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[Parliament of Paris]. Excerpts from the *Style des commissaires*; JACQUES D'ABLEIGES, Excerpts from *Le grand coutumier de France*, Book III; Excerpts from the *Style de la chambre des enquêtes*; Ordinance of Charles VII, Montilz-lès-Tours, 1454
In French and Latin, decorated manuscript on paper
France, Champagne? Ile-de-France? Copied 1430-1480

[I]-62 ff., preceded and followed by 2 modern flyleaves, association of 3 different texts, with originally a fourth one inserted between ff. 25-26 (now excised) (collation: i¹³ [14-1, with first folio misbound and reversed, to be replaced after f. 12, with actual ff. 1-1v actually ff. 13bis-13bis verso], ii¹², iii [wanting], iv-v¹², vi¹⁰), a few catchwords, on paper, with three different watermarks [(1) Briquet, "Ancre avec croisette" (e.g. f. 8), no. 374: Troyes 1429; no. 375: Troyes, 1433-1435; (2) Briquet, "Armoiries, Trois fleurs-de-lys et lettre" (e.g. f. 17), no. 1724: Troyes, 1458; Châlons-sur-Marne, 1461-1464 (3) Briquet, "Armoiries, Fleur-de-lys sommée d'un lambel" (e.g. fol. 51), no. 1557: Chartres, 1476; Troyes, 1481-82], written by three different hands in gothic cursive scripts, some pen flourishing and rubrics in third work, an number of annotations or corrections throughout the three texts. Modern rigid parchment over pasteboard, smooth spine with gilt lettering: "Stil du Parlement et Ordonna[nce] d'avril 1454 / Libellus Petri Bertran" [Binding dated 1930, see note on verso of second flyleaf], marbled pastedowns (Some waterstains and restorations to paper; text remain overall very legible). Dimensions 315 x 225 mm.

Interesting fifteenth-century compilation of texts concerning procedural law applicable to the sovereign court of the Parliament of Paris. The present manuscript provides elements of the "style" (formulary and rules applicable to a given institution) applicable in the *Chambre des enquêtes* and to its commissioners responsible for gathering proof and testimony. It is associated with a near-contemporary copy of the Ordinance of Montilz-lès-Tours, which concerned the redaction of customary law and the reform of the Parliamentary Courts. Such a document should be compared with the vast literature pertaining to legal procedure in the courts of the Parliament of Paris.

PROVENANCE

Script and watermarks secure a French, Champagne (?) or Ile-de-France origin for this compilation of texts, certainly assembled and bound together at a later date but copied between c. 1430 and 1480.

A note on verso of second flyleaf reads: "Cet ouvrage a été relié par Prévot, libraire, à Beauvais, rue Saint-Pierre, sur l'ordre de M Meunier, président du Tribunal civil. Beauvais 10 novembre 1930."

TEXT

The present manuscript is a compilation of three independent but nonetheless thematically related works. All three relate to procedural law as applicable to the legal practitioners, royal commissioners and professionals of law at large working for the Parliament of Paris, the first sovereign Court of France, the highest court of law under the king. This court was also responsible for registering royal edicts and with administrative duties (in addition to the *Parlement de Paris*, there were some thirteen other provincial Parliaments in the fifteenth century). The two first texts relate more precisely to one of the Chambers that composed the Parliament of Paris that is the *Chambre des enquêtes* (Chamber of Inquests or Inquiries), which was responsible for instructing and ordering judicial inquests. An *enquête* (inquest) was ordered and brought out by *commissaires* (commissioners) sent out in the land to gather and assemble testimonial proof in order properly and fairly to instruct a case presented before the sovereign courts of Parliament.

