‘Y establir nostre auctorité’: Assertions of Imperial Sovereignty through Proprietorships and Chartered Companies in New France, 1598-1663

by

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Abstract

Current historiography on French empire building in the early modern period rests on a host of unexamined terms, including colony, empire, monopoly, company, and trading privileges. Yet, these terms were anything but fixed, certain or uncomplicated to contemporaries. This dissertation takes as its subject the exercise of authority in New France through proprietorships and companies to get to the political, legal, and ideological heart of French empire building. Organized chronologically, each chapter corresponds to a different constellation of authority, ranging from a proprietorship in which the titleholder subdelegated his trading privileges and administrative authority to two separate parties to a commercial company that managed both jurisdictions. Engaging with cutting-edge international literature on sovereignty, empire formation, and early modern state building, this thesis resituates the story of the colonization of French North America in an Atlantic framework. It relies partly on civil suits that arose in France during the first three decades of the seventeenth century over powers and privileges in New France. This frequent litigation has traditionally been ignored by historians of New France; however, my research suggests that it was an integral part of the process of
colonization. On the ground, claimants fought for ascendancy using instruments of legal authority and personal power. These contests in New France often had a second act in the courts of France, where parties’ actions exposed preoccupations quite removed from the colonial enterprise, particularly jurisdictional rivalries, both personal and institutional. New France became part of the admiral’s efforts to consolidate and extend his authority, thereby incorporating the colony into an existing French institution. Royal ambitions to control maritime commerce and navigation conflicted with the admiral’s growing jurisdiction, leading to plays for power in New France. Domestic challenges to exclusive trading privileges overseas were intimately connected to concerns over royal encroachment on provincial jurisdiction. Such examples highlight both the intimate connections between the construction of sovereignty in the colonial realm and the process of state formation in France and the contingency and contestation associated with these processes in the early seventeenth-century Atlantic.
Acknowledgments

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The loneliness and isolation of intense scholarly work has been much mitigated by the convivial and intellectually rewarding monthly meetings of the Premodern discussion group at the University of Toronto and the Toronto-area France seminar. Several chapters of this dissertation have benefitted from the insightful and constructive comments of members of the Premodern group as well as the Politics and Policy discussion group. Helpful feedback and encouragement from the participants of the Harvard Atlantic seminar and the audiences of the meetings of the French Colonial Historical Association, the Histoire de l’Acadie symposium, and
the French Atlantic History Group of Montreal have been invaluable. The latter group deserves special mention, as it has fostered an energetic and stimulating intellectual home for scholars on both sides of the Atlantic working on French Atlantic topics, particularly those at the start of their careers. Finally, I would like to thank Lauren Benton, Catherine Desbarats, Richard Ross and Thomas Wien for their comments on versions of chapters, all of which pushed my analysis further, as I prepared articles for publication.

If scholarship in general is solitary, work on seventeenth-century New France can be positively isolating. That this was not my experience for many of my doctoral years is due in large part to my fellow New France traveller, Chris Parsons. I drew inspiration from his energy and enthusiasm for the subject and time period as well as his engagement with many other facets of life in Toronto. His friendship and encouragement have been invaluable.

I have been very fortunate in the support and encouragement I have received from various dedicated professors along the way. Jack Crowley of Dalhousie University initially opened my eyes to the possibilities of following people, ideas, and goods around the Atlantic Ocean during the seventeenth and eighteenth centuries. His enthusiasm, energy, and wide-ranging intellectual curiosity continue to be a source of inspiration for me. At the University of Toronto, Adrienne Hood has been variously a professor, supervisor, teaching colleague, mentor, and friend. Our discussions of early American history remain one of the highlights of my doctoral career. I am grateful for her professional guidance and her belief in me as both a scholar and teacher.

The members of my dissertation committee have been extremely complementary, each bringing a particular expertise and style to the dissertation, thereby enriching the whole. It was Ken Mills’ graduate seminar on Latin America that originally got me thinking deeply about the meaning of empire, both its intellectual foundations and how it worked on the ground. His continued faith in the quality of my work, even as I plodded along, was encouraging. Paul Cohen’s timely arrival at the University of Toronto in the second half of my first year stimulated and strengthened my engagement with early modern France. With his masterful command of the historiography and generous use of time, he patiently guided a novice through the labyrinthine and sometimes bewildering organization of the early modern French state and society. Allan Greer has been the best supervisor one could hope to have. He is unfailingly enthusiastic towards and engaged in his graduate students’ work. Allan’s conscientiousness in checking in, arranging meetings and phone calls even as he settled in to a new university in another province
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Note on Terms

I have retained French names of institutions and terms in two principal cases. The first is for cases in which there is no satisfactory English equivalent, such as *parlement*. The second is to convey to the reader a flavor of the culture and times of which I write. I follow the *Chicago Manual of Style*’s guidelines on italics usage for foreign words. For terms I use frequently, I italicize only the first case to avoid the interruption in the flow of the text that comes with heavy italics usage. For proper names, I leave them in roman style. For the same reason as above, I have left spelling in quotations as it appears in the original. Explanations for complex and frequently used terms can be found in the glossary of terms at the end of the dissertation.
Abbreviations

ADCM: Archives départementales de la Charente-Maritime
ADSM: Archives départementales de Seine Maritime
AN: Archives nationales
Arch. mun. de Saint-Malo: Archives municipales de Saint-Malo
BnF: Bibliothèque nationale de France
CHR: Canadian Historical Review
Coll. ms.: Collection de manuscrits, lettres etc relatifs à l’histoire de la Nouvelle France
DCB: Dictionary of Canadian Biography
Dépt. de ms.: Département de manuscrits

Docs. inédits: Relation originale du voyage de Jacques Cartier au Canada en 1534: documents inédits sur Jacques Cartier et le Canada
EO: Edits, ordonnances royaux, déclarations et arrêts du Conseil d’état du roi concernant le Canada
HNF: Histoire de la Nouvelle France, Marcel Trudel
JR: The Jesuit Relations and Allied Documents
LAC: Library and Archives Canada
MC: Minutier central

Mem. des comm.: Mémoires des commissaires de Sa Majesté Très-Chrétienne et de ceux de Sa Majesté britannique [sic]: sur les possessions & les droits respectifs des deux couronnes en Amerique: avec les actes publics & pièces justificatives
Nouv. docs.: Nouveaux documents sur Champlain et son époque
RHAF: Revue d’Histoire de l’Amérique française
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Introduction
From Commission to Settlement?

Nous vous donnons plein pouvoir d’y establir nostre auctorité, estendre et faire congoistre nostre nom si avant que faire se pourra, assubjectir, soubzmette et faire obeyr tous les peuples desdites terres et leurs circonvoisins, les appelantz par toutes voyes les plus douces qui se pourront faire à la congoissance de Dieu… maintenir et conserver lesditz peuples et tous autres habitantz esdits lieux en paix, repos et tranquilité, y commander, tant par mer que par terre, ordonner, decider et faire executer tout ce que jugerez se debvoir et pouvoir faire pour la manutention et conservation esdits lieux soubs nostre authorité et obessiance par les formes, voyes et moyens prescriptz par nos ordonnances….¹

With this commission for lieutenant-general of New France, the king formally bestowed certain powers and privileges on the prince de Condé in 1612. The delegation of power and privileges to private individuals or companies seemed like an easy, low-cost way for revenue-strapped, risk-averse European monarchs to extend their reputation and dominion overseas in the so-called “Age of Expansion.” In exchange for various regal powers – often including the right to declare war and enter treaties, to maintain a military force, and to administer justice – proprietors engaged in colonization, trade, and exploration, all of which intended to “y establir nostre auctorité” or secure sovereign claims to territory. The French granted the first such commissions for travel to North America in the early sixteenth century under François I. Beginning in 1534, Jacques Cartier, a mariner from the Atlantic port of Saint-Malo, received three successive commissions to explore, settle, and trade with the native inhabitants of what is now the Atlantic provinces and Quebec. In the last and most ambitious enterprise, Cartier, as captain general and master pilot, brought 150 colonists, seeds for planting, and livestock with him to settle along the St. Lawrence River; the expedition’s head, Jean-Francois de la Rocque de Roberval, brought another 200 settlers. Granted the title of lieutenant-general, Roberval exercised extensive powers to make laws, mete out justice, construct defenses, and distribute land. The enterprise received direct financial support from the Crown as well as exclusive rights to trade in furs with the native inhabitants of “esdits pays de Canada, Ochelaga, Seguenay et autres circonjacens.”² The fate of this expedition is well-known: native antagonism,

¹ Novv. docs., 234.
unfamiliarity with the harsh winter conditions, and illness resulted in the abandonment of the enterprise. After little activity beyond private fishing and trading ventures for the next half century, King Henri IV granted a series of successive commissions to individuals to inhabit and trade in New France and to convert the indigenous inhabitants to Christianity. Within this broad framework, there were considerable variations in the specific obligations, powers, and privileges of each titleholder.

Early attempts at settlement under Henri IV suffered from poor choice of site, lack of interest in colonization among titleholders, and unfamiliar conditions. In 1598, the Marquis Mesgouez Troilus de la Roche received the title of lieutenant-general over “les terres de Canada, Labrador, Ile de Sable, Norembegue, et pais adjacens,” with similar powers to Roberval, and exclusive privileges to the fur trade. Armed with this commission, he set out with around sixty prisoners, whom he left on Sable Island, an extremely exposed island off present-day Nova Scotia. When he returned to rescue them in 1603, only eleven remained. In the meantime, the king had granted a second commission to Pierre Chauvin, Sieur de Tonnetuit, the Huguenot captain of the garrison at Honfleur. Narrower in scope than La Roche’s, the commission accorded Chauvin exclusive trading privileges for ten years in exchange for transporting fifty settlers annually. That number of colonists accordingly accompanied him to the fur-rich area of the St. Lawrence River, where they wintered at Tadoussac in 1600. Unaccustomed to the bone-chilling cold, many men became ill or died, discouraging further settlement attempts. Chauvin and his trading partners continued to send out vessels for trade, from which they gained considerable profit. In light of La Roche’s and Chauvin’s miserable colonizing records, the latter’s successor, Aymar de Chaste, vice-admiral of the navy, organized an exploratory voyage along the Atlantic coast and up the St. Lawrence River in 1603 to find the best area for settlement. If de Chaste’s untimely death abruptly ended this particular venture, the knowledge gained from this exploration served later expeditions well.

The new lieutenant-general appointed in 1603 founded the first permanent French settlements in North America. Pierre du Gua, sieur de Monts received both regal powers and

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exclusive trading privileges in Acadia for ten years in return for sending out sixty settlers per year. De Monts and his trading associates established settlements on the Island of Sainte-Croix (1604) and Port Royal (1605), near present-day Annapolis Royal, before founding Quebec in 1608 under the command of his lieutenant, Samuel de Champlain. With this move to a more easily defensible site on the St. Lawrence, the French colonizing enterprise in North America split in two, with Jean de Biencourt, sieur de Poutrincourt, seigneur of Port Royal, overseeing trading, evangelizing, and colonizing activities in that region. At Quebec, Champlain concentrated on building a habitation and defenses as well as entering trading and military alliances with the neighboring Huron and Algonquin. The revocation of de Monts’ trading privileges in 1609 inaugurated a period of open trade in the St. Lawrence, during which the competition among traders and, consequently, the price of furs, increased. Despite royal hopes that settlement might grow with unrestricted traffic, traders continued to make annual voyages without investing in the costs of the Quebec habitation.

The year 1613 marked both the end of open trade and the beginning of a new configuration of authority and privileges in New France. De Monts and Champlain sought a protector at court in the person of the prince de Condé, who would, they hoped, use his close relationship to the king to thwart other traders’ opposition to their enterprise. Condé became lieutenant-general and viceroy of New France with exclusive trading privileges from Matane (located west of Gaspé) to Quebec and beyond. He delegated his administrative power to Champlain as lieutenant and his trading privileges to the Compagnie de Rouen et Saint Malo, a merchant-led association. This period saw a focus on the routine maintenance of the habitation at Quebec, trading activities, and participation in raiding expeditions against the Iroquois, enemies of the Huron and Algonquin. In 1615, the evangelizing component of the enterprise received a boost with the arrival of three Récollet fathers, a branch of the Franciscans, who established missions among France’s allies to convert them to Catholicism. When the prince de Condé sold his viceroyalty to the Admiral of France, Henri de Montmorency, in 1620, the new viceroy established the position of intendant of New France, who would preside over the colony’s affairs in France, alongside Champlain as lieutenant in the colony. This period saw the first seigneurial grants – including one to the head of the new trading company, Guillaume de Caen – the construction of fortifications, and the settlement of some native allies near Quebec. The arrival of the Jesuits in 1625 heralded greater focus on the evangelizing missions under a
new viceroy, Henri de Lévis, duc de Ventadour, the deeply devout lieutenant governor of Languedoc.

