

Peerage

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Creation

The creation of a peerage involves three steps:

1. issuance of letters patent,
2. "enregistrement" (registration) of the letters in Parliament (Paris),
3. reception of the new peer by the Parliament.

The peerage exists legally once the letters had been registered; in particular, a duchy was not hereditary if the letters failed to be registered. But the holder will not be a peer until reception in Parliament. The letters have to be registered within a year, otherwise the king must issue *lettres de surannuation* to extend the vailidity of the letters patent.

Transmission

In May 1711, an edict modified the rules of transmission for all peerages: the rule was henceforth presumed to be transmission in male descent from the first grantee, unless transmission by females was explicitly specified (article 4); in the latter case, a woman could transmit the peerage only if she was descended in male line from the first grantee, if her marriage was approved by the king, and if letters patent were issued confirming the transfer (article 5). This edict applied to peerages, and to duchies which were not peerages as well (article 10); it was obviously not retroactive.

A peerage was a dignity or office attached to a fief. Sometimes the transmission of the fief conflicted with that of the dignity. Suppose a duchy-peerage has been created for X. X has two sons, X2 and Y. X2 is succeeded by X3 who dies without male heirs, but leaves a daughter; meanwhile Y has a son Y2. The domains to which the title of duchy-peerage have been attached should be inherited by the daughter X3, but the peerage should go to Y2; yet the holder of the peerage must also own the lands. The solution was to use something called *retrait lignager*, which was a kind of right of first refusal for collateral relatives in male line when the family estate was about to go to another family. But no one could force the collateral heirs to exercise that right if they didn't, the peerage could become extinct.

The Edict of 1711 on the peerages, article 7, formally specified the option of *retrait lignager* for the heir male of the original grantee, or if he refuses his male successors, against payment within 6 months of the value of the peerage (estimated at 25 times income). It also authorized the formation of perpetual entails on the seat of the peerage as well as part of its estates up to 15,000 livres' worth of income (the amount was increased to 30,000 livres in 1788 to adjust for inflation). The ability to create perpetual entails was an important exception to the Edict of Moulins of 1566 which prohibited entails of more than four degrees of succession. Thus, although the Edict did not create a comprehensive status for estates held in peerage, it gave families the means to avoid unwanted extinctions.

Foreigners

Foreigners could and did hold peerages, either by inheritance or by being the recipients of new creations (cf. Nevers in 1505, Aubigny in 1787). Even the six original lay peerages could go into foreign hands without anyone being unduly upset: the country-peerage of Flanders was deemed to be held by the Emperor Charles V until France renounced to sovereignty over it altogether.

Privileges of a Peer

A peer has the following privileges:-

- the right to be tried by fellow peers
- the right to personally access the Sovereign
- the right to be exempt from civil arrest
- the right to administer manorial justice
- the right to a seat in parliament
- peers and their families have positions in the order of precedence.

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