

This body, as every one knows, had technically the right to refuse registration and thus to deny validity to royal decrees; but the king might, and as time went on, did actually override its opposition by the use of the prerogative known as the *lit de justice*. Now the Sovereign Council which the king established at Quebec in 1663 was modelled generally after the frame of a French provincial parlement and was ordered to conform its procedure to that of the *Parlement de Paris*¹⁾. One of its chief functions indeed was that of receiving ordinances and decrees sent from France and of registering these in its council records²⁾. Might this colonial council, then, like its prototype in Paris, refuse to register a royal decree; and might any royal ordinances acquire validity in the colony save by such registration? The answer to the first question is simple enough. Whatever the legal rights of the Council in the matter, the fact was that all its members were appointed by the king; they held office only during the royal pleasure; and they might be removed by the crown at will. Unlike the members of the Parliament of Paris or the provincial parlements they had in no case obtained their posts by inheritance or by purchase; hence they had no security of tenure. To have ventured to refuse registration to any royal decree would therefore have brought about the immediate removal of the recalcitrant councillors from office; the councillors knew this very well; and there is consequently no record that they ever showed any sign of refusing compliance with the royal orders. Whatever its technical right in the matter, the Sovereign Council at Quebec was bound from the nature of its organization to register the royal mandates without discretion.

There was, however, a method much less drastic than that of direct refusal to register a decree, whereby the colonial council might virtually negative a royal order; for before a decree could be brought to public attention in the colony it had not only to be registered but to be duly promulgated. The usual practice was to have copies of the decree prepared, and then to have these copies sent out to the subordinate courts or to the minor administrative officers of the various parishes. These officers made due promulgation by posting the copies in conspicuous places, usually at the door of the parish church. Now while the councillors dared not refuse or even neglect the registration

¹⁾ «Edit du création du conseil souverain de Québec» in *Édits et ordonnances du roi concernant le Canada* (3 vols., Quebec 1854), Vol. 1, p. 37–39.

²⁾ The records of the Council are preserved at Quebec in 56 ponderous manuscript volumes. Of these the records from 1663 to 1716 have been printed in *Jugements et délibérations du conseil souverain de la Nouvelle-France* (6 vols., Quebec 1885–1891).