The growing number of parties in New France, each with their own (sometimes competing) interests fuelled conflicts over the direction of the colony’s development. Complaints heard by the Crown on this subject, combined with chief minister Cardinal Richelieu’s desire to consolidate maritime commercial and naval authority in France, led to changes in the governance structure in New France. In 1627, Cardinal Richelieu became personally involved, selecting a number of his clients to submit a proposal for a company on the model of the Dutch and English East India Companies. The result was the Compagnie de la Nouvelle France (CNF), which was granted administrative, judicial, commercial, and seigneurial authority throughout the St. Lawrence Valley and Acadia, thereby reuniting the two regions under one titleholder. This marked the first time that these colonies came under the direct control of a company. While the CNF enjoyed a thirty-year tenure, the longest of any enterprise in the history of New France, its first few years were extremely rocky. It lost not only its ships – and its entire capital – but also the Quebec and Port Royal habitations to the English from 1629 until 1632. This early misfortune influenced the company’s approach to its considerable colonizing and administrative obligations. It delegated some of these responsibilities to individuals and groups, especially religious orders. Ursulines, Jesuits, Hospitallers, and devout lay congregations played important roles in founding new habitations like Montreal and in building social infrastructure, ranging from schools for native children to hospitals. The colony’s judicial and governmental machinery also developed under successive governors, with the establishment of a court system throughout the St. Lawrence Valley and a council at Quebec with oversight of the fur trade and colonial administration at mid-century. By 1663, the population of New France had grown considerably, counting some 3,000 in the St. Lawrence Valley and 500 in Acadia and Newfoundland. For all that, daily life remained precarious for the colony’s inhabitants, not least because of an escalation in fighting with the Iroquois, particularly after the latter’s defeat of the Huron in 1649. The combination of the colony’s unsettled situation and royal maritime objectives prompted the king to request the restitution of New France to his domain. In 1663, the CNF ceded its powers and prerogatives to the Crown, inaugurating a new era in the relationship between private enterprise and royal interest in New France.
The historiography of New France reveals a consensus on the broad outlines of the colony’s evolution over the first half-century of its existence. Much attention has been given to the growth of settlement (or lack thereof) during the period. Historians have tended to view this development through a national framework, as the beginnings of today’s nations of Canada or Quebec. Recent biographies have variously declared Samuel de Champlain and Pierre Du Gua, Sieur de Monts to be the “father of French Canada” and the “founder of Quebec.” This national teleology exists alongside an intellectual insularity, by which studies are confined to events in New France without much comparison to other colonies or empires, to the metropole, or to international literature on empire, sovereignty, and state building. Scholars like H.P. Biggar and Gustave Lanctôt situate their work exclusively within the historical and historiographical contexts of New France. Although Biggar blames the Crown for the stop-and-start nature of early colonizing enterprises, he does so without bothering to examine the underlying structures of authority that may have contributed. Marcel Trudel’s occasional consideration of the political and economic situation in France and comparisons to Anglo-American colonies remain superficial. The latter, for example, are usually cited to show the feeble numbers in French North America. While David Hackett Fischer, Gervais Carpin, and John Bosher bring an Atlantic perspective to their work, no one engages deeply with literature on the French state or theories of state and state formation more broadly. The historiography remains, then, largely inward-looking and empirical in approach.

The conventional narrative of the development of New France is one in which European sovereignty in North America is assumed, with little examination of its construction or extent. To Lanctôt and others, the building of habitations and the establishment of the machinery of

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8 Trudel, HNF, vol. 1-3. For a comparison of colonization figures, see 2: 406-12, 437-8, 3: 369.
justice and government were natural and uncomplicated, just part of the supposedly linear process of colonization. From this perspective, the growth in settlement and infrastructure under Cardinal Richelieu from 1627 and the advent of new administrative positions under the Crown in 1663 were evidence of France having finally gotten colonization “right.” Greedy merchants interested primarily in profit thwarted the providential mission of the French in North America championed by the likes of Champlain and de Monts. Difficulties encountered along the way, such as the frequent loss of revenue from the fur trade to interlopers, are to historians like Trudel evidence of a weakness on the part of the French, rather than simply a reflection of the logistics of the time. Such obstacles, however, confronted the overseas colonizing and trading enterprises of all empires in the seventeenth century.

Just as New France historians present the establishment of sovereignty in French North America as unproblematic, so they make naïve use of such terms as “empire,” “colony,” “monopoly,” and “company,” giving the impression that these are fixed and clear concepts. Recent studies employ nineteenth-century understandings of empire – overseas polities with complex and relatively coherent administrative, military, judicial and economic infrastructures – to conclude that France did not have an empire in the early modern period. These anachronistic judgments apply nineteenth-century criteria to seventeenth and eighteenth-century phenomena. “Empire” meant something different in the early modern period. Similarly, historians such as Trudel assume that colonies had a particular profile, and thus that their success or failure can be judged based on the number of inhabitants. Yet a trading post had different requirements than an agricultural settlement or a fishing station, and none was immune to setbacks and contingencies. Historians also routinely employ the term “monopoly” to describe the trading privileges accorded companies and individuals in New France without closely examining this seemingly black-and-white concept. Fischer, for example, describes de Monts’ monopoly as a failure, citing trading by associates on their private accounts. But most

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monopolies of the period saw investors make a profit at the expense of the company as a whole. Finally, the historiography charts the evolution in New France companies over time without regard to their legal and organizational arrangements or their relations to the Crown. Fischer, for one, lumps together all companies in declaring them “arms of the state,” ignoring the great variety of forms of association active in New France at the time. Others suggest that France “incorrectly” applied Dutch and English models. New France historians’ usage of these unexamined concepts reinforces the impression that the colonization and development of the colony should have proceeded in a linear fashion.

New France historiography needs to open up to broader scholarly developments, which promise to enrich our understanding of the period. Among the relevant literature is the historiography on sovereignty and early modern state building. A number of scholars of the state, including Michael Braddick and James J. Sheehan, have challenged earlier interpretations that portrayed the development of the state as a unidirectional imposition from the center. Instead, they emphasize the contingency, flexibility, and contestation that characterized this process. I follow those who have moved beyond a narrow institutional framework to include the entire “network of agents exercising political power,” from the lowest officeholder to the king himself. This conception, which encompasses both locality and center, avoids the tendency to reify the state and see it as an autonomous being that exercises power over a more or less passive society. There is a strong tendency to equate state formation with the creation of bureaucratic forms of government; however, as historians of ancien régime France like William Beik point out, commanding the loyalty of notables through clientele networks, privileges, trade

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14 Fischer, *Champlain’s Dream*, 233, 604.
monopolies, tax farms, and offices was a crucial feature of the growing reach of the state. This understanding of state formation foregrounds its chief characteristic: it came about as a result of the actions of many parties rather than a “central will.” As such, its evolution was not linear but subject to challenges, setbacks, contingencies, and accommodations.

A related but separate literature examines the absolutist character of the early modern French state. The general trajectory of this historiography echoes that of state formation: from an emphasis on the imposition of absolute monarchy, it has moved to a focus on the limits of absolutism via greater attention to the participation of and negotiation with subjects. Most recently some have called for a reading that lies somewhere between these two extremes. Over the last twenty-five years or so, scholars of absolutism have challenged the narrative of a coherent program of administrative reform under the likes of chief ministers Richelieu, Mazarin, and Colbert. Instead of the development of an extensive bureaucracy undergirded by an absolutist ideology, such scholars locate the impetus for increasing governmental reach during the seventeenth century in subjects’ own initiatives and the means in existing institutions and practices. For David Parrott and Guy Rowlands, historians of the French army, the challenge of recruiting and financing a larger army was met through patronage and by widening existing clientele networks. William Beik, who coined the term “limited absolutism,” argues that Louis XIV forged mutually beneficial relationships with provincial elites and worked within provincial institutions to exercise power. A number of studies have focused on the Crown’s evolving role in the legal system. David Parker attributes the king’s growing role as arbiter to subjects’ “struggle for control of material resources” and their increasing recourse to the courts, rather

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than to any royal desire to centralize judicial authority.²⁴ Confirming this latter point, Zoë A. Schneider and Séverine Debordes-Lissillour have recently highlighted the Crown’s reliance on local and provincial justices to adjudicate claims, leaving them free to draw on local customs, Roman law, and equity as well as royal statutes. Both authors touch on the paradox contained in absolutism’s interactions with social and political realities: the delegation of authority to a multitude of jurisdictions, in this case to local royal justices, and the awarding of privileges allowed the king to exercise authority throughout the kingdom and command loyalty, but also greatly attenuated the absolute power he claimed.²⁵ This paradox is at the heart of Fanny Cosandey and Robert Descimon’s study of the historical and historiographical foundations of absolutism. Along with other scholars like John Hurt, they question the assertion that absolutism as both theory and practice did not exist. Theirs is a nuanced interpretation, in which absolutism was tempered by its interactions with “la force des choses” or society:

Le pouvoir du roi apparaissait donc limité par les rapports sociaux dominants qu’il ne pouvait renverser: le roi était soumis au jeu des clientèles, même s’il pouvait détruire celles qui ne lui plaisaient pas, soumis aux services des financiers, même s’il pouvait jouer d’un clan contre un autre…Mais l’état de la société pouvait-il donc vraiment empêcher le souverain français d’être absolu en contexte? Rien n’est moins evident.²⁶

If absolute authority was not a simple matter of imposition, the power the king wielded was nevertheless very real.

Scholars of empire see state formation and sovereignty in the colonial realm not as parallel but as interdependent processes.²⁷ This literature considers the activities of all parties, from the poorest subject to the sovereign and his representatives. Indeed, the “state” and its officials did not have a monopoly on either the extension of governmental institutions into

economic and social realms or the means to make claims to authority and jurisdiction. Elizabeth Mancke argues that the extension of sovereign authority overseas came about as the result of subjects’ commercial and colonizing activities and forced states to confront complex questions such as how far their control over (and protection of) subjects reached beyond the realm. Lauren Benton’s work explores the “disorderly combination of rituals” subjects performed and the variety of legal tools they used overseas to present themselves as official and unofficial representatives of the monarch. In this context, commissions were only one tool in a repertoire that included law, force, and personal authority. These approaches have blurred what was once thought to be a firm line between colony and metropole. As Frederick Cooper argues, France and its empire were a “single but differentiated entity.” Scholars have also adopted comparative methods of inquiry in order to better understand which elements of overseas expansion were European-wide and which resulted from specific circumstances. Patricia Seed considers the different ceremonies of possession observed by English, French, Spanish and Portuguese adventurers; Benton maps the development of an international legal regime transcending imperial boundaries; and Anthony Pagden traces the intellectual foundations of European empires. All of these works demonstrate that sovereignty, far from assumed, was actively constructed overseas. Complex and uncertain, it was not uniform across an empire but “shared out, layered, overlapping.” This literature’s reconceptualization of the relationship between overseas and metropolitan spaces and between monarchs’ sovereign authority and subjects’ actions has revealed empires to have been “a fabric that was full of holes, stitched together out of pieces, a tangle of strings.”

Given the burgeoning fields of state building and empire formation, it was perhaps only a matter of time before scholars like myself began to turn their attention to individual proprietors and commercial and colonizing companies to investigate their roles in the construction of

sovereignty overseas. This developing area moves away from traditional preoccupations with the success or failure of companies to consider the forms of power wielded by such organizations. Miles Ogborn, for one, compares two similar occupations, one in the English government and one in the East India Company (EIC), to examine state “modes of legitimation” and their use by “quasi-state” organizations like the overseas company. He argues that differences in power lay in the “ways in which what are often common practices…are bundled together, legitimated in particular ways…and organised territorially.” Although the EIC resembled a state in its trading posts, it had to submit to another’s sovereignty beyond them; the English government, by contrast, “operates on the basis of a territorial monopoly, and on the basis of a notion of uniform and homogenous administration of that monopoly across space.” Other scholars consider the relationship between delegated authority and the growth of state involvement overseas. L.H. Roper and B. van Ruymbeke question whether company or individual proprietors, upon whom “imperial development” depended, served the objectives of the monarch, given that their own interests may have been quite distinct from a king’s or minister’s intentions. Elizabeth Mancke challenges the tendency to treat companies in the British Atlantic World as part of only the initial phase of colonial expansion, arguing that they were in fact central to the “long political process of imperial evolution.” Companies, first established due to lack of royal interest in, or ability to undertake, such costly and risky ventures, later got government more directly involved in overseas territories. These works reconsider companies and proprietorships as vehicles for the projection of state power overseas. Another body of work that focuses more narrowly on the history of specific companies underscores the variety of and experimentation with company forms over the period. The tendency for studies to consider only the Compagnies des Indes orientales and occidentales established under Colbert in


the 1660s has given a misleading and narrow picture of French enterprises. As the essay collection *Companies and Trade* demonstrates, there was no single model for success. Historians like N. Steensgaard and G.V. Scammell observe that Asian and Atlantic companies varied widely in their success rates, suggesting that the particular environment in which such enterprises operated mattered more than the form of government, economic structure, and commercial regulation of the home country. The Dutch West India Company, for example, had more similarities to its counterparts in England and France than to its Asian cousin.

Considering the same distinction, K.G. Davies argues that the combination of commercial and settlement interests typical of Atlantic but not Pacific enterprises lay “beyond the capacity of any seventeenth-century company.” The durability and flexibility of the company form as a means of overseas expansion gives it a central role in the story of empire building in the seventeenth century.

This dissertation takes as its subject the exercise of authority in New France through proprietorships and companies to get to the political, legal, and ideological heart of French empire building. By considering the ways in which parties asserted, defended, and challenged authority, I take apart the unexamined concepts of “colony,” “empire,” “monopoly” and “company” discussed above. All were unfixed and slippery concepts in the early modern French Atlantic. To begin with, the separation between colony and metropole was far from clear. While customs officials sometimes considered furs from New France to be comparable to goods coming from a foreign country, those with a stake in the colony viewed their overseas activities in the same light as their metropolitan ones, as part of political and patrimonial calculations. Recent works on empire have observed that such terms as “informal empire” or “empire lite” imply that there exists an archetypal or “normal” form. But “we can better understand the innovations and limits of European maritime empire-building by looking at political and

economic actions as they developed in their own time.” My research demonstrates that French sovereignty in North America assumed various configurations in response to changing circumstances, including transatlantic political and economic situations, physical conditions in New France, and personal and political ambitions on both sides of the Atlantic. These forms ranged from the incorporation of New France into the Admiralty of France, an existing structure of authority, to the creation of a colonial council with a mixture of settler, ecclesiastical, and royal representatives. Not only do I challenge the entrenched belief among New France historians that there was only one “correct” form of empire, but I also bring the French empire into an international discussion that has until now focused mainly on Spanish, British, and Portuguese examples. The layers of sovereignty and authority and the varying degrees of direct and delegated rule in early seventeenth-century New France illuminate yet another variation in imperial forms.

