," 447.
of revenues in hand at the treasury came from expedients such as the sale of offices, the droit annual, and various kinds of loans from both within and without the bureaucracy.  

These figures of royal income and expense were subject to some annual variations, but certain general conclusions about them are inescapable and held true from 1635 until the end of Richelieu's ministry and beyond. The most outstanding fact of life that the monarchy had to face during this period was a gaping deficit due to the costs of war. These costs far exceeded receipts from taxation and drove the King's ministers into a desperate search for any source of ready money at whatever price. This insatiable need for money in turn had its repercussions throughout the body politic. In the lower levels of society, oppressive taxation evoked a simmering resentment which sometimes boiled over into open rebellion. Surintendent des finances Claude Bullion, a councillor in charge of raising war revenues and thus well aware of the national situation wrought by the war, wrote to Richelieu in 1639 that expenditure in cash is up to at least 40 millions, the traitants are abandoning us, and the masses will not pay either the new or the old taxes. We are now scraping the bottom of the barrel ... and I am afraid that our foreign war is degenerating into a civil war.

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2See D'Avenel and the tables prepared by Mallet in Comptes rendus de l'administration du royaume de France, pp. 198-228. There are some differences in the figures supplied by D'Avenel for the budget of 1639 and those of Mallet because of their methods of reckoning. Mallet accepted only sums good at the treasury but did not include gifts from the clergy in his estimates of royal income. D'Avenel, on the other hand, did not deduct the expense of collection from income but carried them as a separate line item of budgetary expenditure.

3Richelieu, Lettres, VI, 608, Bullion to Richelieu, October 25, 1639.
These problems would have been serious enough in themselves had not the Crown also found itself at loggerheads with its sovereign courts when attempting to levy new taxes, seeking approval for extraordinary funding, or trying to extract monies from the civil servants themselves. It is no exaggeration to say that financial needs associated with Richelieu's ambitious foreign policy almost completely absorbed the monarchy's energies after 1635 and provided the main theme of its domestic politics until the end of the Cardinal's ministry.

Nowhere was this more true than in the politics of the Parlement, where the Crown's fiscal policies consistently aroused the opposition of the court and violated the interests of its members. This tension over fiscal matters bore only a superficial resemblance to Charles I's troubles with the English Parlement over taxation during the late 1620's. Unlike the English houses, the Parlement of Paris could not claim anything resembling an all-inclusive power of the purse with the potential to moderate the sovereign power. Moreover, the Parlement lacked the broad representative qualities of the Parliament. However much it may have wanted to believe otherwise, the court's breadth of vision was rigid, narrow, selfish, and class-oriented. It could not escape the mold of its history and function, that of an elite legal body whose primary function was to judge, not to grant subsidies to the king. Moreover in exercising its advisory capacity, the court was handicapped by the negativity of its modus operandi. As Glasson has phrased it,
the means proposed by the Crown in seeking out resources for itself might be of contestable value, but the Parlement could not imagine others and forgot to take account of the ends which it was proposed to attain, the grandeur and success of France in the memorable wars in which she was engaged.4

The net result of the Parlement's privileged social position and its manner of working would be a consistent policy of obstructionism, often assisted by legal technicalities but always without the staying power to alter the course of Richelieu's foreign policy.

The Parlement's attitude towards the King's fiscal expedients became evident as the war effort got into full swing. The buildup of French forces during 1635 and 1636 was a costly operation, and the Crown intended to finance a large part of it by the sale of offices. The pressure for money was so great and resistance from the sovereign courts so likely that normal preliminary parleys with the Parlement were cut short. On December 20, 1635, Louis went to the Parlement to hold a lit de justice for the registration of several financial acts. The ceremony itself was undistinguished, save for the absence of almost all the great nobility and the first public appearance of Pierre Ségui as Chancellor.5

Following custom, Louis opened the session with a few words,

4 Glasson, Le Parlement de Paris, I, 150.
5 Former Chancellor Etienne d'Aligre had died on December 11. Ségui took the oath as Chancellor on the evening of December 19. His lettres de provision were delivered to the Parlement the next morning and registered before the lit de justice of the 20th opened. The new honor changed nothing in Ségui's relations with the court, since as garde des sceaux he had enjoyed the full confidence of Louis and Richelieu.
then the new Chancellor presented the official justification
for the ceremony. His speech was straightforward and devoid of any
novelties in its defense of royal foreign policy. Louis had, he
said, sought to bring peace to his people and to Europe, but the
designs of the enemy had led to war. To wage it, Séguier went on,
70,000,000 livres were needed by spring, revenues would be applied
towards the pay of 200,000 infantry and 34,000 horse. The King's
fiscal exigencies had led to the decision to create several new
offices, a decision which the country could easily tolerate because
"there were not enough places in it to give or to occupy the
virtuous and generous [persons] who sought service in all the noble
exercises of justice and arms, if new ones were not made."6

At the conclusion of the Chancellor's official remarks, a
huge package of at least sixteen edicts was produced for
verification.7 All but one or two dealt with the creation of

6B.N. Ms. fr. 3838, fol. 138-138v°, Philippe de Marescot to
the comte de Bethune, without date. The registers of the Parlement
do not report Séguier's remarks, and Marescot's report was based
on second-hand evidence, since he was not present at the ceremony.

7It is a curious fact that the sources do not agree on the
number of edicts registered in this session. An "Abregé des Edicts
et Ordonnances du Roy, verifiez en Parlement le Roy y seant,
en la Chambre des Comtes et Cour des Aydes, le 20. December 1635"
published in the Gazette de France, No. 35, 1635, 137-42, lists
forty-two titles of edicts and ordinances. Griffet, probably fol­
lowing the Gazette, also lists forty-two titles. The Mémoires of
Mathieu Molié, on the other hand, insist that there were only thirteen
acts presented to the Parlement, and Glasson accepted this figure. See
Molié, Mémoires, II, 319, and Glasson, Le Parlement de Paris, I, 150.
I have taken the listing of sixteen titles in the registers of the
Parlement as correct. The discrepancies might be explained by assuming
that Molié's Mémoires erroneously records "treize" for "seize" and that
twenty-six of the titles listed in the Gazette were registered in the
Chambre des comptes and the Cour des aides only.
of offices, and some of the individual titles were substantial creations in their own right. One edict, for example, confirmed the establishment of the Parlement of Metz two years before, while others provided for the resale of some of the rights to the royal domain, enlarged the bailliage courts, and increased the size of the Cour des monnaies. Still another act, one shortly to become the center of a storm within the Parlement, provided for the addition of a président à mortier, twenty conseillers in the Enquetes, four conseillers in the Requets, eight maitres des requêtes, four huissiers, and two substitutes for the procureur général. Among these pecuniary measures, an act punishing military deserters stood in lone contrast. The great quantity of legislation precluded a complete textual reading of each edict, and apparently only the titles and perhaps a synopsis of each document was read out.®

Jérôme Bignon, the finest orator among the gens du roi, delivered a scathing attack on royal financial procedures and their prejudice to the Parlement, but he concluded, as duty required, with a formal request for registration. Séguiier then came forward, collected the opinions of les grands and the cardinals before those of the présidents, and delivered these votes to the King. With formalities completed, the edicts were considered registered and the session was adjourned.9

®Molé, Mémoires, II, 319, notes that the edicts were read, as do the Mémoires of Talon, 41. Griffet, however, maintains that only the titles were read because of the lengthy presentation.

9The registers of the Parlement are exceedingly brief in recording the events of this session. See B.N. Ms. fr. nouv. acqu. 9892, fols. 392-403. The Mémoires of Omer Talon, pp. 41-45, and those of Molé II, 318-20, add very little to the account in the registers.
Royal procedures in this lit de justice had been excessive in several ways, and a reaction against them was not long in developing. By presenting its legislation in the King’s presence, the Crown had abridged the Parlement’s traditional privilege of freely examining important enactments. This offense was deepened by the quantity of titles presented and by the fact that they had not been read before the verification had taken place. Finally, and most irritatingly, the Parlement was now confronted by a large increase in its membership. The judges could expect a reduction in their splices commensurate with a reduced case load accruing to each member of the enlarged body, and correctly or incorrectly, they also feared that the new creation would deflate the value of their offices. Angered by these prospects, ten of the younger and more radical members of the Enquêtes invaded the Grand’Chambre two days after the lit de justice to demand a general assembly of all chambers to discuss the edicts registered two days before. Their pretext was that the legislation had been registered without a hearing. The First President pointed out that this demand was a ticklish one, sure to offend the King if carried through. Despite this warning the Enquêtes insisted and asked that the declaration not be executed until the chambers had been united. This proposal had no more success than the first, and no further action was taken for some days because of the Christmas festivities.10

10Molfé, Mémoires, II, 321; Talon, Mémoires, p. 45. The registers do not contain an entry for December 22.
Though Le Jay had temporarily stalled the Enquêtes, Louis had gotten wind of what was afoot and determined to nip any opposition in the bud. On the day after Christmas, royal letters, described by Talon as "full of sharpness and indications of wrath on the part of the King," were addressed to Mathieu Molfé and to the First President on behalf of the entire court. Delayed by sickness, Molfé could not deliver these letters to the Grand'Chambre until Saturday, December 29. After receiving the letter addressed to the Parlement, Le Jay called the Chambre de l'Edit and the Tournelle together to deliberate. Some were of the opinion that the Enquêtes should also be called, since the lettre de cachet was addressed to the entire court and concerned all the chambers, while others favored sending a deputation to the Chancellor. When this division in opinions could not be resolved, the gens du roi were solicited for their advice. Knowing the King's interest and instructions, the attorneys declined to take a stand. The three chambers finally took the more cautious path: a deputation consisting of Henri de

11Talon, Mémoires, p. 45. The text of these lettres de cachet is in Molfé, Mémoires, II, 321-24, and B.N. Ms. fr. nouv. acq. 9892, fols. 412-14, December 29, 1635. The letter addressed to Molfé was marked by the peculiarity that the procureur général was blamed for having permitted the assembly on December 22. Molfé commented in his Mémoires that he was quite surprised to see that this letter "imputed something to which it was impossible for me to give order, since the Saturday following the entry of the King [on December 20], I had not been able to go to the Parlement because of a passing sickness from which I had had to excuse myself." Why the Crown should have made this error is not clear, because there is no evidence that Molfé was at fault.
Mesmes and four conseillers was dispatched to the Chancellor, while the First President summoned representatives from the Enquêtes to appraise them of what had been done.¹²

While awaiting the outcome of the meeting with the Chancellor, the Enquêtes went on badgering for a plenary assembly. When the Grand'Chambriers came to take their places on Monday, December 31, they found all of the Enquêtes already on their benches, ready to deliberate. Pierre Gayant, a radical Enquete leader, asked the First President to authorize the joint session, but Le Jay replied that the records of the lit de justice had already been made official and that he had amply explained the King's will to them. De Mesmes, head of the deputation to the Chancellor, then told the Enquêtes off the record that he had seen the Chancellor, who had promised to mention their demands to Louis. This placated the présidents, but the younger and more hot-headed conseillers de Enquêtes refused to leave their seats, forcing the Grand'Chambriers to suspend the morning's business.¹³

Turmoil within the Parlement in defiance of the King's wishes continued to deepen as the new year began. On January 2nd the Enquêtes again entered the Grand'Chambre and occupied their places, and although no propositions were made, neither could normal business be carried on. The Tournelle conducted its work as usual, but the Chambre de l'Edit had to suspend its sessions for want of solicitors

¹²B.N. Ms. fr. nouv. acq. 9892, fols. 410-14; Talon, Mémoires, pp. 45-46; Molé, Mémoires, II, 324-27.

