

1663. 14th of February, in the same year.¹ They were also accompanied by a hundred families, coming to settle the country, and by several officers, civil and military.

How justice had been previously administered in Canada.

The Commissary began by administering the oath of fidelity to all the settlers: then he regulated police affairs, and issued several ordinances concerning the mode of administering justice. Hitherto there had properly been no courts of justice in Canada. The governors-general judged matters in quite a sovereign style: there was no thought of appeal from their sentence; but they usually gave no judgment until after all ways of arbitration were ineffectually tried, and it is admitted that their decisions were almost always dictated by good sense and the rules of natural law, which rises above all others. Baron d'Avaugour had especially acquired a high reputation by the manner in which he settled differences. Moreover, the Canadian settlers, although generally of Norman² origin, had nothing of the litigious spirit, and ordinarily preferred to yield something of their just rights rather than lose time at law. Indeed, there seemed to be a community of property in that colony; at all events, they lived for quite a long time without keeping any thing under lock and key, and it was unheard-of that any advantage was taken of this confidence. It is very strange and very humiliating for man, that the precautions adopted by a wise prince to banish chicanery and establish justice almost mark the epoch when the former arose and the latter declined.

There had indeed been a Grand Seneschal of New France in 1640,³ and a jurisdiction at Three Rivers, dependent on the tribunal of that magistrate; but he was in turn apparently subject in his functions to the governors-

¹ See Gaudais' Instructions, Edits et Ordonnances, iii., 23; N. Y. Col. Doc., ix., 9. The surrender of the colony by the company, and the king's acceptance, are in vol. i., p. 31; but Charlevoix gives the date incorrectly—it should be Feb. 24th.

² The Normans are proverbially litigious.

³ The Chevalier John de Lauson, who arrived in 1651, is the first Senéchal whom I find mentioned. He was killed, as we have seen, in 1660: Mem. Soc. Hist. Montreal, p. 67.