Just like colony and empire, monopoly and company were loose and malleable concepts. The monopoly on the fur trade in New France accorded individual titleholders and trading companies or those with their permission exclusive access to the resource. Yet close examination of the logistics of the time and the organization of associations shows that the lines between inclusion and exclusion were by no means clear or uncomplicated. Indeed, the enterprise relied on numerous outside shipowners, captains, outfitters, and lenders for each season’s voyage, and those who joined in association to exercise collectively such privileges also traded on their own private accounts. Given the permeability of supposedly exclusive trading privileges, the “company” itself was a notional entity. The term “company” or “corporation” brings to mind today multiple levels of management, accountability to shareholders, and limited liability. No such organization existed in the seventeenth century. Instead, “company” applied to a range of associations, from the small partnership of the Compagnie de Monts to the over one-hundred-strong Compagnie de la Nouvelle France. There was no consensus as to what constituted a “compagnie” at this time.

The century did see new forms of association, most notably the compagnie de commerce or chartered company, of which the Compagnie de la Nouvelle France was an early French example. With England and Holland in the forefront, European countries experimented with this

new legal and commercial entity. The chartered company introduced two key innovations, pooled capital and incorporation. An incorporated company was one with its own legal personality independent of its individual members, which meant it could sue and be sued. The company’s independent status was visible in the division of capital into transferable shares, which meant that associates could come and go, and in the limited liability to be enjoyed by subscribers, who would be responsible only for their share. Such companies received a charter from the monarch granting them certain privileges and delegating varying degrees of political, judicial and military power, in a manner not dissimilar to concessions accorded individuals in a commission. While they had roots in earlier types of association, chartered companies proved particularly suited to the contemporary high-cost, high-risk enterprises of European overseas expansion. They collected large amounts of capital, spread the risks among associates, and made possible considerable investments in defenses and other infrastructure. These companies were highly experimental, covering a range of activities and operating on a variety of scales. Such experimentation points to the great degree of uncertainty associated with such concepts as incorporation, permanent capital, and limited liability. This dissertation, then, underscores the ambiguity and complexity of these various concepts, and illuminates the range of configurations they encompassed.

The process of empire building in early French North America was highly contingent and contested. Struggles among rival titleholders, between competing companies, and with outside traders, rather than getting in the way of some noble enterprise, were an integral part of the process itself. This study demonstrates that empire building was a messy, ramshackle enterprise, subject to logistical difficulties, power and patrimonial calculations in France, and competing claims among French titleholders and international rivals alike. Close examination of the earliest period of French settlement in North America reveals that, far from linear, sovereignty and authority were constantly asserted, challenged and reconfigured during the first half of the seventeenth century.

Sovereignty construction in New France was intimately connected to state formation in France. My work calls for historians of French America and early modern France alike to take

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into account contemporary developments on the other side of the Atlantic to understand empire and state building in this period. The contingency and contestation of both processes resulted in layers of authority, privileges, and liability across the French Atlantic World. One area in which the two processes converged was maritime affairs. Throughout the seventeenth century, the sea was a strategically important and contested space, fuelling personal and institutional rivalries within France. Through the consolidation of the personal and administrative authority of the admiral and then the grand maître, chef et surintendant de la navigation et du commerce de France, the Crown gradually extended its reach over maritime jurisdictions. Not confined to the coasts of France, this development crossed the Atlantic to the shores and territory of New France. Successive admirals, for example, brought the overseas polity into the institution of the admiralty through the appointment of vice-admirals of New France and the purchase of the position of lieutenant-general and viceroy of the colony. The incorporation of New France into the story of the consolidation of maritime authority in France illuminates the effects of overseas expansion on the process of state formation. The extension of royal authority to include the movement of subjects and goods on the sea shows the interdependence of sovereignty at home and empire building overseas.

Heeding Ann Laura Stoler and Carole McGranahan’s call that “France as much as its empire…needs to be rethought,” this dissertation analyzes the exercise of authority on both sides of the Atlantic. My work explores the ways in which titleholders saw overseas endeavors as one part of their activities in France. This perspective illuminates the connections to metropolitan economic and political situations, discussions of political economy, and power considerations as well as the particular structures of authority that lay behind French methods of projecting power overseas. If the construction of sovereignty is a rather abstract concept, its concrete manifestation lay not only in contests on the ground in New France, but also in lengthy and contentious disputes in French courts of justice. Here, the establishment of French claims to North America often came down to narrow contests over rights and personal power among competing companies, viceroys, and outside traders. Parties’ canny negotiation of the labyrinthine world of judicial procedure and jurisdictions and their mobilization of influential bodies, ranging from communautés de ville to provincial parlements, sheds light on the

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fragmented and multijurisdictional nature of authority in early modern France. Rival and overlapping jurisdictions were happy to pronounce upon a case if it privileged their power over another’s or extended their authority. Independent-minded provinces, such as Brittany on the kingdom’s northwest periphery, which viewed delegations of exclusive privileges to New France as a threat to their own long-standing privileges, exploited periods of weak royal authority to reassert their jurisdictional power. In the story of the construction of sovereignty in New France, then, we see that legal and political authority in France was as much at stake as power and privileges overseas.

Although French subjects approached their metropolitan and overseas activities in the same light, as part of patrimonial and political calculations, New France was not simply an extension of Old France. The very distance from the metropole, for example, led to differences of degree in the exercise of authority in New France as compared to Old France. There was greater delegation of authority, which attenuated the Crown’s control. Distance as well as the disjunction between imagined constructions of New France in Paris and realities of conditions on the ground also made it more difficult to sort out conflicts over jurisdiction. If the delegation of authority on either side of the Atlantic differed in degree, forms of government were differences of kind. Although it was linked to more customary forms of authority, the company form in all its permutations shaped the political, social, and economic foundations of the colony, exercising an influence it did not wield in France. The combination of familiar metropolitan institutions, international experimentation with new forms of association, the logic of the fur trade, and previous experiences in New France produced new forms of government such as the Compagnie de la Nouvelle France in 1627 and the Communauté des Habitants in 1645. In connecting sovereignty construction in New France to transatlantic and international developments, I invite readers to reconsider the relationship between Old and New France. The colony was neither a copy of the old nor did it emerge organically, independent of political, institutional and economic developments in France and Europe. Rather, it was a product of the complex interaction between old and new practices and structures of authority.

The story of early commercial and colonizing enterprises in New France belongs to the larger one of the emergence of the company form on an international scale. Situating New France in the context of international experimentation with large incorporated companies with considerable amounts of capital reshapes our understanding of the colony’s early history. For
example, it challenges the tendency to herald Cardinal Richelieu as the savior of New France and the establishment of the Compagnie de la Nouvelle France as a rupture with previous enterprises in the colony. In fact, earlier viceroys like Admiral Montmorency also incorporated elements of the widely reputed English and Dutch East India Companies into companies of New France. On a broader level, this approach underscores the complexity of relations between private enterprise and European governments in the early modern period. The historiography on the Compagnie de la Nouvelle France usually condemns the high number of royal officials and financiers in the membership, as compared to the merchant-dominated Dutch and English companies. However, my research demonstrates that the particular configuration of the CNF combined models of the new incorporated company and traditional methods of financing royal projects. In other words, there was not one type of incorporated company but many variations within the same general framework. A series of lawsuits around the collective and individual liability of the CNF’s membership furthers our understanding of the interaction between the new incorporated company and existing methods of exercising legal and political power. The logic of the joint-stock company – with limited liability, a board of directors with control over the company’s business, and permanent capital – encountered other “logics,” ranging from the exercise of sovereign authority, by which titleholders continued in their positions only at the king’s pleasure, to solidary liability, by which creditors and justices considered all members of an association liable for all debts incurred in its name. The story of New France enterprises thus provides a lens through which we see the blending of old and new forms of association and the layers of liability that characterized early chartered companies in the face of legal, political, and social realities.

This study’s focus on transatlantic imperial linkages means that considerable dimensions of the story of sovereignty construction remain outside its scope. It does not, for example, look closely at the economic, social, and religious developments on the ground in New France. Other scholars, notably Louise Dechêne, Allan Greer, and Dominique Deslandres, have produced valuable work in these areas and new studies continue to emerge. Nor does it directly examine

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43 See n. 15 above.
44 Louise Dechêne, Habitant et marchands de Montréal au XVIIe Siècle (Paris: Les Editions Plons, 1974); Allan Greer, Mohawk Saint: Catherine Tekakwitha and the Jesuits (New York: Oxford University Press, 2005); Dominique Deslandres, Croire et faire croire: Les missions françaises au XVIIe siècle (Paris: Fayard, 2002). For an example of a recent study, see Timothy G. Pearson, “‘I Willingly Speak to You About Her Virtues’: Catherine de
native peoples in relation to imperial claims of sovereignty. This is a topic of central importance to any full consideration of the construction of European sovereignty in North America. It has been the subject of excellent studies by such historians as Peter Cook and John Reid. The role of native peoples and, in particular, their own understandings of sovereignty deserve more attention from specialists. While not claiming to tell the whole story then, this dissertation examines an important and consistently misunderstood aspect of the early history of New France, for a substantial part of the story of the construction of sovereignty overseas concerned France’s laws, institutions, politics, and political economy, and its subjects’ patrimonial and power calculations.

My research involves analyzing sources not normally used for the study of New France. These sources include French mémoires on navigation and commerce, contemporary works on political economy and sovereignty by the likes of Antoine de Montchrétien, Cardinal Richelieu’s personal papers, proposals for other companies in France during the period, and charters of English plantation companies in Anglo-America. This diverse collection makes it possible to open up the study of New France to broader developments, ranging from the political, economic, and intellectual currents of contemporary France to experimentations with the incorporated company elsewhere in French America and in other empires. I combine the examination of these new sources with a closer look at more familiar ones, such as royal charters and commissions, notarial acts, travel accounts, mémoires, and judicial records. In particular, I conduct a detailed analysis of the lengthy and convoluted legal disputes over such matters as company compensation, trading privileges, and the respective jurisdictions of titleholders. Dismissed by previous scholarship as petty squabbles of no significance, this litigation has turned out to be an integral part of the historical construction of authority and sovereignty. These lawsuits show that disputes that began in New France were not confined there but were carried to France, where


46 For the perspective that they were petty quarrels among greedy merchants, see Biggar, *The Early Trading Companies of New France*. For the argument that they disrupted the supposedly linear process of colonization, see Trudel, *HNF*, vol. 2. For their omission from discussion altogether, see Fischer, *Champlain’s Dream*, chap. 17, esp. 377-8. Fischer discusses the crisis of authority of 1621 in New France without reference to the acrimonious lawsuit among the two companies trading to New France and the viceroy Montmorency. This dispute is discussed below in chap. 3.
courts of justice became another forum in which the highly contested struggle to shape French imperial expansion played out. In the absence of extant accounts by most of the key parties involved, these lawsuits reveal how parties presented their positions, the underlying structures of authority on which their actions and justifications rested, and the connections between metropolitan and colonial affairs. They provide a valuable corrective to the impression given by commissions – and perpetuated by subsequent historians – of an orderly establishment of law and authority in New France. Indeed, the litigation demonstrates just how much conflict and uncertainty surrounded colonial institutions and privileges in the early French Atlantic.

In studying the actions and rhetoric of various parties involved in the New France enterprise and the subsequent lawsuits in France, I draw on Lauren Benton’s idea of “legal posturing,” by which individuals consciously “reenacted legal rituals as they remembered them and imperfectly reconstructed legal practices and arguments.” I analyze both the language used on the ground as relayed through accounts and the strategies of parties in court. I also adopt Michael Braddick’s “transactional view of the relationship between state, community, locality and centre”; in other words, the state’s functioning depended on accommodation with a variety of groups “on the ground.”

How did various interest groups directly and indirectly associated with the New France enterprise, ranging from outside traders to company associates, from missionaries to viceroys, and from royal officials to parlementaires, appropriate and shape royal interests and objectives? How did interactions among these (sometimes) competing groups affect the evolution of authority and sovereignty in the colony? While seeing all actions as motivated by self-interest can sometimes seem reductionist, the identification of the goals and objectives of the players involved in New France can illuminate when and why interests converged or diverged among parties and the effects on the construction of sovereignty in North America.

This dissertation examines successive constellations of authority, trading privileges, and liability in New France over the first half of the seventeenth century. My first chapter, “Sans approubation de la deffence’: The Struggle over Trading Privileges in New France, 1598-1612,” challenges historiographical assumptions about monopolies and trading privileges. It traces the first French settlement attempts in North America under Henri IV, focusing on the proprietorship

48 Braddick, “State formation and social change in early modern England: a problem stated and approaches suggested,” 10, 6 (quotations in order of appearance); also 7.
of Pierre du Gua, Sieur de Monts, and the company of his name. This enterprise marked the first time that the king granted exclusive trading privileges in return for colonizing obligations. The premature revocation of de Monts’ privileges in 1609 sheds light on the role of privileges in the exercise of authority in France. The king granted privileges to a variety of constituencies, ranging from provinces to ecclesiastical communities, in return for loyalty and service. Exclusive privileges, which undermined this method of building and maintaining support, were extremely slippery and contingent. If the structure of authority in France complicated the notion of exclusive trading privileges, so too did the organization of the Compagnie de Monts. Not only did the enterprise involve outfitters and captains who were given permission to trade or a portion of the returns but also associates traded clandestinely on their private account. Trading privileges were, then, highly permeable and yet integral to the enterprise.

Although rarely noted because of the tendency to study Acadia and the St. Lawrence Valley separately, the decade of the 1610s saw the highest number of claimants in the history of New France. In my second chapter, “‘Y deffendre de tout leur pouvoir’: Competing Lines of Authority in New France, 1612-1620,” I consider the jockeying for authority and privileges that played out on a variety of levels: between the viceroy’s lieutenant and the privileged company, between competing viceroys, and between company associates and would-be associates, to name a few. These disputes illuminate as much about the struggle for authority in France as they do about the same in New France. A Crown weakened by regency rule encouraged parties on both sides of the Atlantic to enhance their own positions. Charles de Biencourt, the vice-admiral of New France, for example, extracted a duty from traders in Acadia beyond the limits of his commission. As much as assertions on the ground, the French justice system became a forum for testing the limits of, and defending, one’s prerogatives. Parties’ exploitation of jurisdictional rivalries within the justice system and their mobilization of powerful provincial bodies demonstrate that legal and political authority in France was in contention along with power in New France.