¹³Molé, Mémoires, II, 328-29; Talon, Mémoires, pp. 46-47.
and barristers, a deficiency which Talon attributed to customary holiday arrangements rather than to the internecine feud among the chambers. These deteriorating circumstances only heightened royal discontent with the Parlement, and on January 4 a lettre de cachet was delivered to the court prescribing that it send a deputation of four présidents and four conseillers to St. Germain on January 5. Bignon delivered the letter before the Grand'Chambre, but immediately after its presentation, the Enquêtes filed in and took their seats without being summoned. Le Jay warned them "that it was extraordinary to assemble themselves without being summoned," then read them the King's latest instructions.14 Reading of the letter completed, the Enquêtes and Requêtes were instructed to adjourn and select their deputies. This they refused to do, and Jean Laisné, one of the more hot-headed Enquêtes, stood up, doffed his bonnet, and told the court that he had a complaint to make about the First President. Le Jay ordered him to replace his headgear and mind his manners, whereupon Laisné coarsely asserted he would do as he pleased, since he was speaking to the Parlement and not to the First President. The conseiller then recounted a bizarre, but highly revealing, incident which suggests how important negotiations concerning parlementaire politics were carried on behind the scenes between the First President and the King's ministers.

Laisné related that on December 26 Le Jay and surintendant des finances Claude Bullion had secretly met in a hermit's cell on

14 B.N. Ms. fr. nouv. acq. 9892, fol. 418, January 4, 1636.

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Mont Valérien, an isolated peak about halfway between Paris and St. Germain-en-Laye. There, in presumed security, they had discussed not only what had transpired in the court on the 22nd, the day the Enquêtes had made their first demonstration, but had also discussed the means to suppress the dissension. Bullion and Le Jay had talked about the consequences of the financial edicts for some time, and the First President had named several Enquêtes who had caused trouble. Laisné's name was prominent among them. Le Jay then gave Bullion a memoranda on the subject, which the surintendant read and then tore up, throwing the pieces into a corner of the room. Laisné maintained that he had found out about the rendezvous from the hermit in whose hut the meeting had taken place. The recluse had eavesdropped on the conversation, and after the officials departed, he had collected the pieces of Bullion's memoranda and brought them to Laisné, along with an account of what had been said. The rendezvous had been a gross violation of the confidentiality of the Parlement's business; Laisné, as well, had been implicated in politics contrary to the Crown's interest. Embarrassed and infuriated, the conseiller thought the matter should be brought to the attention of the court, since his honor as well as that of the company was at stake; having finished his tale, he threw a petition outlining his complaint onto the greffier's desk and withdrew.¹⁵

¹⁵A copy of the petition, which does not detail the incident, is in Molé, Mémoires, II, 328. The best account of the circumstances surrounding the Mont Valérien conference is in Talon, Mémoires, p. 45. Additional information can be gleaned from B.N. Ms. fr. 3839, Tols. 4-4v⁰, a letter of Philippe de Marescot to the comte de Bethune on January 5 in which Marescot recounted Parisian gossip about the
Laisné's story immediately provoked a lively buzz within the court. Lefèvre d'Eaubonne, conseiller in the fourth chamber of Enquêtes, wanted to read Laisné's request, but Le Jay refused permission. Upon this denial, confusion reigned in the court. Some Enquêtes demanded that the petition be sent to the gens du roi, while others said that because Le Jay had been implicated, he should step down while the matter was deliberated. Amid a continuing clamor from the Enquêtes, Le Jay finally abandoned the Grand'Chambre, followed in turn by the other Grand'Chambriers. The Enquêtes, however, would not leave and occupied the room until the normal hour for adjournment, when they sullenly retreated to their chambers. There they nominated the necessary representatives to meet the King the next day at St. Germain, as well as a deputation of their own to see the Chancellor about Laisné's complaint.16

Next day the King and representatives from the Parlement met at St. Germain at two o'clock. Séguyier elaborated the King's displeasure, and although himself a former parlementaire, the Chancellor minced no words in supporting the royal position as manifested in the lit de justice of December 20 and in subsequent letters. The creation of offices was, he said, an outgrowth of

incident. The letter reveals that Laisné had a country residence at Ruel, near the hermit's cell on Mont Valérien. During the two month vacation of the Parlement, Laisné stayed at his country house and during past sojourns had befriended the hermit, to whom he had given handouts of food.

16 The official account in the registers for January 4, B.N. Ms. fr. nouv. acq. 9892, fols. 417-18, is quite brief. Much more information can be found in Talon, Mémoires, pp. 45-46, and in B.N. Ms. fr. 3839, fols. 2v0-3v0, Marescot to the comte de Bethune, January 5, 1636.
the needs of State, to which the clergy had contributed money and
the nobility had given lives and blood. The creation of offices in
the Parlement had probably resulted in some small diminution of
their emoluments, but this was the least sacrifice that one should
expect from men of their standing. Then Seguier repeated injunctions
regarding the royal authority that all the judges had heard before:

"You have no authority other than that which he has given you,
nor power outside that which he has communicated to you;
nevertheless, you employ it to oppose his will; you would
decry his counsel and his affairs, and likewise you seek to
criticize the government of his State. Do not imagine that
this which he has done bears the mark of his weakness and
poor government, but rather that of his good conduct. For
that reason the King forbids you to assemble, but orders
that you execute his will punctually, to receive the officers
who will be provided, and to demonstrate your obedience to
him by your actions."17

Louis then took the floor. Having been thoroughly briefed by
Richelieu, he cleverly sought to exploit the schism within the
Parlement by praising the Grand'Chambriers while disclaiming the
actions of the Enquetes. In Talon's words,

Louis said that he had ample grounds to be content with the
messieurs of the Grand'Chambre, who on this occasion and others
had served him well, but that he was not similarly pleased
with the Enquetes, who seemed to take pleasure in contradicting
and interfering with all his intentions; that he would make them
obey and turn about, and that he would teach them to do their
duty.18

17Talon, Mémôires, p. 49.

18Ibid. The tactic of praising the Grand'Chambriers was part of
a complete script written out for Louis by Richelieu before the
meeting. This brief is in Richelieu, Lettres, V, 392-93.
The King then assured Le Jay that he would stand behind him, saying
"'if someone attacks you, I will be your second and will have every­
one know that I am pleased with your conduct and your actions.'"19

The First President then mistakenly tried to cover the Enquêtes' tracks by saying that they had failed in form rather than in function, but Louis would not hear him out. The royal will would be done, and the Parlement's complaints would be heard only after he had been obeyed and the new conseillers duly received.20

Louis' determination to have full submission from the Parlement was underlined the next day when the exile of five Enquêtes was ordered. Laisné and conseiller Foucault were arrested and taken under guard to Angers; conseillers Sevin and Lefèvre d'Eaubonne were sent to Clermont on their own recognizance, while Jean-Jacques Barillon, Président des Enquêtes, was sent to Saumur.21 Predictably enough, the disquieting news of the exiles infuriated the Chambres des enquêtes, and instead of restoring order, the punishment further

19Ibid. Louis was still following Louis' brief.

20Ibid. The account in B.N. Ms. fr. nouv. acq. 9892, fols. 420-23, rendered on January 9, 1636, is almost identical to Talon's version.

21B.N. Ms. fr. nouv. acq. 9892, fols. 420-26, January 9 and 12, 1636; Talon, Mémoires, p. 50. The dates given in Talon for the sessions of January 9, 10, 11, and 12 are incorrect. Glasson, following Talon, also recorded these dates incorrectly.
excited the judges. When all the Parlement's chambers assembled on January 9 to hear Le Jay's report on the visit to St. Germain, the Enquêtes tried to take advantage of the opportunity to bring up the banishment of their colleagues. The First President rejected the demand as patently contrary to royal will, but the Enquêtes would not leave the Grand'Chambre and no judicial business could be conducted. During the next two days the Enquêtes discussed their course of action without invading the Grand'Chambre, but on Saturday morning, January 12, they quietly entered, seated themselves, and asked for a united front against the Crown's arrest of their associates. Le Jay attempted to put them off until the following Tuesday, but the Enquêtes insisted on immediate debate. Once again the issue became deadlocked, discipline broke down, and the remainder of the morning ticked away with the Grand'Chambriers and the Enquêtes exchanging stares across their respective benches.

