

PART III.

CHAPTER I.

CANADA AS A SOVEREIGN PROVINCE, OR PRINCIPALITY.

KING, NOBLESSE AND CLERGY.

By edict of the King, Louis XIV., of France and Navarre, April, 1663, the feudal powers of Canada were united in a sovereign council and the country was elevated to the rank of a Royal Province, in equality with Normandy, Brittany, Guienne, and Provence. The Sovereign Council of Canada by the same edict was endowed with prerogatives equal to those of the parliaments of the other provinces in the Kingdom of France which were as follows:

I. To sit in judgment on all causes belonging to the King's Court. II. To make suggestions and petitions to the Royal Council in regard to the requirement of Paris, which was the senior ordinance in regard to the entire kingdom including Canada, as were ordered by the King. These prerogatives were those in the fullest extent of any other parliament of the kingdom—the parliaments of Canada. III. To enregister such laws of France, not having any more, only that parliament acted as Supreme Court in decisions of disputes arising between such jurisdictions, and outside the limits of the other provincial parliaments.

The composition of the Sovereign Council of Canada, as this parliament was called, consisted of: I. A Governor who was commissioned by the King in person as his representative and was endowed in his commission with royal prerogatives, civil and military in the province, like as were the governors in each of the other provinces of France. He had, in addition to this, power to make peace, and war, and treaties of commerce. This additional power was granted the chief executive of Canada—the governor of no other province in France had such authority. It was because of the distance

which separated Canada from the rest of the Kingdom, and the necessity of acting in critical cases without delaying for authority in each case. II. Affairs of finance and police were regulated by an officer called an Intendant, commissioned for such purpose by the King in person. He was commanded by the King also to sit as President of the Sovereign Council, and in that capacity he had charge of the registers of its proceedings in the administration of justice.

III. Representing the ecclesiastical interests, the parishes, missions and missionaries, was the Archbishop, having a vote in the Council like all the others. IV. This Council chose an additional member as chief clerk and appointed an attorney-general. V. There were added by them, as further constituents of this Parliamentary Council, at first five representatives of the seigneuries, which were increased to twelve as the number of seigneuries became greater further on in the history of Canada. The seigneuries and nobility of the country were included by law in the representation, not only because the Coutume de Paris, which had been made the code in Canada, required it, but because it was part of the feudal system of every province of France, and it was also declared in the first Canadian commission to the Marquis de La Roche on the government of Canada that the seigneurs should act as counsellors and military officers of the country. (Lectures Hist. du Droit Canadien, Tome I, p. 159. "Tenu en tutelle et defense le dit pays.")

The Intendant, as President of the Council, collected the votes and announced the decision arrived at by the Council as a body, in supreme judgments, civil and criminal.

For administration, the province was divided into three districts with civil and criminal courts at the centre of each, which were at Montreal, Three Rivers and Quebec. Over each of these districts was a military governor, a civil and criminal judge and assistant, and an attorney-general (procureur du Roi.)