Chapter three, “‘Mettre l’ordre où règne le désordre’: Sovereignty at Stake in New France, 1620-1627,” explores the variety of instruments parties wielded in asserting their claims and challenging those of others. The struggle over authority in New France took on added urgency in the 1620s as competing parties suggested that the king’s sovereignty itself was at stake. Juxtaposing law and order with their rivals’ alleged force and disorder, they positioned
themselves as the only legitimate representatives of royal interests. Two new groups, Récollet and Jesuit missionaries, introduced a new dynamic. With strong connections at court and a new viceroy with strong ties to the Catholic dévot movement, the Jesuits and Récollets played a role in making the evangelizing missions central to the colonial enterprise. Their transatlantic influence encouraged parties to fashion their claims around religious and sovereign interests and (Catholic) subjecthood. Through lobbying and maneuverings at court and in the courts by all parties, sovereignty in New France was constantly constructed, contested, and reasserted in this period.

While the period after 1627 and the establishment of the Compagnie de la Nouvelle France has received much more attention from historians than the previous three decades, the complex transatlantic origins of that company have been frequently passed over. Yet, as chapter four, “‘Faire de grandes compagnies’: the establishment of the Compagnie de la Nouvelle France in Richelieu’s Age of Companies,” argues, the company was part of larger international and domestic struggles over control of the sea, struggles in which overseas colonies like New France played an important role. Maritime control meant control over (lucrative) trade routes and the movement of subjects, both of which fuelled personal and institutional rivalries. Through his consolidation of his authority as admiral, Montmorency had built up a powerful base of support, which came to conflict with both the Crown’s interests and his rival Cardinal Richelieu’s personal ambitions. The extension of Richelieu’s maritime authority to the kingdom’s peripheries stretched overseas to New France with the creation of the CNF. The company’s establishment occurred alongside experimentations with incorporated companies in France itself and throughout Europe. The embrace of this new form was subject to political considerations at home and the particular circumstances in a given territory. Contingency, flexibility, and contestation were hallmarks of the consolidation of maritime authority at home and in the colonial realm.

Over the course of its roughly thirty-year tenure, the Compagnie de la Nouvelle France took on various guises as an incorporated company, seigneur, semi-sovereign, and holding company. Chapter five, “‘À l’exécution desdits arrêts et règlements du Conseil’: Layers of Sovereignty and Liability in New France, 1627-1663 Part I,” argues that the legal parameters of the CNF, in the prosecution of both its sovereign responsibilities and company business, were flexible, ambiguous, and contingent. As seigneur, the CNF had full power to grant concessions;
as semi-sovereign, its nominations for lieutenants-general throughout its domain required the king’s ratification. This arrangement created a patchwork of legal, political, and personal relationships among subsidiary titleholders, the CNF, Richelieu, and the king. At the same time, two lengthy legal proceedings raised questions about the liability of the company, both collectively and individually, within and without. The first, over compensation to the CNF’s predecessor company, reveals the changing terms of any undertaking with the Crown. The second suit, concerning the liquidation of the company’s debts, revealed a tension between the company’s corporate character and the principle of responsabilité solidaire or solidary liability favored by both justices and creditors. This experiment with an incorporated company, then, created layers of liability, sovereignty, and privileges across the French Atlantic.

The final chapter, part two of the investigation begun in the previous one, considers the fluctuations in the CNF’s fortunes over the last twenty years of its mandate. I argue that such changes underscore the connections between the construction of sovereignty in the colonial realm and metropolitan struggles for control – within the justice system, over maritime interests, and among personal rivals. The company found itself thrust into the background in the 1640s due to changes in the constellation of authority on both sides of the Atlantic. Under pressure from a new Queen Regent and ecclesiastics, the CNF delegated its trading privileges to the newly-formed Communauté des Habitants in exchange for administrative and financial responsibility for the enterprise and annual seigneurial dues. Still the de jure titleholder and seigneur in New France, the company became marginalized in the colony, as other groups strengthened their positions within the colony’s government. The close relationship between the assertion of claims and connections at court is reinforced by the usurpation of the company’s authority in Acadia in the same decade. These events highlight the preference of new monarchs, ministers, and other officeholders to grant authority and privileges to a new organization or individual, rather than keep the same personnel as their predecessor. The Compagnie de la Nouvelle France’s shifting position over the course of its tenure becomes a window through which we see the contingency of authority on both sides of the Atlantic.

This dissertation, then, resituates the story of the construction of sovereignty in New France over the first half of the seventeenth century in the context of metropolitan struggles over maritime authority, political and patrimonial calculations, and understandings of political economy, and of international experimentations with the incorporated company. In so doing, it
argues that empire building and state formation were intimately connected and mutually influential processes. Both were subject to contingency and contestation, which created a patchwork of sovereignty, authority, and legal responsibility across the seventeenth-century French Atlantic.
Chapter One
‘Sans approbation de la deffence’: The Struggle over Trading Privileges in New France, 1598-1612

Il faut ne permettre qu’on revoque ce qui aura été une fois accordé, comme on a fait ci-devant à la ruine d’une si belle entreprise…¹

This counsel to Louis XIII in the opening dedication of Marc Lescarbot’s Histoire de la Nouvelle France recalls the premature loss of Pierre du Gua, Sieur de Monts’ trading privileges in Acadia and the St. Lawrence Valley in 1609. While much has been made of the misfortunes of this specific enterprise, the quotation points more significantly to the uncertainty and instability of the very concept of privileges in early seventeenth-century France. The first enterprise that resulted in sustained settlement showed that exclusive trading privileges were counter to the Crown’s methods of exercising power. The Crown’s dependence on a variety of constituencies and the fragmented nature of its authority throughout the kingdom revealed “France” to be a multiple entity, with few guarantees that any one set of privileges would be recognized by all jurisdictions. This uncertainty around privileges extended to the internal operations of companies themselves. Indeed, the organization of de Monts’ enterprise demonstrated just how permeable supposedly exclusive trading privileges were: associates traded on their own account; non-associates participated in the annual sailings. Activities in New France in the first decade of the seventeenth century show that privileges were highly contingent, contentious, and yet integral to the exercise of authority on both sides of the Atlantic.

I. Establishing Patterns in Overseas Commissions
i. Dynastic expansion and private enterprise

Throughout Europe, early exploratory and colonizing ventures overseas were undertaken by private enterprise, normally through commissions granted to companies and individuals. The level of risk, the scale of the enterprise, and the lack of available funds combined to dissuade governments from expanding their dominions directly. Governments instead relied on existing institutions, such as those used to govern peripheral provinces in a realm.² The practice of

delegating authority had long been established in France by the sixteenth century. Various corporate groups and individuals – from incorporated towns to seigneurs, from lieutenants-general and governors of provinces to admirals – were granted specific powers and privileges in return for loyalty, financial aid, and military support. Proprietorships were established in America on this model. A proprietor was an individual, often a nobleman, who obtained a commission from the king to assume governmental powers over a territory. These usually included the appointment of captains and officers of justice, the distribution of land, and responsibility for defence. By granting such extensive regal powers, the king aimed to have the proprietor and his men, through their exploratory, trading, and colonizing activities, extend his sovereign authority over as large an area as possible. The king’s aspirations partly account for the vast territory often conceded to a proprietor; in practice, effective French control was limited to a very circumscribed area.

In turning his attention to the extension of French dominion overseas, the new king, Henri IV, explicitly modeled himself on François I, who had overseen a golden age of overseas activity in the mid-sixteenth century. The latter had supported and, on occasion, contributed financially to a number of enterprises, including Jacques Cartier’s 1534, 1535, and 1541 voyages – the latter under the command of the Sieur de Roberval – and Villegagnon’s expedition to Brazil in 1546. “A l’imitation du feu Roy Francois I,” the goals of expansion under Henri IV included the spreading of Christianity and fulfilling the dynastic ambitions of the Crown, the two closely linked. The method for realizing these goals, however, differed under the two kings. François I contributed directly to Cartier’s 1534 voyage through royal subventions and permission to take ships and sailors into service, both of which have led one author to label this


3 While both corporate and individual grants to overseas territories can be considered forms of proprietorship, the term “proprietor” generally refers only to an individual. On proprietorships broadly defined, see Roper and van Ruymbeke, “Introduction,” 2-3, 7-9.

4 On Henri IV’s use of François I as a model, see Guy Binot, Pierre Dugua de Mons, Gentilhomme royannais, premier colonisateur de Canada (Vaux-sur-Mer: Bonne anse, 2004) 20, 48.

5 LAC (Ottawa), Extraits des diverses séries, “Edit du Roy contenant le pouvoir et commission donnés par Sa Majesté au Marquis de Cottermeal et de la Roche pour la conquête des terres de Canada, Labrador, Ile de Sable, Norembegue, et pais adjacens,” 12 January 1598. There is some debate as to whether Henri IV had a “Grand Design” for Europe by which Christian countries would enjoy harmonious relations among themselves, religious differences would be tolerated, and they would present a common approach to the rest of the world, as suggested in the memoirs of his finance minister, the Duc de Sully. Even if no such organic vision existed, Henri IV’s European diplomacy was characterized by caution, to ensure peace on the continent and stability in France. See Mark Greengrass, France in the Age of Henri IV: The struggle for stability, 2nd ed. (London: Longman, 1995) chap. 9.
expedition “une affaire d’Etat.” Henri IV, by contrast, offered moral and political support to private initiatives but no material aid. This fact has sparked a debate among historians as to how committed Henri IV was to overseas enterprise. There are those like Bernard Barbiche who see the king as the primary champion of New France; others argue that royal unwillingness to subsidize the enterprise is proof of tepid commitment; and many cite the notorious critical comments of Henri IV’s finance minister, Maximilien de Bethune, duc de Sully, against colonies “trop éloignés de nous et par conséquent disproportionnelles au naturel et à la cervelle des Français” to demonstrate a lack of interest within government. There is, to be sure, evidence that points to personal interest on the part of the king in overseas activities. Henri IV actively approved and even defended the commissions and privileges of his subjects before other European governments. In the context of New France, he promptly replaced the lieutenant-general upon the latter’s death or unsatisfactory performance and did, at times, uphold his lieutenant-general’s trading rights in the face of opposition. He also had a supporter on the royal council, Pierre Jeannin, premier président of the Parlement de Paris, who had expertise in conducting international negotiations. At the end of the day, however, Henri IV’s priority after the Wars of Religion was to restore order and stability to the kingdom and, internationally, reduce Spain’s standing. These concerns took his attention away from overseas activities. Moreover, the French treasury, like that of the English, could not sustain such an expensive and risky enterprise. Generally speaking, Henri IV’s colonizing interests were greater than those of his immediate predecessors and may have marked the beginning of a “politique coloniale.” There were, however, definite limits to that interest. Indeed, the initiative, resources, and money all came from individuals or associations; it was not until the tenures of Cardinal Richelieu and Jean-Baptiste Colbert as chief minister that the monarchy itself assumed responsibility for overseas enterprise.

ii. The Concept of trading privileges for colonization

While Henri IV ended the practice of his predecessors of awarding subsidies to overseas ventures, his self-fashioning in the image of Francois I and expansionist interests were evident in the regal powers granted to titleholders. By the late sixteenth century, the decades of religious struggle had seen France fall behind its rivals in establishing overseas possessions. With the establishment of peace, the country needed to solidify its claims in America. The first letters patent granted for New France under Henri IV used those received by the Sieur de Roberval in 1541 as a template. On 12 January 1598, Henri IV accorded the Marquis Mesgouez Troilus de la Roche the title of “lieutenant général esdits pays de Canadas…avec les memes pouvoirs, auctorité, prérogatives et prééminances qui estoient accordés audit feu sieur de Roberval.” The extensive powers granted to La Roche by Henri IV were often expressed in the same language as the 1541 commission. The lieutenant obtained authority to select captains, masters, and pilots, outfit vessels with provisions, men, and munitions, “aller, venir, passer et repasser esdits portz estrangers y dessendre et entrer en iceulx, les mettre en notre main, tant par voyes d’amytie ou amyables composition sy fazer se peult que par force darmes, main forte et toutes autres voyes dhostilite,” build forts and habitations, “faire loix, statuts, ordres politiques, icelles faire garder observer et entretenir, faire punir les delinquans,” and bestow fiefs and seigneuries upon suitable gentlemen in exchange for military support. As with governors and lieutenants-general of provinces in France, La Roche assumed full responsibility for the government of “les terres de Canada, Labrador, Ile de Sable, Norembegue, et pais adjacens.” The profits from the voyage, as in 1541, were to be divided three ways: one-third to La Roche for expenses, one-third to those who accompanied him on the voyage, and one-third to “oeuvres communes, fortifications du pays et fraiz de la guerre.” The reinvestment of the last third in the enterprise signals perhaps the aspirations of both kings to a sustained overseas presence. Most associations of the period


10 In Roberval’s commission, the last third was to go to the king, possibly to be invested in the Crown’s other overseas enterprises. See Thierry, *La France de Henri IV en Amérique du Nord*, 51; Biggar, *Documents relating to Jacques Cartier and the Sieur de Roberval*, 181-2.
were for one voyage only and thus assets were split among participants at season’s end. The concept of a multi-year enterprise with continuous capital was only in its infancy in the seventeenth century. The reference to a commission granted almost sixty years previously is not insignificant, as La Roche had been granted, at his request, two commissions under Henri III in 1577 and 1578, either of which could have served as a model. These previous commissions were less detailed than Roberval’s and more circumscribed in the range of powers granted, with judicial jurisdiction, in particular, noticeably absent. Nor did they include evangelization as one of the goals of the enterprise, the primary aim in both Roberval’s earlier and La Roche’s later patents. Where the latter was directed towards “l’augmentation de la saincte foy chrestienne,” the earlier La Roche commissions focused on conquest and commerce. The choice of commission to use for a model reinforced the scale of Henri IV’s ambitions and their simultaneous Christian and dynastic orientation.