The Parliament of Paris was the chief judicial body under the Ancien Régime. The Parliament consisted of a number of separate chambers: the central pleading chamber, called the Grand-Chambre; the *Chambre des requêtes* (to deal with petitions) and the *Chambre des enquêtes* (to handle inquests); and the *Chambre de la Tournelle* (to settle criminal cases). Originally there was only the Parliament of Paris, which grew out of the feudal *Curia Regis* [King's court] and may be said to have had a separate existence from the reign of Louis IX (1226–70). However, from the fifteenth century onwards, provincial parliaments, similar in organization but less extensive in jurisdictional authority, were established.

f. I, Title, copied in a later 19th c. (?) hand: "1454. Stil du Parlement avec une Ordonnance de Charles VII ad hoc. La dite ordonnance datée des Montilz-les-Tours au mois d'avril 1454 après Pasques";

ff. 2-12v followed by f. 1v [first folio misbound, must be replaced after current f. 12v], Excerpts from a French adaptation of the Latin *Style des commissaires du Parlement*, incipit (begins incomplete) "[...] sont presens et assemblez toutes les chambres de parlement et les maistres des requestes du roy ou iceulx du grant conseil..." ; heading (f. 12v) *Sur le fait des commissaires* ; incipit, "Nul des commissaires...ne facent impetrer que non obstant le parlement...Nul commissaire de ladicte court ne doit prendre pour son salaire plus que cy apres est declaré sur paine d'estre reputé parjure... Item ne peut prendre ledict commissaire a tout le plus que six chevaulx...Se ce n'estoit que pour la cause de ladicte [f. 1v] commission lui faillist mener ung clerc ou un homme oultre plus qu'il ne feroit en sa besongne ouquel cas il ne pourroit prendre pour cheval oultre la somme dessusdicte" ; explicit. "Item se aucun demandeur sur son enquete est negligent le deffendeur au parlement ensuivant peut demander estre absolz de la demande, etc.";

In an important study, P. Guilhiermoz (1892) has examined minutely and published two Latin texts, respectively entitled "Style de la Chambre des enquêtes" (published in Guilhiermoz, 1892, pp. 181-234) and "Style des commissaires" (published in Guilhiermoz, 1892, pp. 235-264). Further research and comparison is necessary, but it appears the present section contains an adaptation in French of passages of the "Style des commissaires," which is in fact a formulary and practical manual of procedure for commissioners of the Chamber in the Parliament of Paris referred to as *Chambre des enquêtes*, responsible for gathering and conducting proof and testimony for upcoming

trials. The result of these “enquêtes” was presented to the *Grand’Chambre*, who then agreed for the case to be presented to the *Chambre des enquêtes* to be judged (see Fournier, *Histoire littéraire de la France*, tome XXXVI (1927), pp. 600-603). It should be noted that both the “Style de la Chambre des enquêtes” and the “Style des commissaires” were amply used by Jacques d’Ableiges (see below) and are included in certain manuscripts of the *Grand coutumier de France*, such as Paris, BnF, MS fr. 10816.

f. 1, Ableiges, Jacques d’, *Le grand coutumier de France*, Book III, chapter XVI (French adaptation of the Latin original *Style de la Chambre des enquêtes*), heading and incipit, “Sensuivent les reproches que la court de parlement a acoustume mectre contre les tesmoings. Premièrement quant ung tesmoing est homme taillable du produisant...”; explicit, “[...] Item plusieurs autres repprouches qui seroient trop longs a raconter etc.”;

The first gathering of this compilation contains a fifteenth-century copy of a French vernacular adaptation of excerpts of the Latin *Style de la Chambre des enquêtes*, as published by Guilhaiermoz (1892), pp. 201-202: “Primo quod testis est tailliabilis de alto et basso...” The present French version of this excerpt is found in a more developed form in Jacques d’Ableiges’s (died 1410?), *Le grand coutumier de France...*, Book III, chapter XVIII: “Des repprouches qui sont receues selon le stile de Parlement” (see edition Laboulaye and Dareste, 1868, pp. 474-475). This is a list of the admissible “reproaches” or in other words the invalid or unauthorized testimony when conducting inquests.