The lingering resistance among the Enquêtes rapidly used up the Crown's remaining disciplinary alternatives, but Louis and his advisers determined to make another effort at moderate persuasion. On Tuesday, January 15, secrétaire d'État La Ville-aux-Clercs, an honorary conseiller in the Parlement, was sent to the court to read a royal letter criticizing the Enquêtes' behavior and prohibiting all assemblies connected with the creation of offices. The letter was delivered to the Grand'Chambre alone, which presented something of a dilemma to the présidents à mortier: how could the royal instructions be disseminated among the other rebellious chambers without stirring up further disorder? After some discussion, Le Jay
suggested that a président and a conseiller from each chamber be
called to the buvette, the court's refreshment bar, and there be
informed of La Ville-aux-Clerc's communication. But the Enquêtes
understandably declined to accept this rather roundabout means on
the grounds that it was neither proper nor customary for them to
receive the King's orders at the same place where they usually drank
their wine. Next day the Enquêtes spontaneously invaded the
Grand'Chambre to hold a general assembly but were again frustrated
by Le Jay, who in anticipation of their manoeuvre began a closed
door audience at an early hour.22

On the same day, however, unofficial negotiations were started
which would eventually resolve the impasse between the Crown and
the court. Without the official sanction of the Parlement, though
probably with the First President's knowledge, Bellievre rode out
to Ruel to see Richelieu. The Cardinal, anxious to settle matters
that were holding up the sale of new offices, agreed to make some
accommodation if a deputation would go to meet the King. Le Jay
announced this proposition on the 18th. The Enquêtes dragged their
feet on the pretense that the Parlement should not send a deputation
simply on the advice of the First President, and only the fourth
chamber was immediately willing to rise above this technicality.
Nevertheless, the other chambers finally agreed on condition that
Louis observe all formal proprieties and send them an official summons

22B.N. Ms. fr. nouv. acq. 9892, fols. 426-28, January 15,
1636; Talon, Mémoires, p. 50.
in the form of a lettre de cachet. This was brought to the Parlement on the 21st. The King asked for a delegation of four présidents à mortier and six other Grand'Chambriers plus two representatives from each Chambre des enquêtes and des requêtes. These duly presented themselves at the Louvre on Tuesday, January 22. Le Jay spoke first, picking his words carefully in asking the return of the banished judges without attempting to excuse the behavior of the court. To cast his request in the best light, Le Jay noted that earlier in the day the Parlement had undertaken to execute the edicts of December 20 by receiving Francois Le Gras into one of the new offices of maîtres des requêtes and by the reception of Francois-Jerome Tambonneau into an old charge of conseiller. The latter action was an indirect recognition of the Parlement of Metz, registered on December 20, because Tambonneau had formerly served in that parlement and had been received at Paris without examination. Louis expressed satisfaction with the court's obedience and noted that if the Parlement continued to obey and smoothly received all the officers of the new creation, the judges might expect his clemency. Le Jay, insensitive to Louis' state of mind, asked for the immediate return of the exiles, whereupon the King snapped back, "I do not bargain with my subjects and my officers; I am the master and want to be obeyed."23

Full obedience from the Parlement was slow in coming because of Louis' insistence on compliance as a prior condition for restoration of the miscreant magistrates. On January 25 the First President rendered his official report of the Louvre meeting a few days before, repeating injunctions that obedience had to be forthcoming before the royal grace could be expected. Three days later, on January 28, Chancellor Seguier summoned all the présidents des Enquêtes and warned them that Louis knew their assemblies were continuing. Louis was much angered at this, and to put an end to it, the présidents would in the future be responsible for making known to the King the names of those conseillers who remained on their benches after having received an order to adjourn. The présidents averred that there was no justice in being required to denounce their colleagues, since this not only violated their trust but obliged them to violate rules of the court as well. The Chancellor's dismissal was absolute: there were no secrets in regard to the King, who could and should be informed about what went on in the sovereign companies of the kingdom. As if any repetition of these arguments were needed, on January 30 the parquet visited each of the chambers in turn to underscore the Crown's stand.

None of these warnings brought the Enquêtes into line, and negotiations dragged on through February, punctuated by attempts to install conseillers in the new offices. The Parlement stalled these proceedings.

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24 B.N. Ms. fr. nouv. acq. 9892, fols. 436-45; Talon, Mémoires, pp. 51-52.
receptions as best it could. On February 4, for example, the Crown presented Claude Colombel, a distinguished Parisian professor and tutor of law, as a candidate for one of the offices. It took the best efforts of the prince de Conde to force Colombel's reception, even though he was obviously and eminently qualified. During February the Enquêtes also persisted in holding deliberations within their chambers. These discussions consumed the judges' time, brought private judicial hearings to a halt, and negated the Enquêtes' public service functions.

From the beginning of the dispute, these judges had argued that they were being discriminated against, since they had to bear the burden of absorbing the massive expansion within the Parlement. In a semi-official conference with Chancellor Séguier on March 10, this view was clearly enounced by Macé Boulanger, président in the fourth Chambre des enquêtes. His associates, Boulanger said, demanded a reduction in the number of conseillers in the creation, together with a promotion of two Enquêtes into the Grand'Chambre. Boulanger reasoned that while there had been twenty-six conseillers established in the Grand'Chambre, there had been only sixteen in each Chambre des enquêtes. Since that time, in various creations the Enquêtes had been enlarged so that at present, there being a number in each chamber equal to that of the Grand'Chambre, it was just that this new creation be divided equally, seeing principally that all affairs were founded in the Grand'Chambre, and that messieurs of the Grand'Chambre who served in the Tournelle and in the Chambre de l'Edit were charged with the best cases.

25The details are in Talon, Mémoires, pp. 52-53. The registers of the Parlement make nothing more than an official acknowledgement of Colombel's reception.

26Talon, Mémoires, p. 55.
Claude Mallier, a président des Requêtes, argued the same way. The two Chambres des requêtes, he said, were being asked to accept only four new conseillers, the same as any one of the Enquêtes.27

Any settlement satisfactory to the Parlement would have to placate the Enquêtes, and the compromise that was reached at the conclusion of the March 10 meeting did just that. Originally the declaration of December 20 had provided for the creation of a président à mortier, ten conseillers laiques and ten conseillers clercs in the Enquêtes, and four conseillers in the Requêtes.

Now, Seguier told the delegates, the King had agreed to trim off three conseillers clercs and four conseillers laiques, along with the président à mortier, for an overall creation of seventeen new conseillers. Moreover, two of the ranking conseillers in the Enquêtes would be promoted into the Grand’Chambre, bringing the number of conseillers laiques there to eighteen. To sweeten the deal, the droit annuel would be guaranteed for the next nine years, even though it was not yet up for renewal, and the absent judges would be allowed to return. A declaration containing these terms was sent to the Parlement on March 11; it was registered the next day. At the same time ranking Enquêtes conseillers Jean Le Nain and Michel Ferrand were installed in the Grand’Chambre. Louis and Richelieu respected their part of the bargain as well: a separate declaration extending the droit annuel was published on March 15.28


28 B.N. Imprimés, Actes Royaux, F.46989, no. 8.
On Monday, March 17, a small delegation from the court officially requested the restoration of the banished judges. Louis acknowledged that the Parlement had given him satisfaction, albeit belatedly, and after having warned them against such disobedience in the future, agreed to the recall.29

Thus was finally concluded what Omer Talon chose to call "this bickering" (cette brouillerie), the most serious derangement in parlementaire politics since the affair of the Chambre de l'Arsenal in 1631-32.30 For the participants and public the consequences were very diverse, and only the First President of the Parlement emerged with some unencumbered gain. For his enduring loyalty under pressure from the Enquêtes, Nicolas Le Jay was awarded the cordon bleu and made garde des sceaux of the Ordre du Saint Esprit on March 22. The public fared less well, for the press of public business had squeezed out most private hearings within the Parlement between January 15 and March 9, a period of more than six weeks. Nor was the compromise settlement an unmitigated success for the King. The Crown had succeeded in winning the registration of seventeen new offices within the court, a substantial boast to its shaky fiscality, but this victory was more superficial than real. The Parlement had forced a compromise and reduced the original creation by one-third. Furthermore, future events would show that reaping the expected rewards from the new offices was no sure thing. As in the past,

29 B.N. Ms. fr. nouv. acq. 9892, fols. 463-71, March 14-18, 1636; Talon, Mémoires, pp. 56-57; Molé, Mémoires, II, 338-43. The test of the modified declaration is in Molé, Mémoires, II, 338-41.

30 Mémoires, p. 57.
after giving their official approval, the judges fell back on a second line of defense: they tenaciously delayed receptions into the new offices, and after their installation, new men were likely to find themselves denied a rightful share of cases to be reported. Protests and recriminations from this harassment were to be sporadically exchanged throughout the remainder of Richelieu's ministry, as was resistance to the execution of several other edicts registered in the lit de justice.

Moreover, neither Crown nor court emerged with any decisive political advantage, despite the fact that the comportment of both sides had been marked by excesses. Throughout the Crown had denied the Parlement's right to assemble and thus also denied its right to present remonstrances. This was particularly offensive since no preliminary examination had been allowed before the edicts were presented in the lit de justice and since a full reading of them had not been made during that ceremony. The court had thus been required to act without prior knowledge and without being officially appraised of the details of what it was being asked to approve. On the other hand, the disciplinary measures which followed the session of December 20, however ill-advised, fell well within the recognized limits of royal authority. The arrest and exile of judges from the sovereign courts had not, as Glasson asserts, "born affront to a fundamental law of the kingdom, to the principle of irremovability by removing several magistrates." 31 The Parlement, conversely,

31 Le Parlement de Paris, I, 159.
showed little sense of sacrifice for the cause of the war, even though the absorption of seventeen new positions would not have seriously affected either the long-term value of parlementaire offices or their emoluments. The magistrates chose to believe that the creations were detrimental to their investments, however, and refused to make concessions to the King's needs. As long as the Crown continued to respect the Parlement's right of verification and registration, this kind of resistance would present a serious obstacle to the King's extraordinary finances.

Parlementaire interference in State finance took a different twist as French fortunes of war sank to their nadir during the summer of 1636. During June and July Spanish armies massed in Flanders launched a major offensive into northern France, a drive which threatened the fortress of Corbie near Amiens by the first of August. Corbie guarded the road to Paris, the Spanish onrush seemed irresistible, and the kingdom was thrown into near-panic. During the crisis of this so-called "Corbie Year," the Parlement showed that when the King's needs became demonstrably dire, it might make contributions to ease the national emergency. Even while doing so, though, the judges wanted to express their opinion on the defense of Paris. Under the circumstances this was an intrusion into the royal power, as well as a slap in the face to Louis' exertions in defense of his capital, and it called the King's wrath down on the Parlement.