At the same time as it borrowed from an earlier template, La Roche’s commission established a new precedent with regard to financing. The king permitted the lieutenant-general to associate with any interested French merchants or gentlemen; those who remained outside, however, were forbidden “d’y traffiquer sans le sceu et consentement de notredit lieutenant.” Where Roberval had received royal finances to increase the number of people he took with him, La Roche, receiving no direct support, was accorded exclusive trading privileges to meet the expenses of his undertaking. Although this later became a practice under Henri IV, it was not the first time such privileges were accorded. In January 1588, two nephews of Jacques Cartier, Jacques Noel and Etienne Chaton de la Jannaye, requested and received from Henri III exclusive privileges to the fur trade and mineral discoveries in “desdites terres de Canada, Coujugon et


13 Nouv. docs, 32. The term “conquest” continued to appear in commissions for lieutenant-general of New France throughout the first half of the seventeenth century.

autres adjacentes, inhabitées et non tenues et possédées d’autre rois et princes“ for twelve years in return for exploration and settlement. This commission was annulled, however, before any voyage took place, due to opposition from Saint-Malo and the Estates of Brittany. Noel and Jannaye retained the right to the exploitation of mines in any lands that they discovered in subsequent voyages, a principle that was resurrected by later proprietors, including de Monts; they did not, however, undertake further expeditions. La Roche, then, was the first to have such privileges granted and implemented. Although the lieutenant-general’s attempt to settle the dangerously exposed Sable Island, off the south coast of present-day Nova Scotia, was short-lived, the concept of exclusive trading privileges proved much longer-lasting, becoming part of subsequent commissions for more than half a century.

To further the royal objective of solidifying France’s claims in North America through settlement, exclusive trading privileges soon came with a condition attached. In return for the privilege, titleholders had to meet colonizing obligations. In 1599, Pierre Chauvin, Sieur de Tonnetuit, the Huguenot captain of the garrison at Honfleur, requested exclusive trading privileges in New France for ten years. In November of that year, Henri IV accorded him the commission of lieutenant and his request for privileges in exchange for transporting fifty settlers annually to New France. This commission marked the first time that these two elements were explicitly linked, and was henceforth standard practice. Behind this pairing lay the assumption that the profits from the fur trade would more than pay for the expense of bringing over a certain number of colonists year after year. It is worth noting that Chauvin’s power appears to have been more restricted than any commission before or since; no judicial or governmental authority devolved from the Crown. The commission was, instead, exclusively focused on trading privileges for colonization. The benefits of this arrangement for both Chauvin and the king were

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15 Part of the justification for according Noel and Jannaye exclusive trading privileges was that the king owed both for services and expenses from other occasions: to Noel, as heir to Jacques Cartier, he owed money; to Jannaye, he owed gages as well as recompense for the loss of three ships. See Appendix III, Champlain, Des Sauvages, 206-13; Thierry, La France de Henri IV en Amérique du Nord, 30; H.P. Biggar, The Early Trading Companies of New France, 1534-1632 (Michigan: Scholarly Press, [1901] 1972) 34-5.
16 When La Roche left sixty prisoners on the island over the winter in 1598 and did not arrange for their rescue until 1603, both the captain of the ship sent to rescue the survivors and the survivors themselves (eleven in number) launched suits against La Roche in an attempt to obtain compensation. No longer able to recruit prisoners after such a dismal experience, he abandoned the enterprise. See Bibliothèque Villon (Rouen), ms mm39, “Notes sur des voyages de navigateurs normands au Canada” for the beginnings of these suits. Trudel, HNF, 2: 3; Biggar, Early Trading Companies, 40-1.
17 This commission is no longer extant. On the date of its issue, see Jean Liebel, Pierre Dugua sieur de Mons fondateur de Québec (Paris: Le Croît vif, 1999) 64-5.
fairly straightforward, at least on paper. The lieutenant would gain wealth from the fur trade, while the king would expand his dominion and strengthen France’s claims to North America. That this was not how it worked out points to a larger reality in early modern France: neither wielded the power necessary in France or overseas to execute the commission in the face of competing interests and myriad authorities.\textsuperscript{18}

The Crown’s attempts to accommodate other interests before the commission was even executed exposed just how slippery the idea of exclusive trading privileges could be in practice. La Roche, whose title of lieutenant-general of Canada, Labrador, Sable Island, Norembega, and surrounding territories was still in effect though not in active use, protested to the king shortly after the granting of Chauvin’s commission. A typical case of protecting one’s own titles and privileges from encroachment by another, La Roche asked for his commission to be confirmed and for Chauvin’s to be reduced. The king accepted the latter’s protest in January 1600: Chauvin was subsequently referred to as “lieutenant pour le roy nostre sire, en l’absence du sieur marquis de la Roche au pays de Canadas,” and his trading area circumscribed to the St. Lawrence River.\textsuperscript{19} The two grants did not necessarily conflict for two reasons. First, it was difficult to establish even one habitation, let alone cover the territory in a commission. Second, Chauvin was interested in the St. Lawrence, whereas La Roche’s colony was on Sable Island and the latter did not have any immediate plans for a new expedition. Although Chauvin’s trading area did shrink, the protest, on balance, seems to have been more for show than for any practical result.

Where La Roche’s protest led to a smaller privileged trading area, subsequent petitions showed the exclusivity of the privileges themselves to be open to negotiation. Merchants of Rouen requested permission to join Chauvin’s enterprise; those of Saint-Malo wanted the privileges to be revoked altogether. Henri IV responded by suspending all traffic to New France above Gaspé and struck a commission, headed by Aymar de Chaste, a vice-admiral and governor of Dieppe, and the Sieur de la Cour, premier président of the Parlement de Normandie, to

\textsuperscript{18} Not to mention, of course, Chauvin’s own lack of enthusiasm for colonizing objectives. Although fifty settlers accompanied him on the first voyage in 1600 and landed at Tadoussac, they did not survive the winter well. There is no evidence that Chauvin sent out like numbers again. Meanwhile, he and his associates – among whom were François Gravé, Sieur du Pont, a veteran trader and later lieutenant of de Monts, and de Monts himself – benefited greatly from the traffic in furs. Biggar, \textit{Early Trading Companies}, 44-5. For a skeptical view of the existence of the Tadoussac settlement, see Le Blant, “Henri IV et le Canada,” 46.

investigate the trade. In accordance with its findings in early 1603, the king “a proposé d’y
admettre et recevoir pour plus prompt accomplissement [of Chauvin’s commission] des habitants
et bourgeois de ses villes de Rouen et de la vôtre de Saint-Malo,” allowing one vessel annually
from each port, in addition to Chauvin’s, to trade “conjointement ou séparement” in return for
transporting settlers. That year’s voyage thus saw three ships depart: one from Saint-Malo
captained by the Sieur de Coulombier, one from Rouen commanded by the Sieur de Prévert, and
Chauvin’s ship under François Gravé, Sieur du Pont’s command.20 While the privileges
continued to exclude most traders, opening them up in even a limited way signaled to others that
the king was not steadfast in their enforcement. More significantly, this incident underscores the
necessity of striking a balance for a king who relied on granting privileges to various
constituencies to retain their loyalty, as well as the incompatibility of exclusive rights to trade
with this approach to authority.

Apart from extending privileges to others, Chauvin’s enterprise helped to establish the
practice of several ports’ sharing in the exploitation (and development) of New France. By the
early seventeenth century, voyages combining rich fishing off the coasts of Acadia and
Newfoundland with fur trading were well established among Basques, Bretons, and Normans.
Rouen, Saint-Malo, and Honfleur were the three ports most engaged in this activity. Including
representatives from all three in Chauvin’s trading privileges lent legitimacy to the enterprise,
even if it did not stop the interloping, protests or rivalries among the ports. When Chauvin died
later in the winter of 1603, Henri IV appointed Vice-admiral de Chaste to oversee the coming
season’s voyage, the preparations for which were already underway.21 Some of those active
under Chauvin, such as Pierre du Gua, Sieur de Monts and Pont-Gravé of Honfleur, joined the
new company. Others who had protested, including Jean Sarcel of Saint-Malo, decided to enter
rather than oppose this time around. The same trio of ports was therefore involved.22 De

20 Appendix V, Champlain, Des Sauvages, 218-25, quotation 222; Biggar, Early Trading Companies, 44-6; Liebel,
Pierre Dugua, sieur de Monts, 72-4.
21 Chauvin died between 1st February and 8 March 1603. On the choice of de Chaste over La Roche, who was still
claiming his title and preparing to return to Sable Island, see Trudel, HNF, 2: 8.
22 Under de Chaste’s command, the company employed a different strategy from Chauvin’s: an exploratory voyage
the first year would search for suitable sites for habitation; other vessels would engage in trade. The delay in
sending out settlers suggests that de Chaste wanted to avoid the disastrous results of La Roche’s and Chauvin’s
earlier attempts. Pont-Gravé commanded the exploratory trip up the St. Lawrence as far as the Lachine rapids and
then south from Tadoussac to Acadia and along the Atlantic coast, accompanied by Samuel de Champlain as an
observer; Sarcel commanded the ship trading for furs. Biggar, Early Trading Companies, 46-8; Thierry, La France
de Henri IV en Amérique du Nord, 85-6; Fischer, Champlain’s Dream, 126-41 and 134, n. 28.
Chaste’s death that season led to the dissolution of the association(s) of Rouennais and Malouin traders and marked the end of Chauvin’s commission. This enterprise had taken on several characteristics that proved long-lasting – the elasticity of exclusive privileges, the nebulous nature of a company with the participation of several ports to varying degrees, and trade for colonization – all of which attempted to accommodate the diverse interests of traders and the Crown.

II. De Monts’ Enterprise in Acadia

i. A Commission with several precedents

The deaths of Chauvin and de Chaste and the disastrous end to La Roche’s colony on Sable Island created an opening for ambitious individuals to take the initiative. On 6 November 1603, Pierre du Gua, Sieur de Monts submitted a proposal to “descouvrir et peupler” New France in the capacity of “viceroi et capitaine général tant en la mer qu’en la terre.” A Huguenot nobleman from Royan in Saintonge and a participant in Chauvin’s voyages, de Monts was already armed with an extensive commission as vice-admiral and lieutenant-general “in all seas, coasts, islands, roadsteads, and shores found in and about the said province and district of La Cadie” and as far inland as he could penetrate. His powers included the recruitment of captains, sailors, and artisans, the outfitting of ships, the establishment of forts and ports, the appointment of captains, lieutenants, and guards of the coasts, and the commissioning of officers to judge and enforce laws. The representative of the admiral in New France, de Monts wanted to complement his maritime jurisdiction with regal powers from the king, including the power to declare war, enter alliances, confer privileges, and grant lands and titles. Although the substance of the proposal was accepted – his powers were “conformes à ceux qui ont autre fois été expédiés aux Sieurs de Roberval et de Villegaignon pour la Floride et Terres Neuves” – Henri IV

23 Biggar, Early Trading Companies, 49; Fischer, Champlain’s Dream, 141. The exact relationship between Malouin and Rouennais traders under de Chaste is not clear; they may have operated as two separate associations or joined together in some way. For the various arrangements made by de Chaste for the voyage, see Fischer, 126.
24 On La Roche’s demise and the opening for members of de Chaste’s association to take the initiative, see Thierry, La France de Henri IV en Amérique du Nord, 120-1.
25 LAC (Ottawa), Série C11D, fol. 28-31v, “Articles proposés au roi par le sieur de Monts,” 6 November 1603. There is an earlier commission dated 8 January 1603; however, scholars agree that the date must be wrong, as it is out of sequence with the other documents. See LAC (Ottawa), Série C11D, fol. 32-8, “Lettre par laquelle le roi Henri IV nomma le sieur de Monts son lieutenant-général en Acadie,” 8 January 1603; Trudel, HNF, 2: 11, n. 6; Le Blant, “Henri IV et le Canada,” 47; Binot, Pierre DuGua de Mons, 67, n. 9.
26 The full text of the vice-admiral’s commission is found in Lescarbot, History of New France, 2: 219; Liebel, Pierre Dugua, sieur de Mons, 75-7.
granted de Monts the title of lieutenant-general, as viceroy was normally reserved for princes of the blood.

