

and it was also expressly authorized "to establish sovereign councils" in such places as might be "necessary".¹ Although the company was thus clearly invested with jurisdiction over the territory of New France, it does not appear to have exercised any of its political powers. It is said to have prayed the king to make the political appointments himself; but of such action the commissions of the officials give no evidence, and it is altogether probable that the company was not even consulted with reference to any of the colonial appointments.² The attitude of the intendant Talon toward the company would seem to show that he was under no obligation to it for his nomination to the post which he held.³

Thus it was that, during the ten years intervening between the establishment and the fall of this company (1664-1674), the situation in New France presented a strange dualism. By its charter the company had been authorized to name the officials of administration and of justice, but as a matter of fact the king kept this power jealously to himself. By its charter it was empowered to make land grants, but in practice such grants were made only by the royal officials. In short, the Bourbon monarch took away with one hand what he gave with the other; and the company, with all its portentous charter powers, secured little more than a monopoly of the colonial fur-trade. The failure to realize clearly this curious divergence between the law and the facts of the situation has served to mislead more than one student of the institutions that existed under the old régime.

The first intendant actually to enter upon the duties of his office in New France was Jean Talon, whose commission bears date of March 23, 1665; and from this time down to the period of the French withdrawal from Canada the post was filled continuously, with the exception of the three years intervening between the departure of Talon in 1672 and the arrival of Duchesneau in 1675.⁴

¹ *Ibid.*, § XXXI.

² Charlevoix, *Histoire de la Nouvelle France* (Paris, 1744), I. 379-380, says that the king appointed the first governor and intendant at the suggestion of the company; but this assertion scarcely tallies with the fact that M. de Mézy and M. Louis Robert were appointed governor and intendant respectively by commissions dated almost a year before the company was chartered. See *Edits et Ordonnances*, I. 33; III. 21.

³ In one of his despatches Talon wrote, "If His Majesty wishes to make anything of Canada, he will never succeed unless he withdraws it from the hands of the company . . ." (Talon to Colbert, October 14, 1665, Correspondance Générale, II. 248).

⁴ The list of intendants of New France, with the dates of their commissions, is as follows:

Louis Robert, of whose commission no record has been found, but who must have been appointed prior to March 21, 1663, for his name appears as intendant