On August 4 Louis appraised the court of the military situation and asked that deputies meet with him at the Louvre to discuss
remedies. The court immediately agreed and went further. In the same session it voted an emergency arrêt ordering any tardy noblemen to join the army at once. On the afternoon of the 4th, Le Jay and several judges appeared at the Louvre as requested, where Louis told them that the enemy was on the frontiers and the army was in grave need of reinforcement. The city of Paris had already offered to raise two thousand men, the personnel of the royal council had agreed to the same number, and the King hoped for the same from his Parlement. The levy would only be for two months, he said, and the contribution should be assessed by the court's chambers without assembling them in plenary session. Richelieu added that haste was essential, that the Parlement should consider the matter on the morrow rather delay another day.  

The Parlement, however, showed no great haste to comply with the Cardinal's admonition to hurry the matter. On the 5th it was decided that the levy had to be made with all chambers assembled, in spite of Louis' wish, and this was done only the next day, when the judges agreed to contribute two thousand men to the war effort. The cost of the gesture was about 100,000 livres, and deputies from the various chambers set to work to divide the assessment. The finished apportionment is not completely known, because the figures for the présidents des chambres and the conseillers are wanting, but the présidents à mortier were asked for 675 livres each, as were the gens du roi. At the other end of the scale, the huissiers

of the Grand'Chambre gave 300 each, while the clerks in the registry were also asked for 300 livres apiece.33

While asking for monetary contributions from the city and from the Palais de justice, the government moved in other ways to strengthen the kingdom's defense. On August 8 the King published an ordinance enjoinig the inhabitants of bourgs and villages surrounding Paris to turn out and work on the capital's fortifications. Several other measures were promulgated to ensure the city's food supplies, gentlemen were directed to the front, and the price of arms was controlled. At the same time those who owned a carriage were asked to give one horse for military use.34 These and similar measures worked on raw nerves in the city, touching off rumors which inevitably seeped into the halls and antechambers of the Palais. On August 9 alarming reports concerning the confiscation of horses were brought up in the court, it having been rumored all over the city that Louis intended to requisition a horse from every carriage owner. Spreading from this point the session became a forum for a general discussion of the state of the city's defenses. Le Jay denied that the King had demanded a horse from each carriage owner; Louis had, he maintained, merely hoped that those with three or more animals might graciously volunteer one for service. The Parlement gave the city government permission to float a 100,000 livres loan for the pay and

33The complete list of assessments, in which figures for the presidents and conseillers are lacking, is in Mole, Mémoires, II, 355. The total of 100,000 livres for two thousand men is based on the loan asked by the city of Paris to raise a similar number of men. The Parlement approved the loan on August 8. See Mole, Mémoires, II, 352, n. 1.

34The government's emergency directives are thoroughly detailed in Richelieu, Mémoires, IX, 221-25.
equipment of its complement of two thousand, but some magistrates wanted to go further and send a committee of twelve to the Hôtel de ville to oversee the expenditure of emergency sums. Again Le Jay warned that the King would not approve such a resolution, which could only be construed as an insult to his authority. De Mesmes then rose and delivered a wide-ranging criticism of Richelieu and his policies.

It was, he said, up to the Parlement to bring some order into the affairs of State, since the first minister had directed them so poorly. There followed several accusations of mismanagement or worse, including depletion of the finances, leveling of the city's ramparts, nepotism, and the removal to Le Harve of a quantity of munitions and immense sums of money. De Mesmes then turned his pity comments on the First President, who was accused of basely cowing to the Cardinal and of sacrificing the public interest to his own.

Le Jay, sensing that Le Jay was winning the day, got up to leave, followed by Nicolas de Bellièvre, the second président à mortier. After some further recriminations both were persuaded to stay, but time had run out and the deliberation was scheduled to be continued on the morrow.35

Before the discussions could be resumed, however, Louis called Le Jay and De Mesmes to the Louvre. The King, indisposed in body as well as spirit, got out of bed to warn the First President that

35This session is missing from the registers. Molière gives only a brief mention of it, and nothing at all is found in Talon's Mémoires. The best description is given by Griffet, Histoire de Louis XIII, II, 747-49.
he would clearly show that he was the master; that he was satisfied with the company, but that there were two or three who seemed to be his servants but whose conduct was Spanish. The deliberation commenced was to be discontinued, and if it were not, he knew very well how to demonstrate his power; he wanted to be obeyed and they should not be found wanting there. 36

De Mesmes spoke out that the reports concerning his position in the Parlement were malicious and false, and he asked Louis to place no credence in them. Louis was apparently convinced, because the président and others suspected of seditious inclinations escaped with a reprimand from Richelieu. 37

The Corbie Year crisis crested in the middle of August. On the 14th Corbie fell into Spanish hands, but they were unable to hold it and were soon expelled. Towards the end of September the enemy thrust bogged down in irresolution; as winter approached it died out altogether. Hostilities went on, however, and as the Corbie Year ebbed into history, the Parlement began to revive its objections to the edicts registered in 1635. Throughout 1637, for example, the court continually bickered with the Crown over the reception of conseillers into the newly created positions. 38 Though both sides had submitted to the compromise of March, 1636, the Parlement took every opportunity to put off receptions into the new positions. After a conseiller was finally received, it then harassed the arriviste by refusing to assign him any cases or by denying him a

36 Molé, Mémoires, II, 354.

37 Ibid., 354-55.

38 There were no new creations of conseillers during 1637, as one might believe from Glasson, Le Parlement de Paris, I, 161.
fair share of the spices. The Crown could do little about this kind of sniping except to renew injunctions against it. On March 4 Louis told some deputies from the court that

I want to be obeyed, I have given my Parlement some grace, and it has not kept its solemnly given word. The conseillers received are not officers, do not participate in the spices, and no one distributes anything to them. That is a bad example for my subjects and officers of other parlements, which gives me cause to make a journey to Normandy.\textsuperscript{39}

After some observations by the First President, Louis told them again, "I want to be obeyed. Obedience is worth more than sacrifice." Richelieu added, "You should await the grace of the King who wants to be obeyed."\textsuperscript{40} These admonitions proved futile, however, and the problem dragged on into 1638, with consequent delays in the disposition of the offices. As late as May, 1637, there were still eight new conseillers who had not been received.\textsuperscript{41}

1637 was also distinguished by a wrangle over two minor edicts dating to the lit de justice of 1635. One of these created several hundred positions for solicitors (procureurs tiers) practicing before the Parlement, the other established additional assistants to the greffiers called controleurs des consignations. Even though the solicitors were not properly members of the court, but were only lawyers entitled to practice before it, and despite the petty nature of the greffiers' assistants, the Parlement found reason to

\textsuperscript{39}B.N. Ms. fr. nouv. acq. 9893, fols. 50-51, March 4, 1637.
\textsuperscript{40}B.N. Ms. fr. nouv. acq. 9893, fol. 51, March 4, 1637.
\textsuperscript{41}As Louis told deputies from the Parlement at the Louvre on May 27, 1637. B.N. Ms. fr. nouv. acq. 9893, fol. 101, May 27, 1637.
object to both edicts. This resistance took traditional forms in which the magistrates obstinately dragged their feet in executing legislation duly enacted in the King's presence. On January 2, 1637, for instance, representatives from the Parlement were called to the Louvre where Louis told them that he absolutely wished to be obeyed in regard to all his edicts, because he stood to gain fifteen millions from them.42 This lecture did not faze the court, and on May 11 a letter of warning was sent. The admonition was followed by a meeting at Versailles on May 27, at which Louis again demanded compliance:

Messieurs, I find the delays that you bring to the execution of my edicts very strange. . . . The money that I ask is not for gambling, nor for foolish expenses. It is not myself who speaks, it is my State, the need is there. Those who contradict my will do me more harm than the Spanish.43

By invoking the needs of State, Louis had presented a persuasive argument. Nevertheless, it was not powerful enough to change the judges' attitudes towards the edicts. A permanent resolution of the problem of the solicitors and greffiers' assistants came only slowly after July, when the Crown substantially reduced the number of new offices.

In spite of expedients such as the wholesale traffic in offices, the royal finances remained chaotic. In the belief that a livre saved was a livre earned, the government tried very hard to cut expenditures. Frivolities and court pensions suffered under a regime of utmost economy but so did some disbursements which the

42 The figure of fifteen millions undoubtedly referred to the total expected from all the creations of 1635.

government felt could be safely postponed. Among the government's principal fiscal obligations were rentes issued on the credit of the Hôtel de ville of Paris. These bonds required regular quarterly payments to their holders, but even in times of peace the payments were always behind. Now, as expenditures for war rose, the payments of interest on the rentes lagged several quarters behind. Parisians became unhappy, then truculent, about the situation. As watchdog over the city's finances, the Parlement lent a ready ear to any complaints concerning the administration of the rentes. It is not surprising, therefore, to find that on April 24, 1637, the prévôt des marchands and the échevins were hailed into court to explain why the rentes were not being paid off.\textsuperscript{44} The city officials, however, could do nothing about a shortage of funds which originated with the royal treasury, and the problem persisted. By March, 1638, the government's failure to pay its obligations produced demonstrations and riots in the capital. On the 26th the lieutenants civil and criminal reported that two days before,

\begin{quote}

a quantity of persons had gathered and committed several insolences following assemblies made concerning payment of the rentes of the city. This tended to sedition and riot, for which they [the lieutenants] had come to render account to the court, and in order to prevent the course of which they had jailed three persons whom they said had given consent and cause to such actions.\textsuperscript{45}
\end{quote}

The court decided that the three rioters should be tried, along with any others found guilty of the same behavior. Prohibitions were also

\begin{itemize}
\item \textsuperscript{44}B.N. Ms. fr. nouv. acq. 9893, fol. 77, April 24, 1637.
\item \textsuperscript{45}B.N. Ms. fr. nouv. acq. 9893, fols. 340-41, March 26, 1638.
\end{itemize}
issued against public gatherings to discuss the payment of rentes at pain of being declared disturbers of the public peace.46

Non-payment of the rentes was a serious problem to the Parisians who sought to collect their interest, but it was not really an issue of the most vital concern to the Parlement. Normally, a riot provoked by mal-administration of the rentes would have passed with a cursory examination and reprimand to the city officers. But in March, 1638, the situation within the Parlement was not quite normal, because of the war and because just at this time the Enquêtes were again seething over the reception of the new conseillers. A few days before the rentes riot an arrêt du Conseil had demanded that the Enquêtes stop their harassment of new arrivals, so the matter of the rentes furnished a ready excuse for them to retaliate by demanding plenary assemblies embarrassing to the Crown. On March 27 the third chamber of Enquêtes took the rentes under consideration, calling for the entire Parlement to launch a full investigation into the payment of the bonds. This investigation should, the Enquêtes thought, take place at the Hôtel de ville in conjunction with officials from the city of other sovereign courts. In the meantime the rioters should be transferred from the Bastille to an ordinary prison and given a hearing by two members from the court. When deputies from the Enquêtes approached the First President with