The distinctive nature of de Mont’s commission lay in its combination of the powers, privileges, and responsibilities accorded Roberval and Chauvin in their respective letters patent. He received both the proprietary powers of government and justice of the former and the trading rights of the latter to cover the costs of settlement.\textsuperscript{27} It was, in this sense, more ambitious than previous patents and removed all responsibility from the Crown. Its use as a template for all later ones up to 1627, just as Roberval’s had been used previously, underscores its significance.\textsuperscript{28} As with commissions prior to Chauvin’s, de Monts’ combined religious and dynastic goals. The king presented his new lieutenant-general with four main objectives: the conversion of the native inhabitants to Christianity; the extension of France’s dominion and reputation; the occupation, habitation, and cultivation of the lands; and the exploration and discovery of the wider region from the fortieth to the forty-sixth degree of latitude. Echoing his sixteenth-century predecessors, Henri IV declared himself “moved above all things…to cause the people which do inhabit the country…to be converted to Christianity, and to the belief and profession of our faith and religion.”\textsuperscript{29} The identity of the French Crown was inextricably linked to service to and the glory of God. To spread knowledge of God was also to increase French authority.\textsuperscript{30} De Monts received instructions to “establish, extend, and make to be known our name, might, and authority,” to build forts, habitations, ports, and garrisons, to cultivate and settle the land, and “to do generally whatsoever may make for the conquest, peopling, inhabiting, and preservation of the said land of La Cadie.” The enterprise fit into Henri IV’s preoccupation with limiting Spanish power in Europe and the Americas alike.\textsuperscript{31}

\textsuperscript{27} On the delegation of responsibilities in exchange for privileges and the use of the feudal system for colonization, see Roper and van Ruymbeke, “Introduction,” 3, 7.
\textsuperscript{28} See, for example, the Prince de Condé’s letters patent from 13 November 1612 in \textit{Nouv. docs.}, 233-8. For another view on the significance of de Monts’ letters patent, see Binot, \textit{Pierre Dugua de Mons}, 68.
\textsuperscript{29} The full text of de Monts’ letters patent of 8 November 1603 is found in Marc Lescarbot, \textit{Nova Francia}, trans. Pierre Erondelle (London: George Routledge and Sons, [1609] 1928) 1-6. See also Trudel, \textit{HNF}, 2: 12.
\textsuperscript{30} Choosing the Huguenot de Monts to head the enterprise appeared to be at odds with this goal and caused some opposition. Indeed, the religious flexibility of Henri IV was evident in the provision by which both Catholic and Protestant ministers would accompany de Monts and his men. On the opposition to de Monts’ commission based on his religion, see below, 40. On Henri IV’s flexible approach to religion, see Greengrass, \textit{France in the Age of Henri IV}, 93-5, 111-12.
\textsuperscript{31} Lescarbot, \textit{Nova Francia}, 2-5; Thierry, \textit{La France de Henri IV en Amérique du Nord}, 42-4, 46-7. Thierry argues that the mention of evangelization and reference to François I in this context was designed to appease Philip II of Spain and influential Catholic Leaguers at home. See \textit{Ibid.}, 51.
By presenting trading privileges as a means for colonization, the new lieutenant-general formulated his request in terms that were likely to garner sympathy from a king interested in establishing French claims to North America through settlement. De Monts undertook to transport artisans to New France in the first voyage, in response to which the king established a quota of one hundred per voyage. Like Chauvin, de Monts asked for exclusive fur trading privileges in the Baie Ste-Claire and the St. Lawrence River for a period of ten years “pour subvenir aux dépenses qu’il convient faire avec toute risce [sic] et hazard et avances necessaires a l’entrée de cette enterprise.”32 This justification is notable, for it highlights one of the difficulties faced by private investors in colonizing enterprises: the capital outlay required at the start – before any hope of a return – was substantial. Trading privileges for at least a decade were deemed necessary in order to, at best, record a profit and, at worst, break even.33 In addition to the privileges themselves, the king ensured their safeguard by directing all disputes arising from the voyages to come before the royal council; other matters were to be brought before the admiralty at the Table de Marbre au Palais à Rouen in the first instance and, on appeal, to the royal council. In exchange for these privileges and protections, de Monts agreed to open his trading association to any interested merchants who committed to the first voyage.

Just as colonizing obligations served as a deterrent in Chauvin’s time, so they decreased the attractiveness of trading privileges, otherwise quite valuable, under de Monts. Other traders did not wish to associate with the titleholder due to the number of settlers they were required to send over each year. In December, de Monts presented the king with remonstrances, in which he protested that “toute la dépense qu’il conviendrait faire en l’accomplissment de cette condition [ie. colonization] surpasseront de beaucoup le profit qu’il pourrait tirer de la permission du trafic de la pelleterie.” The king accordingly reduced the number to sixty. De Monts further obtained a guarantee by which he could bring back the settlers and be relieved of his obligations if Acadia turned out to be unsuitable for habitation. Henri IV did, nevertheless, impose a condition: if this occurred, open trade would resume. Herein lay the king’s strategy towards the demands of other traders for “la liberté de la traite.” Colonizing obligations, which fulfilled royal interests,

32 LAC (Ottawa), Série C11D, fol. 28-31v, “Articles proposés au roi par le sieur de Monts,” 6 November 1603; Fischer, Champlain’s Dream, 152; Binot, Pierre DuGua de Mons, 65-7.
33 It was not uncommon for metropolitan investors in an overseas enterprise to come into conflict with those who directly participated in the venture, as the one expected immediate returns on their investment, while the other required sustained financing for several years before any profit could be expected. See Elizabeth Mancke, “Empire and State,” in The British Atlantic World, 1500-1800, David Armitage and Michael J. Braddick, eds., 2nd ed. (New York: Palgrave Macmillan, 2009) 208-9.
provided justification for trading privileges.\textsuperscript{34} That same condition discouraged the majority of traders from entering the association, which was theoretically open to all. This uneasy relationship between colonizing obligations and trading privileges persisted in the New France enterprise over the first three decades of the seventeenth century.

\textbf{iii. A loose association among ports}

The scale of de Mont’s enterprise, the supposedly open subscription, and the need for legitimacy in all ports in order to enjoy his trading privileges encouraged the establishment of a multi-port association. Having chosen Rouen as his headquarters, de Monts entered into agreements “sous seing privé” with merchants in that port as well as in Saint-Malo, La Rochelle, and Saint-Jean-de-Luz. Apart from their shared trait as the most active ports in the North Atlantic fishery and the fur trade, the first three, in particular, enjoyed certain commercial privileges and relative political autonomy. All three benefited from “des franchises portuaires,” which exempted the ports from duties on imports and exports, and both Rouen and La Rochelle were permitted to engage in the spice trade.\textsuperscript{35} They participated, then, in international trade networks to North and South America, Africa, England, the Netherlands, Portugal, and Spain. A substantial portion of their population was involved in commerce and dominated the general assembly of the community of inhabitants. Rouen, La Rochelle, and Saint-Malo all guarded their privileges closely both against other ports and against royal encroachment. The fierce rivalry among these ports likely owed in part to their religious differences: La Rochelle was a Protestant stronghold, Saint-Malo was staunchly Catholic, and most of the dominant merchants in Rouen in the early seventeenth century were Protestant. The mercantile activities of all three were severely disrupted during the Wars of Religion, when many merchants left the towns; a smaller number returned with the establishment of peace.\textsuperscript{36} Over the course of the late sixteenth

\textsuperscript{34} LAC (Ottawa), Série C11D, fol. 38-40v, “Remontrances faites au roi par le sieur de Monts,” 18 December 1603, 25-25v. It is worth noting that neither de Monts’ privileges nor his colonization obligations were included in the commission of 8 November. It is not clear why these were omitted; perhaps the Crown viewed these arrangements separately from the main body of the commission. On the king’s condition, see Liebel, \textit{Pierre DuGua, sieur de Mons}, 82.


and seventeenth centuries, the ports’ influence in Newfoundland, Acadia, and Quebec relative to one another shifted from Saint-Malo to Rouen to La Rochelle.  

Given the trio’s importance, it was crucial to an enterprise’s success – especially one as ambitious and contentious as de Monts’ – to engage merchants in all of them, a practice that would continue for the next two decades. De Monts accordingly associated with some of the most prominent participants in the international fur trade, including Corneille de Bellois of Rouen and Samuel Georges and Jean Macain of La Rochelle. The latter two were brothers-in-law and members of the town council. They had invested in voyages to New France since at least 1599, when they provided a loan to and purchased furs from a Basque vessel. The background of these and other associates highlights one of the main features of overseas commerce: the capital required was so large and the risks so great that only experienced, wealthy, and widely reputed merchants could afford to invest. The frequent maligning of traders to New France by contemporaries such as Champlain and Marc Lescarbot, the active discouragement of Sully, and the well known reluctance of colonial officials to take a post there in the later seventeenth and eighteenth centuries have tended to obscure this fact. Participation in overseas enterprises was a mark of success and thus such ventures attracted the most knowledgeable, skilled, and aggressive merchants in the major ports.

Having received his commission and had the défense or ban on outside trade published, de Monts needed to regularize his casual understandings with merchants in each port to create a more formal association. On 10 February 1604, de Monts, Georges and Macain signed an agreement before a notary by which the latter two entered the association for a one-sixth share of expenses and profits, the latter including fish, furs, minerals, “et choses à lui [de Monts] concédées par sesdits commission et articles.” That same day, the lieutenant-general also gave

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37 Lespagnol, “Saint-Malo port mondial,” 101. While Rouen was the site of the headquarters of the associations accorded trading privileges until 1627, the main base of operations for North American trade and colonization shifted to La Rochelle under the Compagnie de la Nouvelle France.


39 Brunelle, New World Merchants of Rouen, 2-4.

them power of attorney to enter notarized contracts with those merchants of Saint-Malo and Saint-Jean-de-Luz with whom he already had a private arrangement.\textsuperscript{41} The end result was a partnership among the three ports, in which Rouen and Saint-Malo each had a one-third share, while La Rochelle and Saint-Jean-de-Luz combined for the last third. De Monts detailed how the organization would be regulated in a series of articles. Each port was to outfit one to two ships per year, according to its share in the enterprise. The associates were to keep their own accounts; at the end of each season, the company’s receiver-general, Corneille de Bellois, was to pool the individual accounts and divide up profits and losses. De Monts contributed 10,000 livres to help cover the expenses of sending two ships to New France. He and his Rouennais associates were to pool an additional 8,000 livres for a total of 18,000 livres, which would constitute a one-third part in the association. Saint-Malo undertook to provision and man another two ships with their 18,000 livres. The cost, however, of both ports’ commitments exceeded their shares. As a result, Georges, Macain, and their Saint-Jean-de-Luz partners gave 10,000 livres to their Rouennais counterparts and 900 livres to the Malouins. Their remaining 7,100 livres were invested in a whaling ship from Saint-Jean-de-Luz. The total capital of the association amounted to 54,000 l.\textsuperscript{42} At the end of the first voyage, 10,000 l were to be reinvested in the enterprise.\textsuperscript{43}

As these arrangements indicate, the Compagnie de Monts was a complex organization, lying somewhere between a loose association among ports and a partnership in which capital was pooled and used. On the one hand, the division of responsibilities by port meant that the company was an umbrella organization bringing together three smaller partnerships. Each port was responsible for collecting the sums due from its members and undertaking preparations for the next voyage. When an agreement was drawn up on 19 February 1604 between Georges, in de Monts’ name, and Pierre Ribertière, Etienne Goret, François Martin, Luc Sere, and Jean Sarcel, all of Saint-Malo, for a one-third share in the undertaking, the Malouins had already

\textsuperscript{41} \textit{Nouv. docs.}, 80-1, 82-3.

\textsuperscript{42} There is considerable confusion around the number of shares into which de Monts’ company was divided. Based on the primary evidence, it appears that it was at first divided into three, with one-third share held by each port; with the withdrawal of Saint-Jean-de-Luz in 1605, it was reorganized into fifths. If the share size remained the same, 18,000 livres, then the total capital of the second company would have been 90,000 livres. For the view that it was first divided into thirds, see Liebel, \textit{Pierre DuGua, sieur de Mons}, 87-8; Binot, \textit{Pierre DuGua de Mons}, 81-2; Gosselin, \textit{Nouvelles Glanes}, 24-9. For the suggestion that it had always been divided into fifths, see Biggar, \textit{Early Trading Companies}, 53-4; Trudel, \textit{HNF}, 2: 14-5.

\textsuperscript{43} See the act of association, 10 February 1604, in Gosselin, \textit{Nouvelles Glanes}, 24-9.
bought a vessel and begun outfitting it for the coming season’s voyage.44 Profits were also apportioned by port among associates. Upon arrival back in France, a vessel’s merchandise, notably furs, was traded on behalf of the associates of that port. De Monts, for example, acting for himself and his Rouennais associates, entered a contract – the same day as the establishment of articles – with Georges and Macain by which the Rochelais merchants would buy one-third of their furs in each of the next two years for a fixed price depending on the quality and type of fur.45 It was only after merchandise was sold that the company’s accounts were pooled. In this sense, it resembled a regulated company in England, in which merchants traded on their own account but the larger association offered them protection.46 On the other hand, the active participation of all members and the sharing of expenses and profits at season’s end recalled a traditional société générale or partnership, the most typical association during this period. All members were merchants or traders who engaged for a specific length of time and were considered solidairement responsable or liable for all of the company’s affairs. A change in composition required dissolution.47 The division among ports was also not absolute: La Rochelle and Saint-Jean-de-Luz, for example, did contribute directly to the efforts of Rouen and Saint-Malo. The flexibility within the association’s structure accommodated both the ports with fewer resources to outfit ships and the fierce interport rivalries, which encouraged associations involving traders of only one town.

The balance of power within the Compagnie de Monts shifted considerably a year after its association. In the fall of 1605, the Saint-Jean-de-Luz partners withdrew. The final article of the company had outlined the terms by which any of the ports or individual members who wanted to could renounce their shares. They were only allowed to do so after the second voyage and before 15 November of that year to allow the remaining partners to reorganize before the following spring’s preparations.48 The withdrawal of Saint-Jean-de-Luz was not a complete surprise. Indeed, provision had already been made on 10 February 1604 for their departure after

44 Nov. docs., 87-8.
45 Ibid., 84-5.
47 On the characteristics of the société générale and solidarity liability, see Henri Lévy-Bruhl, Histoire juridique des sociétés de commerce en France aux XVIIe et XVIIIe siècles (Paris: Domat-Montchrestien, 1938) 31-2, 50-1, 141-2.
48 In a société de personnes, the association was organized around the people who were a part of it. If an associate left, the group would need to re-form. This arrangement was in contrast to a société de capitaux, in which shares were transferable and members easily replaced. See Lévy-Bruhl, Histoire juridique des sociétés de commerce, 32, 141-2, 180-3.
two years; Georges and Macain had received permission to take the Basques’ part in the company. The company accordingly divided its shares anew, this time into fifths. Georges and Macain and the Malouins increased their parts to two-fifths each, while de Monts and his Rouennais partners reduced theirs to one-fifth. Although La Rochelle and Saint-Malo had equal weight, there were several more contributors in the latter group. In this respect, the main outcome of the reorganization was the growing influence of Georges and Macain. De Monts may have been lieutenant-general and head of the enterprise, but he held less than one-fifth of the shares. Subsequent events would expose the ambiguity of the relationship between the latter’s commission and the company’s partners.

III. Fragmented Authority I

i. The Parlements

The experience of de Monts and his associates in the first few years of their enterprise demonstrated that no matter how extensive a royal commission was it had little meaning if provincial and local institutions refused to recognize it. The manner in which the Crown implemented de Monts’ privileges highlights the limits to the king’s authority in this context. On 18 December 1603, the king issued a défense forbidding other traders from bartering for furs with native peoples, the contravention of which would result in a fine of 30,000 livres. Its reissue just over a year later reveals that others continued to trade within the exclusive area. The focus on exclusion – the imposition of a “negative” monopoly, as it were – may have been a strategy on the part of the Crown to have its orders executed. A défense, promulgated by royal decree, did not technically have to be registered or verified by the provincial parlements.

