

should, on the demand of one of the parties, be transferred to the Intendant, who should decide them, aided by judges whom he was to summon for the purpose. Those, also, who wished to return by civil petitions, were authorized to present them on a simple petition, and the council was empowered to pronounce, judging both rescindant and rescisoire at the same time. Finally, the same edict empowered the council, to the number of five judges, to try criminal actions.¹

1663.

There are also in this colony three subaltern tribunals—those of Quebec, Three Rivers, and Montreal. They are composed of a Lieutenant-General, a Particular-Lieutenant, and a King's Attorney. Their salaries are regulated by a Declaration of his majesty, dated May 12th, 1678.² The notaries, huissiers, and sergeants have also salaries, without which they could not live, fees being reduced almost to nothing in so poor and thinly-peopled a colony.³

Subaltern
jurisdic-
tions.

Till the year 1692 the local tribunal of Montreal belonged to the Gentlemen of the Seminary of Saint Sulpice, in their character of Seigneurs. They then resigned it to the king, on condition of reserving the exercise of the right within the enclosure of their seminary, and on their farm of Saint Gabriel, with the perpetual and incommutable right to the Greffe of the Royal Justice, to be established in the island, and the nomination of the First Judge. This was granted in the edict creating the new tribunal, dated in March of the following year, 1693; but as to the last article, only for that occasion.⁴ Such were the provisions of the late king to afford his subjects in New France prompt and easy justice; and on the model of this Superior Council of Quebec, others were subsequently established in Martinique, Saint Domingo, and Louisiana. All these councils are d'épée.

Sieur Gaudais was not to remain in the colony. He

¹ Edits et Ordonnances, iii., p. 253

² Edits et Ordonnances, i., p. 99.

³ *Ib.*, i., p. 99.

⁴ *Ib.*, p. 276.