46B.N. Ms. fr. nouv. acq. 9893, fol. 341, March 26, 1638.
their proposition, however, they met a chilly reception. The King, Le Jay told them, would take a dim view of any such proceeding.47

The First President was, as usual, correct in predicting the royal displeasure. On March 29 a lettre de cachet notified the Parlement that the business of the rentes was "of consequence," and that "cognizance is forbidden to our Parlement and reserved to our council, and we alone desire to regulate it." By virtue of the council's sole competence, any consideration of the rentes in the Parlement's assemblies was denied.48 After presentation in the Grand'Chambre the letter and the earlier arrêt du conseil were taken to the five individual Chambres des enquêtes by conseiller Samuel La Nauve. The Enquêtes gave him a rough reception. In the first chamber, président Barillon asked if the arrêt du Conseil had been read in the Grand'Chambre, and if so, if it had been recorded in the registers of the court. If not, he said, the Enquêtes were not bound to receive it. La Nauve responded that he was not responsible for answering for the Grand'Chambre, whereupon Barillon answered that he held the arrêt to be invalid. The third Chambre des enquêtes, led on this particular day by conseillers Charton and Bitaud, was even more brusque. It refused to receive the arrêt or the lettre de cachet and implied that La Nauve was nothing more than a huissier acting for the royal council. No sooner had these refusals been rendered than the Enquêtes filed into the Grand'Chambre

47 Talon, Mémoires, p. 60; Moliére, Mémoires, II, 395-96.

48 The text is in B.N. Ms. fr. nouv. acq. 9893, fols. 343-345, March 29, 1638.
to demand a plenary assembly. Spokesmen Gayant and Barillon denounced the Grand'Chambriers for their lack of interest in public affairs, for failure to uphold the honor of the Parlement, and for their miserable example before younger colleagues in the Enquêtes. The First President, however, remained unmoved and the rest of the morning was wasted when the Enquêtes refused to abandon their places.49

Next day, March 30, the war of nerves was resumed when the Enquêtes returned to the Grand'Chambre, took their seats, and would not budge from them. This behavior was closely observed by the King's ministers, and on the last day of March a council meeting was held at Ruel, where it was determined that tougher measures were called for to break the impediment to royal justice. Shortly after the conference, ringleaders Barillon, Charton, Salo, Sevin, and Tubeuf were told to leave Paris for Tours, a country house, Loches, Riom, and Caen respectively. These suspensions represented a stern warning, but it was a warning that had been sounded before, and the Crown undoubtedly realized its shock value had diminished. Accordingly, the exile of five individuals was underlined by the stiffest retribution yet meted out: on April 8, as the Parlement returned from the Easter recess, word was received that the entire third Chambre des enquêtes had been interdicted from attendance at the Palais. All the new conseillers were exempted from the order, and no indication was given as to the duration of the suspension.50

49 B.N. Ms. fr. nouv. acq. 9893, fol. 345, March 29, 1638; Talon, Mémores, pp. 60-61; Molé, Mémoires, II, 397-98.

50 B.N. Ms. fr. nouv. acq. 9893, fol. 348, March 30, 1638; Molé, Mémoires, II, 398-401. The text of the letter of interdiction is in Molé’s Mémoires and those of Talon, p. 61, n. 1.
The effects of the mass ban were catastrophic for the processes of justice within the Parlement, for no sooner had the order been announced than the Enquêtes in the other four chambers went out on a sympathy strike. They would not attend their own chambers and absented themselves from the Chambre de l'Edit and the Tournelle as well. Such tactics were embarrassing to the Crown, but inherent weaknesses kept them from being sustained for very long. The strike was patently illegal, because the officers were not performing their public duties and it also denied the Enquêtes an important slice of their income from épices while cases piled up. Too, the stoppage of judicial services gradually brought an alienation of public opinion, which in the beginning had lauded parlementaire investigation of the rentes. Consequently, on April 24 the Enquêtes sullenly submitted to the second of two lettres de cachet reminding them of the duties under the ordinances.\(^{51}\) The suspension on the third Chambre des enquêtes, though, remained in force. Despite periodic protests it would not be lifted until April 20, 1640, more than two years after the rentes affair begun.\(^{52}\)

As the war continued through 1638 and 1639, the monarchy's desperate search for funds went on. The normal tax base of the kingdom—the rural peasantry—was squeezed beyond the point of rebellion during these years, as the Croquant and Va-nu-pied revolts show. Increasingly, therefore, the Crown turned to its civil

\[^{51}\text{Molé, Mémoires, II, 401-03; Talon, Mémoires, p. 62.}\]

\[^{52}\text{Molé, Mémoires, II, 481.}\]
servants to make up the difference between conventional tax revenues and soaring expenditures. As a privileged group the bureaucracy was especially vulnerable to extortionate techniques. Taken as a whole the officials were fairly well off, their social pretensions were more recent and less well-founded than either nobility or clergy, and threats to abrogate the paulette provided a ready means of extracting money from them. Late in 1636, therefore, the Crown nullified the paulette agreement of 1630-31 and successfully negotiated a new one for six years in exchange for a large loan.53 The Parlement of Paris escaped this levy because of the special settlement concession granted on March 15, 1636.54 This was not to be the case two and a half years later when the Crown again broke all paulette arrangements and asked for loans from its officials. Under the terms of a declaration promulgated on October 6, 1638, the evaluated price of all royal offices was boosted by a factor of twenty-five percent and the droit annuel increased proportionately. Officers of the sovereign courts were additionally expected to make an immediate loan of twelve and one-half percent; lesser officials were to contribute correspondingly larger percentages.55 These conditions represented a serious threat to what had now become an established privilege for the Parlement; negotiations

53The conditions are given in Mouanier, La Vénalité des offices, pp. 296-97.
54See supra, p.
55B.N. Imprimés, Actes royaux, F.46996, no. 3.
for their reduction or elimination soon ensued. On January 4 and again on April 4 the court decided to send deputies to ask Louis or Richelieu to grant the droit annuel under former terms and to plea for the restoration of the third Chambre des enquêtes. Even though the Parlement apparently had little bargaining power in this round of parleys, the issue was satisfactorily resolved on May 12, 1639, when the Parlement and the Chambre des comptes were granted the paulette according to past custom.56

The relative smoothness with which the paulette was transacted did not extend to other matters brought before the Parlement in 1639 and 1640. If the court almost always abstained from great matters of State, it also remained ready to stand in opposition when its collective interests were challenged or when the dignity of justice was in question. The Crown's irregular financial schemes in particular continued to annoy the magistrates. The Parlement per se escaped any further enlargement, but in December, 1639, it was asked to approve an edict creating sixteen maîtres des requêtes, proceeds from the sale of which were destined for the army.57

56 B.N. Imprimés, Actes royaux, F.23611, no. 325. The relative ease with which agreement was reached in 1639 is difficult to explain. Roland Mousnier chose to believe that "the necessity to have creations of office registered rendered the government accommodating." La Vénalité des offices, p. 302. However Mousnier did not substantiate this claim, and other sources suggest that there were not substantial creations pending before the Parlement at the time the droit annuel was negotiated.

57 B.N. Imprimés, Actes royaux, F.23611, no. 373.
These offices were technically parlementaire, many being held by parlementaire families, and the judges put up a resistance reminiscent of 1636. The first jussion arrived on January 30; the next day the Parlement ignored it and refused to verify. The Crown promptly countered by conducting maître des requêtes Boivin to the Bastille and by ordering conseillers Laisne and Scarron out of Paris. A second lettre de jussion sent on February 4 failed to produce acquiescence, and on the 13th the four representative maîtres in the Parlement tried to have the original edict reread because they had not attended its first hearing. Le Jay prevented this, but the maîtres stalked out of the assembly, followed by all the Enquêtes. No action could be taken that day. On the 15th the King interdicted the maîtres from attendance at the Parlement; on the same day the court registered the creation, but only for eight offices. A third lettre de jussion was read to the court on February 29. This proved no more effectual than previous ones; rather, it made the situation worse, because the court found itself deadlocked in a division of opinions. The King's ministers now opted for a compromise: Molé was called to a conference with Richelieu, Bullion, and the Chancellor where it was resolved that the creation would be reduced from sixteen to an even dozen. Possibly, too, the ministers held out the promise that the third Chambre des enquêtes, suspended since March, 1638, would be restored if the Parlement capitulated. In any case Molé appeared on April 20 armed with the modified declaration, along with a fourth lettre de jussion enjoining its immediate
verification. The declaration was read, Mole concluded that a division in opinions was no longer possible, and the Parlement finally registered the modified edict. Four months had elapsed since its initial presentation. On the same day the suspension of the third Chambre des Enquêtes was lifted and restitution of its wages was made.58

The maître des requêtes edict was by no means the only one delayed during the first months of 1640. During the spring of the year, the court rejected diverse minor creations: receveurs and contrôleurs des consignations aux saisies réelles, alternatives and triannual offices in the greffes of various royal jurisdictions, and gardes du petit sceau. Enjoiners, letters, deputations, harsh words, and protests on both sides steadily mounted. At about this time, however, the Crown's hand vis-à-vis its opponent was gradually growing stronger by virtue of events far removed from parlementaire politics. Louis' position as well as that of the dynasty had been strengthened by the birth of a dauphin in September, 1638. This cut the last prop from under Gaston's pretensions. By the spring of 1640, too, the revolt of the Va-nu-pieds in Normandy had been dealt with, and the monarchy's military situation showed some signs of progress as well. Casale fell in May, 1640; on Friday, May 18, the members of the Parlement attended a solemn Te Deum sung in celebration of the victory. French armies sustained the push

58 B.N. Ms. fr. nouv. acq. 9894, fols. 50-73; Mole, Mémoires, II, 475-81.

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into northern Italy, and Turin was taken in October. These positive considerations were overshadowed by one major negative one: the King's health was visibly deteriorating, and the likelihood of a regency grew more probable with each passing day.