49 For the 10 February 1604 arrangement, see Nouv. docs., 82-3. The agreement among the remaining associates is no longer extant. Based on the change from 1/6 to 2/5 on the part of Georges and Macain, Le Blant posits that there may have been as many as two reincarnations of the company during its tenure. See “Les prémices de la fondation de Québec,” 45. On the new division of the association, see Liebel, Pierre Dugua, sieur de Mons, 171-2; Binot, Pierre Dugua de Mons, 110.

50 LAC (Ottawa), Série C11D, fol. 48-51, “Monopole de la traite avec les Indiens accordé par le roi à Pierre Du Gua de Monts et ses associés,” 18 December 1603. The title, which was given by LAC, is not accurate in its use of the term “monopole” – not used in any contemporary French document examined – and in its emphasis on the privileges accorded de Monts rather than on the ban imposed on other traders, the actual focus of the decree. See also LAC (Ottawa), Série C11D, fol. 52-57, “Lettre patente du roi portant nouvelle défense à tous ses sujets,” 22 January 1605.

51 François Olivier-Martin, Histoire du droit français des origines à la Révolution, 2nd ed. (Paris: CNRS Editions, [1948] 1995) 350. There was at least one exception to the expression of trading privileges in a negative manner. In a decree of 2 June 1612, an earlier commission to de Monts is described as “portant pouvoir audit De Mons et ses associés seulz de trafficquer de pelletteries et autres marchandises…avec deffences à tous marchans…” Nouv. docs., 220. It was, however, most common to issue défenses.
While this practice certainly did not imply that the decree would be respected, it did not limit the king’s power to the same extent as the procedure for the execution of letters patent.

For provinces such as Brittany and Normandy, the two jurisdictions with the most traders to North America, exclusive trading privileges to New France were considered a direct threat to provincial autonomy and they both pursued various strategies of delay and obstruction in response. By law, letters patent from the king had to be registered in the kingdom’s sovereign courts to take full effect. Provincial parlements, notoriously protective of their jurisdiction, took this prerogative very seriously, often submitting remonstrances to the king. When de Monts received his commission in November 1603, he encountered significant delays before these bodies. The Parlement of Rouen delivered remonstrances in 1604 based on de Monts’ Protestantism and the proposed trading privileges, before registering the commission sometime after a response from the Palais de Justice the following January.\(^{52}\) Later that month, perhaps at the urging of de Monts’ secretary, Henri IV issued a _lettre de jussion_ to the Parlement of Paris, ordering it to “lire, registrer, garder et observer” the commission.\(^{53}\) In mid-March, the sovereign court obeyed, following on the heels of the Parlement of Bordeaux. It was, however, the Parlement of Brittany that proved the most recalcitrant. Although it finally ratified the commission in June, a caveat rendered this action all but meaningless: “sans approbation de la defence portée par lesd. lettres dudit xxixe janvier, et que le traficq se fera comme au passé.”\(^{54}\)

The long delay in recognizing the letters patent – and their partial registration – severely weakened their force. Neither de Monts nor his associates could expect redress in the event of infraction in any of these jurisdictions in 1604. Although the king issued commissions and edicts intended to apply throughout the kingdom, in practice their application varied. By refusing to register royal letters patent, provincial courts wielded their power and protected the interests of their ports.\(^{55}\)

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\(^{52}\) The exact date of registration is unknown. See the letter, dated 17 February 1604, from the Palais de Justice to the Parlement de Rouen in response to the latter’s objections in Emile Gosselin, _Nouvelles Glanes_, 21-3; Liebel, _Pierre Dugua, sieur de Mons_, 84.


\(^{54}\) _Docs. inédits_, 30; Trudel, _HNF_, 2: 66; Liebel, _Pierre Dugua, sieur de Mons_, 166.

\(^{55}\) Belated and conditional registrations were also features of later letters patent. See, for example, LAC (Ottawa), Série E. Conseil d’Etat du Roi, vol. 95a, fo. 95, 26 January 1628; ADSM, 1B 981, Parlement de Rouen, 14 December 1613; _Nouv. docs._, 267-70, esp. 270.
Why did Henri IV not wield the tools at his disposal to force the Parlement to register the letters as they stood originally? Although the king was in a more stable and powerful position by the early 1600s than at the start of his reign, he did not wish to risk alienating the influential magistrates in these bodies unless it was absolutely necessary to assert his integrity as king. De Monts’ commission for the colonization and exploitation of New France was not worth the conflict that such heavy-handedness would ignite. His strategy throughout his reign was to negotiate, accommodate, and work with the parlements and other provincial and municipal institutions as much as possible in order to coax rather than force their loyalty.\textsuperscript{56} The protection of the interests and privileges of his subjects in such northwestern ports as Saint-Malo and Rouen, which motivated their provincial parlements in their criticism of de Monts’ commission, was also important to Henri IV’s own exercise of power.

\textit{ii. Was New France a province or a foreign polity?}

In France’s quasi-feudal, multi-layered judicial and political structure, the king depended heavily on the cooperation of local officials to ensure the implementation of his orders. While the Parlement of Rouen may have registered de Monts’ commission, other local officials voiced their own protest. On 13 November 1604, François Buffê, “soy disant garde à cheval des traictes foraines,” seized twenty-two “ballots de castors” belonging to de Monts and his associates at Condé-sur-Noireau in Normandy.\textsuperscript{57} He demanded the duty levied on merchandise from foreign countries. The principle established by the king in 1603, however, was that as a region under the French Crown’s protection, New France should be treated as a province. Its products should thus be subject to the same duty as between provinces.\textsuperscript{58} The Crown upheld this designation in 1605 first by granting de Monts’ request for the return of his furs, then by declaring all merchandise from New France free from customs, although interprovincial duties were still levied.\textsuperscript{59} Buffê ignored these sentences. It took another decree from the royal council at the end

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\textsuperscript{57} \textit{Nouv. docs.}, 94.
\textsuperscript{58} Trudel, \textit{HNF}, 2: 65-6.
\textsuperscript{59} \textit{Nouv. docs.}, 94, n. 3; “King’s declaration concerning the exemption of New France merchandise from customs,” 8 February 1605 in Lescarbot, \textit{History of New France}, 223-6. De Monts’ secretary, Jean Ralluau, also had
\end{flushright}
of March before the customs officer restored the furs to the association. Considering the length of time it took to resolve this dispute, the furs were presumably no longer in prime condition; it is doubtful that the company gained much, if any, profit from them.\(^6^0\) While the uncertainty over the status of furs from New France may have been innocent – a genuine confusion over the status of an overseas dependency – it is much more likely to have been a deliberate move on the part of some in Normandy to express their own opposition to the venture.\(^6^1\) While de Monts’ privileges came from the king, their enjoyment depended on a number of political and judicial jurisdictions, the officers of which all had their own corporate and personal interests and loyalties.

iii. Policing overseas and justice in France

Just as provincial officials obstructed the execution and registration of de Monts’ commission in France, so traders and fishers from key Atlantic ports continued to engage in the fur trade in New France in defiance of what they perceived to be unwarranted Crown interference in their activities. They had, after all, been fishing and trading off northeastern North America for over half a century. As was the practice, the king granted commercial privileges to a variety of ports, allowing them to trade to certain regions or be exempt from import duties. The southern whaling port of Saint-Jean-de-Luz, for example, had received permission from François I in 1539 to travel and trade to the area that became New France, a privilege subsequently confirmed at various intervals by later monarchs.\(^6^2\) Traders did their best to transform such privileges into customary rights to defend their interests. Moreover, the Crown had not traditionally concerned itself with overseas fishing and trading ventures, according traders considerable independence. When the king began to grant exclusive trading privileges in New France to proprietors, who in turn delegated them to one company only, traders – and their home ports – considered this a direct attack on their own rights.

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\(^{60}\) This time, the acquittal was granted at Avranches. See *Nouv. docs.*, 101. It seems likely that the incidents at Condé-sur-Noireau and Avranches were part of the same case, as the amount of merchandise in question was the same and Buffé was involved in both. For this interpretation, see Liebel, *Pierre Dugua, sieur de Mons*, 164; Trudel, *HNF*, 2: 65. Biggar treats them as two separate events involving different merchandise. Regarding the effects of these lengthy suits on the company, Biggar argues that they resulted in a delay in the following spring’s voyages. See *Early Trading Companies*, 56-7.

\(^{61}\) Trudel, *HNF*, 2: 65-6. Le Blant points out that the principal difficulty lay in the fact that furs were subject to each province’s authority and, as a result, Ralluau and de Monts had to protest against more than one seizure. See “Henri IV et le Canada,” 51.

\(^{62}\) LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 79a, fo. 386, 27 June 1624.
Restrictions aside, it proved almost impossible for de Monts and his associates to enforce their trading area in New France in practice. The impracticability of policing the coasts regularly without any support from the Crown in the form of ships and men meant that catching interlopers was often due to chance.\(^63\) The continuation of the open fishery off present-day Newfoundland and Nova Scotia complicated the already-considerable task of patrolling the harbors inside the exclusive trading area. While the admiralty kept track of the comings and goings in the Atlantic ports and required all ships to have a *congé* or license, the level of participation in the fishery raised the likelihood that some interlopers might pass unnoticed.\(^64\) Certainly, Basques and Bretons claimed only to be fishing when intercepted by de Monts and his associates in Acadia. All told, at least eight vessels contravened the company’s trading privileges in 1604; by 1607, there were perhaps as many as eighty interlopers each season in the St. Lawrence alone. As Champlain noted several times in his accounts, it was not easy to catch these ships, as they were often small, light, fast, and well-armed.\(^65\) The company’s seizure of several vessels with furs on board each year at once increased de Monts’ determination to thwart – and punish – illegal traders and fueled opposition towards the venture by traders in general.\(^66\) While royal guarantees of the open fishery and access to fish-drying stations on shore no doubt encouraged fishers to violate the ban on trade, it is equally probable that company ships were at times overzealous in the enforcement of their privileges.\(^67\)

Despite the protection afforded de Monts in his commission, his exclusive privileges were not upheld when he and his associates did manage to bring interlopers before the courts. In 1604, the company ship, the *Don de Dieu*, captained by Timothée Le Barbier, encountered a French ship, *La Levrette*, trading for furs near the La Have River. Le Barbier and his men seized

\(^63\) Binot, *Pierre Dugua de Mons*, 48. It is worth noting that the situation was not much better in France itself. It was not until Richelieu’s tenure that officials conducted a systematic survey of the ports along the coast and made an effort to establish an effective patrol.

\(^64\) Biggar, *Early Trading Companies*, 54-5. It was also possible to deceive or take advantage of the admiralty and its congés. See *Nouv. docs.*, 128-30, 169-72, 113, 139-43 and below, 47, n. 77. The Crown’s attempt to regulate the fur trade ignored one half of the equation, namely the native inhabitants. Basque and Breton fishermen who had been frequenting the coasts of Acadia yearly since the early sixteenth century had developed trade relationships with the Mi’kmaq and other groups. The latter had woven Europeans into their trading networks and had come to expect a demand for furs – and the availability of desired European goods – at certain locations during the spring and summer months. See Thierry, *La France de Henri IV en Amérique du Nord*, 19-28.


\(^67\) François Pont-Gravé, in particular, was known to be an aggressive trader and patroller of the coasts. See Fischer, *Champlain’s Dream*, 240-1, n. 47; Trudel, *HNF*, 2: 67, 153, n. 9.
and escorted the ship, the captain Jean Rossignol, and the crew back to France at the end of the season to stand trial. When Rossignol and _La Levrette_ returned to France with the company’s ships, the owners of the seized ship went before the Admiralty of Rouen to have it and its merchandise restored to them. The judge sent the parties to the royal council, where the Sieur de Vic was given charge of the case. As Vic’s other affairs postponed the suit, de Monts and his associates and the ship’s owners reached a compromise in April 1608: Rossignol dropped his suit requesting “mainlevée”; in return, the company allowed him and his partners to recover their ship and paid them 900 livres for the furs they had seized and sold. The associates, “meuz de pitié et compassion,” presented the 900 livres as a “don gratuit…sans tirer à consequences,” a clause designed to prevent the weakening of their position with regard to other interlopers. Both sides made a decision to cut their losses: Rossignol had at first denied any contravention of de Monts’ privileges, claiming that he had gone to Florida as per his congé from the admiralty; the company had initially treated _La Levrette_ and its cargo as their own, as outlined in de Monts’ commission from the king.68

The outcome of the dispute between the Compagnie de Monts and Rossignol highlights the influence of provincial political interests on the Crown’s approach to exclusive trading privileges. Rossignol could count on powerful members of the Norman nobility in his attempts to evade punishment. The other part-owner of _La Levrette_, Antoine Bonnet, was the _maître d’hôtel_ of the governor of Le Havre, Georges de Branças, marquis de Villars, who had been both a lieutenant-general of the province and admiral of France.69 These connections to the provincial government – already unhappy with the exclusive privileges that denied its subjects their customary trade – and to the admiralty would have helped Rossignol to exert pressure on de Monts and his associates to come to a compromise. As with all other suits, the company had to decide whether this one would be likely to yield a positive result and thus be worth the considerable time, money, and effort required. Even with an out-of-court settlement, the Rossignol case dragged on for over three years before it was resolved. External pressures aside, there were several advantages to a private settlement before a notary, including a potentially

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68 _Nouv. docs._, 169-72, quotations 171. For the terms of compensation for de Monts and his associates in the event of illegal trading, see his commission, Lescarbot, _Nova Francia_, 1-6.

speedier resolution, less enmity between parties, and some justification of both sides’ positions. The chief disadvantage for the privilege holders lay in the substantial financial losses due to lost trade and the optics of coming to a lenient settlement with those who contravened their privileges. The extant notarized settlements show that, although the company tended to receive little compensation, the suit with Rossignol appears to have been unusual for the extent of the compromise. Ties to centers of power and the underlying issue of provincial autonomy no doubt aided Rossignol in contesting the seizure of his ship and merchandise.