Jacques d’Ableiges, bailiff of Evreux, is identified in the preface of MS fr. 10816. He was one of the officers of the Duke of Berry from 1371 on and become “bailli d’Evreux” in 1385, and then “examineur au Chatelet de Paris.” He composed an important legal compilation of Parisian law and customs referred to as the *Grand coutumier de France*. This title is a bit misleading in that “France” in this case rather refers to the “Ile-de-France” region, around Paris and not the entire realm. There appear to be some 28 recorded manuscripts of part or all of this legal compilation (cf. Timbal and Petot, 1968, p. 24). The manuscripts present very different versions of the text, and Timbal and Petot declared: “The future editor will have a difficult job classifying these manuscripts in a satisfactory manner” (1968, p. 27). This written compilation of customary law was considerably used and quoted by laymen and practitioners of law alike until the first half of the sixteenth century (see Cohen, 1993, pp. 26-53)

ff. 14-25v, Excerpts from the *Stille de Parlement* (published in Paris, G. Nyverd, n.d.) and excerpts from the Latin *Style de la Chambre des enquêtes* (here copied more or less verbatim, in Latin, ff. 21-22), with heading, *Instruction pour fere enqueste. Et premierement executoire des commissaires sur la commission*, incipit, “Adam de Cambray conseilier du roy nostre sire et premier president en sa court de parlement commissaire en ceste partie au premiere huissier dudit parlement ou sergent roial etc. Nous avons receues les lectres du roy nostredit dire desquelles la teneur d’ensuit...”; other headings, *Protestation que l’on doit fere avant que respondre aux articles*; *Cy apres s’ensuit la maniere de proceder en l’enqueste*; *Le stille de parlement des reproches recevables en la chambre des enquestes en l’encontre des tesmoingz etc.*; *C’est la forme desdicts repprouches...*; explicit, “[...] et certiffions estre vray en tesmoing etc.”;

These are excerpts taken from the *Stille de Parlement avec l’instruction et stille des requestes...* (published in Paris, G. Nyverd, s.d.), found on sig. D2 recto-D3 recto [see Paris, BnF, Rés-F-1639 (2)]. The

excerpts from the *Stille de Parlement* are intermingled with excerpts from the Latin *Style de la Chambre des enquêtes* published in Guilhiermoz, 1892, pp. 181-234). This *Stille de Parlement* is quite different from the famous *Style du Parlement* by Guillaume Du Breuil, amply used in the sixteenth century.

Between ff. 25 and 26 a gathering has been excised which, if one believes the gilt lettering on the spine, once contained a copy of the *Libellus de iurisdictione ecclesiastica contra Petrum de Cugneriis*, by Pierre Bertrand [Petrus Bertrandus] (died in 1349), Cardinal, theologian and jurisconsult.

ff. 26-62, [Charles VII]. Ordonnance de Montilz-lès-Tours [17 April 1454], incipit, "Charles par la grace de Dieu, roy de France. A tous presens et advenir salut. Savoir faisons que comme nostre royaume ayt esté moult apovry et depopulé par les divisions et guerres qui longuement ont esté en icelluy..."; explicit, "[...] Donné audit lieu des Montilz lez Tours oudit mois d'apvril l'an de grace mil .cccc. liiii aprez pasques et de notre regne le .xxxii^e. Explicit."

This is a complete copy of the famous *Ordonnance de Montilz-lès-Tours* promulgated by Charles VII (King of France, 14221-1461), with articles in French and rubrics in Latin. This famous Ordinance was particularly important because it set officially the redaction of local customs, and it is only by the middle of the sixteenth century that the Parliament of Paris reviewed, redacted and approved all French "coutumes." In the present case, it is related to the two other previous works included in this manuscript because the Ordinance of Montilz-lès-Tours also contains statutes on the composition, competence and prerogatives of the Parliament of Paris, including the "enquêtes par commissaires." This Ordinance was published a number of times, including in *Ordonnances des rois de France de la troisième race* (1790), vol. 14, pp. 284-313; see also Isambert, *Recueil général des anciennes lois françaises*, tome IX, no. 213, pp. 202-254: "Ordonnances ou établissements pour la reformation de la justice" and a note: "Monumens très-précieux de la sagesse de nos pères. C'est notre premier code de procédure" (p. 202). The 1790 edition of the *Ordonnance de Montilz-lès-Tours* is based on the archive preserved in Archives nationales, Registre du Parlement, *Ordinationes Barbinae*, coté D, fol. 152.

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ONLINE RESOURCES

See digitized version of P. Guilhiermoz (1892):

<http://gallica.bnf.fr/ark:/12148/bpt6k111354v>

See digitized edition of J. d'Ableiges (ed. Laboulaye and Dareste, 1868):

<http://gallica.bnf.fr/ark:/12148/bpt6k24494m>