Under these circumstances Richelieu began to think in terms of permanently curtailing the Parlement's capacity to obstruct the exercise of royal authority. Precisely how these thoughts matured in the minister's mind during 1639 and 1640 is unknown, but the general philosophy inspiring his forthcoming actions was clearly elucidated in the Testament politique. Briefly, the Parlement was to be excluded from consideration of any matter of State without the King's solicitation, and its capacity to delay important legislation was to be restricted. The Cardinal's ultimate objective was not to eliminate the court from public affairs but to more closely delineate its political prerogatives, neutralize its independence, and render it submissive before royal authority. The Parlement's workaday jurisdiction and its role in Parisian administration would hardly be affected, inasmuch as these seldom clashed with the principles of centralized absolute government. With the Parlement's niche in the body politic defined, a more reasoned order would prevail, since the King's power would be given a freer rein.

These objectives were achieved in two steps during 1640 and 1641. Richelieu's first measure was characteristically pragmatic,

59See Supra, p.
probably born out of irritation over impediments to the maîtres creation in 1640. Aware that it was above all the young, irrepressible radicals in the Enquêtes, rather than the Grand'Chambriers, who usually stirred up turmoil and footdragging, Richelieu determined to exclude them from participation in public affairs. Conveniently for the minister, there already existed a forgotten edict that suited his purpose exactly. In a fit of pique with his Parlement, Henry IV had issued lettres patentes on May 20, 1597, which shut the Enquêtes and Requêtes out of deliberations on public business. These matters were to be taken up by the members of the Grand Chambre plus the ranking président and the dean of each of the other chambers, a total of about fifty of the most conservative senior judges in the Parlement. The net effect would have been to severely reduce debate time and to place public affairs squarely in the hands of those men most inclined to see the royal side of things.

The letters had been duly verified and registered, but since the Enquêtes and Requêtes had promised to behave, Henry had allowed the edict to lapse. It remained in abeyance until Richelieu resurrected it in lettres patentes dated April 20, 1640. These new letters reviewed the background of Henry's act and pointed out that since 1597 the Enquêtes and Requêtes "had continued to bring the same difficulties to public affairs, which have oftentimes halted

60See supra, pp. 93 A copy of the edict is in B.N. Ms. fr. 18413, fols. 134-35.

61The date is exactly coincident with the settlement of the maîtres edict, which suggests that this incident convinced the minister to make some lasting policy changes in regard to the Parlement.
the execution of our principal affairs." For this reason, the
letters went on,

we enjoin and order you that hereafter it [the Parlement] should
proceed to deliberations on all edicts, declarations, and
lettres patentes that we hereafter will have dispatched and
addressed to our said court the Parlement, on public affairs
important to our service, with the présidents and conseillers
of the said Grand'Chambre, without calling the conseillers in
the Enquêtes and Requêtes of our said Parlement, other than
those mentioned in the said letters of our said seigneur and
father of the month of May, 1597.62

The Parlement was informed by means of a lettre de cachet on May 8,
1640; because it was a revival of previously approved legislation
rather than a new act, the letter was not registered.63

The politics of the Parlement remained very quiet for the
remainder of 1640, the only noteworthy event being the death of
Nicolas Le Jay in December. Despite the relative tranquillity,
Richelieu remained determined to permanently regulate the Parlement.
The second blow fell on February 21, 1641, when Louis went to the
Parlement to hold the last lit de justice of his reign. The
ceremony was held exclusively to present a strong edict restricting
the Parlement's right to mix in affairs of State and to remonstrate
on legislation. The Crown shrewdly prepared its coup in secret and
executed it with surprise. Five days before the lit, on Saturday,
February 15, Omer Talon and acting First President Bellièvre were
asked to meet with Chancellor Ségui er. Ségui er told them that the
King planned to come to the Parlement on Thursday, the 21st,

62The complete text is in Moliére, Mémoires, II, 476, n. 1.
63B.N. Ms. fr. nouv. acq. 9894, fols. 76-78, May 8, 1640.

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bringing an edict regulating justice and suppressing several offices. Talon and Bellièvre tried to extract more information, but Séguier would add little, except to broadly hint that Louis "wanted to establish the order that he wished [to be] kept in his Parlement for public affairs, in which he intended that the Parlement should not mix except when requested." The offices to be suppressed, the Chancellor conceded, were to be those of exiled judges. The président and the King's attorney were even denied a copy of the legislation, which Séguier maintained had not yet been drawn up in writing. As events transpired, neither the Parlement nor the gens du roi had an opportunity to see the text of the act before it was read on the 21st.

Louis came to the Palais at seven o'clock on the morning of the 21st, an hour so early that the Chancellor arrived before some of the judges had a chance to don their red robes. The course of the lit de justice was unremarkable, save for the untimely arrival of Gaston d'Orléans and his entourage in the middle of Séguier's opening words. The interruption produced such a racket that the Chancellor, who went on speaking through it all, could not be heard above the uproar. Since a successor to First President Le Jay had not yet been named, Nicolas de Bellièvre welcomed the King in the

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64Talon, Mémoires, p. 73.

65This is clear from remarks in Talon's Mémoires, p. 73, and from the short, ad hoc speech that the advocate général delivered during the ceremony.

66The official record is in B.N. Ms. fr. nouv. acq. 9894, fols. 179-85, February 21, 1641.
name of the Parlement. Before an audience stunned into silence, Ségui er then read Louis' lettres patentes, letters which prohibited the Parlement of Paris from mixing in affairs of State, restricted the court to the rendering of justice, and strictly delineated its right of remonstrances.

The edict, the single most important piece of royal legislation affecting the Parlement during the reign of Louis XIII, was a model legal act of the ancien régime. There were two parts: an extensive preamble, in which the act's legal precedents and raison d'être were recited, and a body of ten provisions. No better description of the whole can be found than Fayard's, who termed it "very much a constitution of royal power in its relations with the Parlement." The essential theme throughout was the proper distribution and exercise of la puissance publique, or the public power of the sovereign. The preamble began by emphasizing the nature and importance of this power to the monarchical principle:

There is nothing which conserves and sustains empires like the power of the sovereign uniformly recognized by his subjects. It rallies and unites all parties in the State so happily that there is born of this union a force which assures its grandeur and its harmony. It seems that the establishment of monarchies being founded on the government of one alone, this order is like the soul which animates them and which inspires force and vigor as well as perfection; but as this absolute authority bears States to the highest point of their glory, so too when it is weakened does one find them very quickly deprived of the dignity.

67 Texts can be found in Isambert, Anciennes lois françaises, XVI, 529-35, and in Molière, Mémoires, II, 500-10.

68 Aperçu historique, II, 126.

69 Isambert, Anciennes lois françaises, XVI, 529.
The declaration went on to associate the ups and downs that the State had experienced in its recent history with the integrity of the royal authority. The disorders of the League, for example, had taken their root and growth from contempt for royal authority. Henry IV had succeeded in restoring grandeur and glory to the monarchy, making it "the perfect model of the most finished monarchies," but upon his death a regency had brought "dangerous shocks." Among these was the action of the Parlement in 1615, when "our court of the Parlement of Paris, although inspired by a good impulse, undertook, by an action which had no precedent and which injured the fundamental laws of this monarchy, to order the government of our kingdom and of our person." At this time

this company, believing that after having disposed of the government of the State it could censure its administration and demand an account of the management of public affairs, resolved by an arrêt that the princes, dukes, peers, and officers of the Crown who had seats and deliberative voices in our court should be invited to take themselves there to advise on that which might be proposed for the good of our service.70

These "factions" were dissolved, the declaration continued, only after Louis had "restored to the royal authority the force and majesty that it should have in a monarchical State." This revitalization was insufficient in itself, however; with a regency looming on the horizon, it had to be preserved for all time:

Because it is not sufficient to have raised this State to so high a degree of power if we do not affirm it for the person of our successors, we desire to establish it by such good

70Ibid., 530.
laws that the heir with whom it has pleased God to honor our union should have a reign so happy and a throne so assured that nothing could bring any change there.\textsuperscript{71}

The good administration of justice was essential to the security of the royal power; this in turn necessitated a regulation of the sovereign courts to prevent their encroachment on the prerogatives of the sovereign. Here, concealed in the middle of the preamble, the essential purpose of the edict was finally revealed:

Now, since the royal authority is never so well affirmed as when all the orders of a State are regulated in the functions which are prescribed to them by the prince and when they act in a perfect dependence on his power, we have resolved to bring a general resolution there; . . . we have esteemed it necessary to begin by regulating the functions and by making known to our parlements the legitimate usages of their authority that the kings our predecessors and we have disposed to them, in order that a thing which is established for the good of people should not produce contrary effects, as might happen if officers, instead of contenting themselves with the power which makes them judges of the life, honor, and fortunes of our subjects, should want to encroach on the government of the State, which belongs only to the prince.\textsuperscript{72}

There had been any number of precedents for such regulation, and the Crown was careful to cite several of them in justifying the new edict. As early as the reign of John II (1350-1364), it had been ordered "that there should not be treated in our court of Parlement any matter of State, if it is not by special commission." Francis I had renewed this injunction, as had Charles IX, who,

\begin{flushright}
\textsuperscript{71}\textit{Ibid.}, 531. \\
\textsuperscript{72}\textit{Ibid.}
\end{flushright}
with prohibitions in the future of putting into dispute or otherwise deliberating on edicts and ordinances sent to them, and on things which pertained to the State.\textsuperscript{73}

Louis XIII, too, had had cause to renew the enjoinders of his forebearers. In 1615 an arrêt du Conseil had negated the Parlement's efforts to assemble the greats of the land; a similar arrêt had been issued when the Parlement had sought to prohibit payment of the droit annuel and order an investigation into the royal finances. Finally, the edict recalled the circumstances surrounding the arrêt du Conseil relative to the duc d'Orleans in 1631.\textsuperscript{74}

Each of these preceding decisions had had a common denominator in excluding the Parlement from considerations of matters of State, and the first three articles of the 1641 edict were concerned with a very positive reassertion of this principle:

Our said court of the Parlement of Paris and all our other courts, having been established only to render justice to our subjects, we make very express proscriptions and prohibitions to them, not only against taking competence in the future of any affairs similar to those which are enounced above, but generally of all those which concern the State, administration, and government, which we reserve to our person and succeeding kings alone, if we do not give them the power and special commandement by our lettres patentes, reserving [the right] to take the advice of our court of Parlement on public affairs when we judge it appropriate for the good of our service.\textsuperscript{75}

The Parlement had also found ways to defy the King when seated in his lit de justice. This, too, was strictly forbidden: "We wish and intend that the edicts and declaration which will have been

\textsuperscript{73}ibid., 532.

\textsuperscript{74}ibid., 532-33.

\textsuperscript{75}ibid., 533.
verified in this form should be wholeheartedly executed according to their form and tenor." The Parlement or any other sovereign court was prohibited from "bringing any hindrance to them," except through "such remonstrances as they will advise . . . for the good of our service." After the presentation of such remonstrances, "we wish and intend that they should obey our will," even if the remonstrances were rejected.76

The matter of remonstrances was a complex and sensitive issue unto itself, and the Crown's treatment of it correspondingly reflected sophistication. Louis and Richelieu realized that the right to remonstrate was the most cherished of parlementaire prerogatives, one so deeply ingrained in the traditions of the court that it could never be wholly eradicated. Furthermore, the legality of legislation, and hence its acceptability by the public at large, depended on the court's right to search out faults in the King's acts. Sometimes this scrutiny could result in useful criticism if the legislation were not sensitive or pressing. For these reasons the right to remonstrate was totally abolished only for acts "concerning the government and administration of the State." Remonstrances on financial edicts were specifically permitted, but the judges could not, "on their own authority, bring any modifications or changes to them, nor sue the words we should not and cannot [nous ne devons ni pouvons; italics Isambert's] which are injurious to the authority of

76Ibid., 533-34.
the prince." Second remonstrances might be permitted under unspecified conditions, but after their presentation registration had to take place "without any delay." Two specialized provisions completed the edict. Having witnessed the unabated resistance of the Parlement to the conseillers created in 1635, the Crown had decided to suppress the offices held by five of the most outspoken opposition figures. The charges of président des Enquêtes Barillon and conseillers Scarron, Bitaut, Sevin, and Salo were abolished, the King reserving the right to compensate them as he deemed appropriate. Finally, because "discipline had been much slackened in our courts of parlement," mercuriales, or sessions devoted to self-examination and criticism, were to be held every three months until a more general regulation of justice could be drafted. The records of these sessions were to be forwarded to the Chancellor.

The severity of these provisions rocked the court. Avocat général Talon, required to give the conclusion on this occasion, could only make veiled references to the Parlement's dismayed outrage. The court had, he ventured, been subjected to "a notable prejudice." Nevertheless, considering the time, place and the King's temper, Talon recognized that little more could be said:

We cannot speak to you, Sire, either of innocence or of justification, for on these occasions we omit all sorts of excuses.

77Ibid., 534.

78The offices remained suppressed until after Richelieu's death. They were uniformly restored by a royal declaration of April 20, 1643, a few weeks before Louis' death.

79Isambert, Anciennes lois françaises, XVI, 535.
and ordinary remonstrances. These terms would offend the spirit of an irate prince: we have no defense other than submission; the misery of our colleagues confounds us, and the extremity of our sadness gives us hope that Your Majesty will not suffer that it be longlasting.  

The avocat général's conclusions in favor of verification were followed by the customary taking of opinions, in which the présidents were once more sollicitied last. Without reporting the votes to the King, Séguier nervously pronounced the declaration duly registered.

The Parlement once again bowed to the royal will, as it was compelled to do, and the edict passed into law. Its provisions went into effect immediately and had all their desired effect as long as Richelieu lived. Indeed, until the end of the reign, the Parlement was, to use Glasson's expression, "definitely vanquished."  

Throughout the next twenty-seven months, until Louis XIII's death in May, 1643, the court dared not interfere in any matter of State without the King's invitation. Nor did it attempt to breach the conventions fixed for the presentation of remonstrances.

The government of the ancien régime was a government of men as well as of laws, however, and Louis' chief minister was too familiar with human nature to believe that the obstinate judges could be restrained by law alone. Accordingly, the clauses of the 1641 edict were complemented a few months later when Mathieu Molié was selected

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80 Talon, Mémoires, pp. 74-75.
81 Le Parlement de Paris, I, 171.
to fill the vacant office of First President. The choice of Molié was a prudent one, for in more than Twenty-five years of public service the procureur général had demonstrated dignity, intelligence, capacity, and moderation in his political inclinations. Molié's attitude had also kept him out of the same certain royalism that had characterized Le Jay, and Richelieu intended to see that royal interests were well protected. Before accepting the office, Molié had to give his solemn promise in writing that he would never allow the Parlement to assemble in plenary session. This requirement was not, in fact, as startling as it may appear, for it was in complete conformity with the parameters laid down in Henry's letters of 1597 as renewed in May, 1640.

The political history of the Parlement following Richelieu's restrictive measures was merely a postscript to the tumultuous years that had gone before. The Cardinal's ministry closed as it had opened eighteen years before, with tranquillity reigning over the Parisian court. The Cardinal's death on December 4, 1642, made no impression on this peace, which Louis enjoyed until his own passing six months later. To the end of the reign, however, this Bourbon treated his Parlement as contradictorily as had a dozen French kings before him. Having many times humiliated the court's

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82 Molié was sworn in on November 19, 1641, probably during the seance de rentree of the Parlement of 1642. The procureur général's Mémoires and the registers shed little light on installation, and copies of his lettres de provision are not available. See Molié, Mémoires, II, 528-29, and especially 528, n. 1.

pretensions, Louis found its prestige and authority indispensable in grappling with future unknowns. In April, 1643, less than a month before his death, the King asked the Parlement to register a declaration leaving Anne of Austria as the head of a regency government including his brother, the prince de Condé, Cardinal Mazarin, and Séguier. At the same time, perhaps in a fit of conscience, Louis pardoned the five judges punished in 1641 and restored their offices to them.
FINAL JUDGMENT

When Cardinal Richelieu died in December, 1642, an historic era in the relations between the Crown and the Parlement of Paris came to an end. Eighteen years before, when Richelieu secured a permanent seat in the council, the relationship between the Crown and the Parlement was generally one of balance, harmony, and cooperation. Upset by the glorification of royal authority under Richelieu and Marillac, then under Richelieu alone, this tranquillity slowly evaporated during the 1620's and disappeared entirely after 1630. The twelve years between 1630 and 1642 were marked by wrangling unprecedented in the history of the court, discord wrought over the use of commissaires, trials of State, royal finances, familial travail within the Bourbon household, and several less important projects of the Cardinal. All of these contentions stemmed from the growth of absolutism, centralization, and the emergence of the modern State, but many of the more fundamental issues underlying the conflict could be traced to an historic interplay between Crown arbitraire and limited monarchy. The Parlement, faithful to its traditions and concept of customary legality, as well as its own interests, steadfastly refused to reconcile itself to the limited judicial role that Cardinal Richelieu wanted it to play.

In the battles of the 1630's, the Crown always emerged
victorious, though occasionally the Parlement was able to bow out with a compromise. This was true, for example, when the court won reductions in offices created in 1635 and 1639. Never, though, was the court able to generate enough sustained resistance to bring substantial changes in royal policies. The judicial powers of the council continued to expand after 1630, the use of commissaires and intendants went on without effective interference from Paris after 1631, and the Parlement's delay of fiscal acts hardly affected French involvement in the Thirty Years' War.

In the short view it is the intensity of the conflict of the 1630's that is most characteristic of the Cardinal's ministry. Never before had the Crown seen fit—or found it necessary—to hold six lits de justice, to exile multiple judges on six occasions, to interdict an entire chamber, or to send innumerable lettres de jussion within the space of a dozen years. Neither the amplitude of the conflict, the issues at stake, nor the Crown's repeated reliance on tough disciplinary measures, however, vindicates the belief Richelieu was carrying out an administrative revolution in regard to Louis XIII's Parlement.

The continuum of the Parlement's history, indeed, tends to substantiate the opposite conclusion. By the 1620's the Parlement had enjoyed 300 years of independent history, and throughout these three centuries it had acted as first guardian of the kingdom's law by offering judicial services, administrative surveillance, and legal counsel to a succession of monarchs. Trained in the law and armed with the right to remonstrate, the judges were in a unique position to remind kings of
their obligations to rule justly. While doing so the political history of the court had been written around its attempts to define the rightful exercise of sovereignty.

Throughout the court's history certain issues related to the expression of royal power had recurred time and time again. The royal council's judicial activities, for example, had interfered with those of the Parlement ever since the inception of the court early in the fourteenth century. The nomination of commissaires extraordinaires, another manifestation of judicial arbitraire, had also troubled the monarchy for centuries. Lesser judicial problems such as evocations, committimus, and the trial of peers before the Parlement had likewise proved to be insoluble points of contention. Finally, since the fifteenth century the Parlement had been interested in the king's finances, the proliferation of bureaucratic offices, and the administration of the rentes. During Richelieu's ministry paulette negotiations were a significant issue of comparatively recent origin, but only once, in 1630-1631, did friction from these negotiations heavily influence the politics of the Parlement.

Essentially, then, the issues at stake during the 1630's were no different from, and no more reconcilable than those of the past, or those that would appear in 1648. The nexus of the conflict between the Crown and the court turned about the legitimate usages of sovereignty and not the nature of sovereignty itself. The Parlement had never questioned the principle that all public power was vested in the king, but the court had always insisted that royalty respect the customary rights, privileges, and immunities of its subjects; that it
observe the forms of justice; that it conform to what would today be called the due process of law. On the other hand, the crisis conditions of Louis' reign, together with the Cardinal's ambitious objectives for the kingdom, required sure, swift, and expedient answers to administrative problems. Intendants, criminal commissaires, a specialized and efficient council, extraordinary financing, and other institutional expressions of absolutism then resulted. These solutions were not always comptable with the Parlement's ideas of justice, of legality, or of prudent kingship, and when they clashed the most fundamental principle of the monarchy required that the King's interests, rather than those of the court, should prevail. The political acumen and leadership of Richelieu ensured that in the long run, the Crown did prevail. Thus by 1642 the Cardinal's ministry had produced a distinctly stronger royal power and the exclusion of the Parlement from affairs of State, both important characteristics of the age of absolutism.
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9775. Extracts from the registers of the Parlement of Paris arranged by subject. Eighteenth century copies originating with the Collection Lancelot.


9890. November, 1623, through November, 1629.
9891. November, 1629, through November, 1633.
9892. November, 1633, through November, 1636.
9893. November, 1636, through November, 1639.
9894. November, 1639, through November, 1643.

Collection des cinq cents de Colbert (Ms. Cinq cents de Colbert)

212. Memoirs concerning the Parlement of Paris collected by Mathieu Mole. Includes role of the officers of the Parlement in 1629.

Collection Dupuy (Ms. Dupuy)

94. Contains copies of documents on the Chambre de l'Arsenal, 1631-1635.

Collection des mélanges de Colbert (Ms. Mélanges de Colbert)


Bibliothèque de l'Institute de France. Quai de Conti, Paris VIème. (Biblio. de l'Inst.)

Collection Godefroy (Ms. Godefroy)

285. "Journal de la cour sous Louis XIII" by Robert Arnauld d'Andilly. Seventeenth century original for the years 1631-1632; includes material not found in the Journal inédit.

II. Printed Primary Sources

A. Laws, règlements, and Decrees

Bibliothèque Nationale, Salle des imprimés, Actes royaux:

F.23611 (1633-1634, nos. 1-77, royal declarations and edicts)
F.23611 (1639, nos. 308-392, same)
F.46949 (1624, nos. 1-26, same)
F.46952 (1625, nos. 1-26, same)
F.46957 (1625, nos. 1-19, same)
F.46968 (1630, nos. 1-22, same)
F.46974 (1632, nos. 1-21, same)
F.46989 (1636, nos. 1-21, same)
F.46996 (1638, nos. 1-16, same)


B. Other Document Collections


C. Journals and Memoirs


—. Journal de M. le cardinal duc de Richelieu qu'il a fait durant le grand orage de la court, en l'année 1630 et 1631. n.p., 1648.


D. Pamphlets


Lettre du Roy, envoyée à nosseigneurs de la Cour de Parlement, Contenant l'accommodement de Monsieur en la bonne grace du Roy; Le lieu où s'en va; Avec ce que sa Majesté a accordé à ceux de sa Maison. Paris, 1632. B.N. Imprimés Lb36.2897.


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III. Secondary Sources

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Le Clerc, Jean. La Vie du Cardinal Richelieu. Amsterdam, 1753.


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For titles of individual essays, see articles by Mounier.


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——. *La Monarchie d'ancien régime en France (de Henri IV à Louis XIV)*. Paris, 1926.


B. Articles

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"Recherches sur l'organisation du Parlement de Paris au XVIᵉ siècle." *Nouvelle revue historique du droit français et étranger,* XXXVI (1912), 52-747. A four part article with all parts in one volume.


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IV. Bibliographic Aids

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Catalogue général des livres imprimés: Auteurs. 217 vols. to date. Paris, 1897 to present.


## APPENDIX I

### REVENUES OF THE FRENCH CROWN, 1600-1642

<table>
<thead>
<tr>
<th>YEAR</th>
<th>DIRECT TAXES (tallies, tallon)</th>
<th>INDIRECT TAXES (all farms)</th>
<th>TIMBER SALES (from the domain)</th>
<th>DENIERS EXTRAORDINAIRES (rentes, some sales of office)</th>
<th>PARTIES CASUELLES (paulette, sales, forced loans)</th>
<th>TOTAL</th>
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<td>6,767,535</td>
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<td>PARTIES CASUALIES</td>
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<td>1880</td>
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APPENDIX I—continued

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<th>YEAR</th>
<th>DIRECT TAXES</th>
<th>INDIRECT TAXES</th>
<th>TIMBER SALES</th>
<th>DENIERS EXTRAORDINAIRES</th>
<th>PARTIES CASUELLES</th>
<th>TOTAL</th>
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<td>156,759,915</td>
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<td>36,770,368</td>
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Notes, Table 1:

aThe figures for Table 1 are derived from those of J.-R. Mallet, Comptes rendus de l'administration des finances du royaume de France pendant les onze dernières années du règne de Henri IV, le règne de Louis XIII, et soixante-cinq années de celui de Louis XIV (Paris, 1789), pp. 183-228. The accuracy of Mallet’s figures have been verified by David Buisseret, In Sully (New York, 1968), pp. 74-80, and Appendix 1, “Re-establishment of the Budgets,” 207-08, and by Mousnier in La Vénalité des offices (1st ed.; Rouen, 1945), pp. 391-98.

bMallet included in the revenues of the deniers extraordinaires some income derived from the sales of office which should properly be included in the Parties casuelles, although these revenues were in no way different from those of the Parties casuelles and were often handled by the officials of that bureau. See note d.

cThe deniers extraordinaires for the reign of Henry IV and the administration of Sully included any surplus income as clear revenue for the following year. This accounts for the steady increase in the deniers extraordinaires after 1602-03. By 1610 Sully had accumulated a surplus of about 15,000,000 livres which should be subtracted from the actual totals indicated in the table. Marie de Medici’s expenditure of this surplus is indicated by the abrupt fall in the deniers extraordinaire after 1610. See Buisseret, Sully, p. 80.

dSee note b. Through information provided in Roland Mousnier, La Vénalité des offices, 1st ed., pp. 392-94, it is possible to correct Mallet’s figures for the Parties casuelles for the years 1630, 1632, 1633, 1636, 1639, and 1642. The table from which the corrective figures have been drawn is inexplicably missing from the revised edition of La Vénalité des offices which appeared in 1972.
## APPENDIX II

### REVENUES OF THE PARTIES CASUELLES IN LIVRES

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<th>1632</th>
<th>1633</th>
<th>1636</th>
<th>1639</th>
<th>1642</th>
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<td>1,375,835</td>
<td>1,091,723</td>
<td>695,953</td>
<td>451,982</td>
<td>150,079</td>
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<td>droit annuel</td>
<td>5,115,469</td>
<td>1,727,642</td>
<td>1,481,234</td>
<td>2,105,906</td>
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<td>Creations and sales of office</td>
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<td>12,122,174</td>
<td>16,414,841</td>
<td>21,143,731</td>
<td>12,406,634</td>
<td>5,495,455</td>
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<tr>
<td>Taxes on the officers of droits and gages</td>
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<td>17,436,235</td>
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<td>445,841</td>
<td>289,983</td>
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<td>28,935,913</td>
<td>37,293,731</td>
<td>35,195,556</td>
<td>35,829,119</td>
<td>8,875,791</td>
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</table>

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*aFrom figures supplied by Mousnier, *La Véna"lité des offices*, 1st ed., p. 394. All revenues are those bon à l'épargne, that is to say, accounted for on the books of the central trésorier de l'épargne. Revenues collected and spent in the provinces are not included. The figures are corrected to include revenues in the deniers extraordinaires which properly belong with the Parties casuelles.*

*bOrdinary revenues of the Parties casuelles included the product of resignations and vacances by death.*

*cTaxes on the royal officers resulted when the king demanded a forced loan in exchange for increases in droits (rights of office) and gages (salaries). The officers were not permitted to refuse the increases. The increases in salary amounted to interest on the forced loans, but very often the salaries were not paid.*
APPENDIX III

VARIOUS RECEIPTS OF THE PARTIES CASUELLES AS PERCENTAGES OF TOTAL CROWN INCOME

<table>
<thead>
<tr>
<th></th>
<th>1630</th>
<th>1632</th>
<th>1633</th>
<th>1636</th>
<th>1639</th>
<th>1642</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinary revenue</td>
<td>1.8%</td>
<td>2.35%</td>
<td>1.5%</td>
<td>0.6%</td>
<td>0.4%</td>
<td>0.17%</td>
</tr>
<tr>
<td>droit annuel</td>
<td>12.0%</td>
<td>3.33%</td>
<td>2.2%</td>
<td>1.8%</td>
<td>3.0%</td>
<td>0</td>
</tr>
<tr>
<td>Creations and sales of office</td>
<td>20.0%</td>
<td>20.00%</td>
<td>25.0%</td>
<td>19.0%</td>
<td>13.0%</td>
<td>6.33%</td>
</tr>
<tr>
<td>Taxes on the officers for droits and gages</td>
<td>10.0%</td>
<td>20.00%</td>
<td>23.0%</td>
<td>9.0%</td>
<td>22.0%</td>
<td>4.0%</td>
</tr>
<tr>
<td>Total for Parties casuelles</td>
<td>44.0%</td>
<td>50.00%</td>
<td>51.0%</td>
<td>30.0%</td>
<td>38.0%</td>
<td>10.5%</td>
</tr>
</tbody>
</table>

*From figures supplied by Mousnier, *La Vénalité des offices*, 1st ed., 394. All percentages based on revenues *bon à l'épargne* and all include corrections for revenues in deniers extraordinaires.*
VITA

James Hosea Kitchens, III, was born in Austin, Texas, on November 16, 1942, the eldest son of Mr. and Mrs. James H. Kitchens, Jr. He attended public schools in Baton Rouge and Alexandria, Louisiana, and graduated from Ruston High School in June, 1960. Upon completion of secondary education, he entered Louisiana Polytechnic Institute, receiving the Bachelor of Arts in History from that institution in June, 1965. In September, 1965, he began graduate study in the Department of History at Louisiana State University in Baton Rouge, completing the requirements for the Master of Arts in August, 1967. From September, 1970, until August, 1971, he served as Temporary Instructor in History at the University of Alabama in Huntsville. In September, 1971, Kitchens returned to the campus of L.S.U. to assume a Teaching Assistantship in the Department of History. Between June and October, 1972, he was resident chez Mme. and M. le général René Genty, 30, rue Gay-Lussac, Paris Vᵉ, while engaged in doctoral research at the Bibliothèque Nationale, Archives Nationale, Bibliothèque de l'Arsenal, and Bibliothèque de l'Institute. In the fall of 1972 he returned to Baton Rouge to complete the dissertation, becoming a candidate for the Doctorate in Philosophy in December, 1974.
EXAMINATION AND THESIS REPORT

Candidate: James Hosea Kitchens, III

Major Field: History

Title of Thesis: THE PARLEMENT OF PARIS DURING THE MINISTRY OF CARDINAL RICHELIEU, 1624-1642

Approved:

[Signatures]

Major Professor and Chairman

Dean of the Graduate School

EXAMINING COMMITTEE:

[Signatures]

Date of Examination: November 19, 1974

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