When cases did reach resolution before the royal council, the ban on trade was no more upheld than in private settlements. In January 1606, de Monts requested redress from the royal council for contravention of his privileges in 1605 by a ship captained by a Le Sueur: “…que certain navire…luy sera et à ses associés declaré acquis et confisqué, ensemble les marchandises y estant sy elle est en nature sinon la juste valueur, et outre condamné en l’amande de trente mil livres pour avoir contrevenu ausdites deffences et en tous despens, dommages et interestz.” De Monts identified the owner of the ship as Hector Nourry, a merchant in Paris, under whom Michel Aulbin, a Rouennais merchant, had sent the ship to Acadia to trade. In response, Nourry claimed to have no part in the vessel and received permission from the council to summon Aulbin and Le Sueur before it to refute these charges against him. Like Rossignol before him, Le Sueur had received a congé from the admiralty for a completely different destination, this time Cap de Nord, Peru. In a ruling on 28 June 1606, the council declared the parties “hors de cour et de procès,” thus rejecting de Monts’ position, save his right to publish the edict banning trade in New France. There is no indication that de Monts pursued Aulbin and Le Sueur any further.

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70 Isabelle Carrier, “Virtuosité procédurière: Pratiques judiciaires à Montpellier au Grand Siècle,” PhD diss., McGill University, 2003, 62-3. In weighing the time, money and effort required, de Monts and his associates may well have considered that a favorable outcome often had more to do with each party’s social standing (and connections) than with the substance of the suit itself. See Ibid., 309-10.

71 Le Blant considers the outcome of the Rossignol case as a victory for de Monts. This appears to be an overstatement, as the company had to make significant concessions, notably the payment to Rossignol for the merchandise they had seized. See Le Blant, “Les prémices de la foundation de Québec,” 50. On 17 December 1605, de Monts and his associates settled privately with Malouin Julien Crosnyer and his associates, the latter agreeing to pay 1,500 livres in damages to the company. See LAC (Ottawa), MC, vol. I, étude XXIV, no. 224. For another example, see Nouv. docs., 135-6.

72 Nouv. docs., 128.

73 Nouv. docs., 129-30. Aulbin seems to have been the frontman in the arrangement, acting “sous le nom de” Nourry. See Le Blant, “Les prémices de la fondation de Québec,” 49; Liebel, Pierre Dugua, sieur de Mons, 171.
The tendency of various institutions not to uphold the trading ban in Acadia suggests that these institutions recognized that exclusive trading privileges were unenforceable and politically unworkable. It is surely not coincidental that both the Le Sueur and Rossignol cases involved licenses from the admiralty for destinations far from New France. The captains may have been great deceivers; it is perhaps more likely, however, that they had a clientele connection or found someone to pay off inside the admiralty. As for the royal council, its unwillingness to enforce the 30,000 livres fine stipulated in de Monts’ letters patent — or even a quarter of that amount — conveyed to other French traders that illegal activity could well be worth the risk: not only was it rather difficult to be caught but it was also unlikely that the punishment would be great. The multiplicity of jurisdictions and the interests of various constituencies, together with the virtual impossibility of effectively patrolling the long indented coastlines of Acadia, played a role in rendering exclusive trading privileges a near-fiction.

iv. Interloping associates?

That the Compagnie de Monts’ own associates contravened the company’s trading privileges highlights the slipperiness not only of the concept of exclusive privileges but also of the company itself. At least a few prominent associates engaged in trade on their own account under cover of the association, including Pont-Gravé and Bellois. Such activities may have gone undetected in the first few years, but they were uncovered in 1606 and 1607, leading to suits in court, the most lengthy and contentious of which was against Bellois. What is significant about these cases is not the supposed hypocrisy of the associates but the metropolitan structures that made it possible to go undetected by a partner and what such activities suggest about the attitudes of the associates towards the company itself.

Events in the spring and summer of 1606 indicate that Bellois abused his power of attorney from de Monts for his own personal gain. By virtue of his position as procureur of de Monts, Bellois in turn granted the same power in March 1606 to Daniel Boyer, a kinsman from

74 For an earlier suit between Chauvin and several Malouin traders who had contravened his privileges and the council’s ruling in favor of the latter, see Nouv. docs., 44-5, 46-7, 50-2.
75 Trudel, HNF, 2: 67. In October 1607, de Monts accorded power of attorney to Rallauu to seize furs brought from Tadoussac and Niganiche for Pont-Gravé and Lucas Legendre, a prominent Rouennais merchant, and call them before the Admiralty of Rouen. Just over one month later, de Monts released the seized merchandise and dropped his suit in court against the two men. It is likely that de Monts decided to cut his losses in this case, given the fact that he was also pursuing Bellois at the same time on a more serious charge. See Le Blant, “Les prémices de la fondation de Québec,” 46.
Rouen, and three associates to “faire faire [sic] la traitte des pelleteries avec les Sauvages dudit pays, et à l’effet susdit porter et faire porter toutes sortes de marchandises qui leur seront par ledit constituent delivrez.” Although Bellois appears to have been acting on behalf of the company here, he had already entered a private contract with the ship’s captain, Henri Couillard, and his partners the previous month for the division of profits from the trade.\textsuperscript{76} To complicate matters further, Couillard had obtained a license from the admiralty “pour traiiter avec lesdits Sauvages de telles danrées que bon luy sembleroit” almost two weeks prior to the contract with Bellois. It is not completely clear whether Couillard deceived the local admiralty into believing that he already had permission from the company or whether an official willfully ignored the trading ban.\textsuperscript{77} Either way, the admiralties of Rouen and Honfleur registered the congé, allowing Couillard, Boyer, and their associates to continue their preparations. Word reached de Monts of the planned voyage and its purpose. At the beginning of May, several jurisdictions acted on his requests to prevent the ship from leaving France: the admiralty withdrew Couillard’s license; de Monts and Poutrincourt, his lieutenant in Port Royal for the coming year, requested an act by which the ban on fur trading would be issued to Couillard, Boyer, and their partners; the Admiralty of La Rochelle ordered their arrest and, later, their release in exchange for an oath that they would not trade illegally, a declaration they made the same day. Despite these sanctions, the ship sailed to New France shortly thereafter. At Niganiche, Cape Breton, it encountered one of the company’s ships, whose captain served the interlopers with “deffences” against trading once again.\textsuperscript{78} The affair culminated in the seizure of the ship, crew, and merchandise by Pont-Gravé, in command of the company ship \textit{Jonas}, at the end of the season.

The second act of this dispute in France saw Bellois on the offensive. Upon the return of the \textit{Jonas} and the seized ship to France, he sought and obtained permission from the Admiralty of Rouen to seize, in his turn, Pont-Gravé’s merchandise “à ses perilz et fortunes,” which he did the following day. At the same time, he made a disavowal of Pont-Gravé’s actions towards Couillard, Boyer, and associates: Pont-Gravé “sera et demeurera chargé en son propre et privé nom de toutes les actions et poursuites, despens, dommages et interests qui pourroient intervenir pour raison du fait cy-dessus mentionné dont, en ce qui pourroit concerner ledit de Bellois audit

\textsuperscript{76} \textit{Nouv. docs.}, 113, 141.
\textsuperscript{77} \textit{Nouv. docs.}, 141. Couillard certainly seems to have deceived other authorities. Liebel notes that one notarial contract signed by the captain misleadingly stated the purpose of the voyage to be fishing for cod, rather than trading for furs. See \textit{Pierre Dugua, sieur de Mons}, 177.
\textsuperscript{78} \textit{Nouv. docs.}, 141-2; Liebel, \textit{Pierre Dugua, sieur de Mons}, 187.
nom, il entend se faire descharger par tels juges que besoin sera.” He further insisted that the
seized ship had not, in fact, contravened the company’s privileges. Bellois made this act in his
own name and in those of his Rouennais associates, as well as by virtue of the earlier procuration
granted to him by de Monts. While this does raise questions about the lieutenant-general’s
involvement in this affair, a later act by de Monts suggests that Bellois may have pretended to be
acting on the former’s behalf in the above acts. In February 1607, the latter revoked Bellois’
power of attorney: “…desquelles [procurations] le dit de Belloy se pretend ayder et servir en
l’équipage de deux navires par luy faictes en l’année derniere pour aller audit pays de la Cadye, a
quoy faire le dit sieur de Montz n’a oncque entendu.” The dispute between Bellois, Boyer, and
associates and de Monts, Pont-Gravé, and the company continued until September of that year
when the royal council exonerated Pont-Gravé, restored his merchandise, and ordered Bellois to
pay him damages. Bellois and Couillard were further condemned to sell the furs they had traded
and give the proceeds to de Monts and his associates, in addition to paying them 1500 livres.
Given the complexity of the case, the company did well to obtain this settlement, despite its
having fallen far short once again of the 30,000 livres for contraventions.

The confusion around the Bellois affair highlights the association’s decentralized
organization and the relative ease with which one associate intent on deception could navigate
the local admiralty courts and notaries in France. In de Monts’ company, there were people
involved at various levels of responsibility and engagement. While the lieutenant-general
conducted much of the association’s business himself, from engaging artisans to petitioning the
king in response to opposition, he frequently accorded power of attorney to others for a particular
issue or activity, as we have seen. At the association’s inception, he engaged both Bellois and
Georges “pour associer qui bon lui semblerait en ladite enterprise” in Rouen and La Rochelle,
respectively. De Monts’ secretary, Jean Ralluau, served several times as procureur in suits

79 Nouv. docs., 131, 140.
80 There is some debate among historians as to whether de Monts was a participant in this clandestine venture.
Emile Gosselin and Trudel – drawing on the former – argue that he was. Gosselin, Nouvelles glanes, 31; Trudel,
HNF, 2: 67. Gosselin cites acts in the Tabellionage of Rouen of November 1606, 8, 16, and 19 January and 24 April
1607, which I have not been able to locate. For the interpretation that de Monts was on the outside of this
interloping circle, see Liebel, Pierre Dugua, sieur de Mons, 177-92. On de Monts’ liability if a third party
contracted with Bellois on the false understanding that he was the lieutenant-general’s procureur, see Robert Pothier,
A treatise on obligations considered in a moral and legal view, trans. François-Xavier Martin (Newburn, N.C.:
81 Nouv. docs., 133-4.
82 Nouv. docs., 139-43; Liebel, Pierre Dugua, sieur de Mons, 191.
against interlopers. As befit the responsibilities of each port, Bellois and Georges spent the winter of 1605, which de Monts passed in Acadia, preparing to send provisions and men to the new habitation in the spring.\textsuperscript{83} The multiple roles played by associates made it difficult at times to know in what capacity an individual was acting, and thus facilitated the possibility of deception.\textsuperscript{84} The challenge of patrolling the vast coastlines of New France had its metropolitan corollary in the number of jurisdictions in France. It was relatively easy to obtain acts, sentences, and permissions without the immediate knowledge of a fellow associate. De Monts’, his partners’ and other traders’ use of the legal system demonstrates that they knew how to exploit it to their benefit.\textsuperscript{85} In the Bellois case, no fewer than four admiralties, several notaries, and the royal council played a role. It was possible, then, for associates to use their positions to organize trading voyages to their own profit and take advantage of the multiple judicial jurisdictions in France, first to avoid detection, then upon discovery to defend themselves against charges of illegal trade.

The active participation of all members of the Compagnie de Monts meant that its credibility was closely tied to the individual associates. Just as in the event of the death or withdrawal of a member, it could not survive in its current form after the exposure of fraud on the part of its receiver-general. As collector and manager of the finances, Bellois represented, to a degree, the financial credibility of the company.\textsuperscript{86} This important role would have to be assumed by someone else. The practical fallout from the illegal trading and the suits themselves, then, was considerable for the associates. It appears that by the end of 1606 the association had disbanded.\textsuperscript{87} Dissolution was necessary due to the company’s organization around people rather than capital. As we have seen, its partners had already reformed the company once when Saint-Jean-de-Luz left in the fall of 1605. The remaining associates may have been reorganizing

\begin{footnotesize}
\textsuperscript{83} Nouv. docs., 113, 141, 145-6, 173, 196; Robert Le Blant, “Un Compagnon blaisois de Samuel de Champlain: Jean Ralluau (1576-1628),” RHAF 19.4 (1966): 503-12; Liebel, Pierre Dugua, sieur de Mons, 167. As we have seen, Bellois received power of attorney from de Monts on several occasions between 7 April 1604 and 8 February 1607. Georges served as de Monts’ procureur at least once, on 10 February 1604.

\textsuperscript{84} On the uncertainty around whether an act signed by an associate implicated the association, see Lévy-Bruhl, Histoire juridique des sociétés, 141-2.

\textsuperscript{85} See, for example, a decree from the royal council on 15 June 1609 that settled a dispute over which jurisdiction should hear a suit between de Monts and his Rochelais associates; Nouv. docs., 185-7. Frequent recourse to the courts was a common element in commercial relations of the period and did not necessarily preclude future business among the parties involved.

\textsuperscript{86} Lévy-Bruhl, Histoire juridique des sociétés, 138, 255; Liebel, Pierre Dugua, sieur de Mons, 190.

\textsuperscript{87} Nouv. docs., 144.
\end{footnotesize}
during the winter and spring of 1607. The Bellois affair demonstrated that some associates, at least, calculated that the best way to contravene privileges was to engage in the company itself. Neither company nor trading privileges were fixed entities; both were flexible in the eyes of the admiralty courts, the king, outside traders, and, not least, the associates themselves.

IV. The Crown’s fluid approach to privileges

The Crown could not uphold de Monts’ exclusive trading privileges without reservation because in both foreign and domestic affairs it was limited in its actions by various outside pressures. The early seventeenth century saw growing Dutch interest in North America and, particularly, in the fur trade of the St. Lawrence. A company established in Amsterdam prepared a ship, the *Lion Blanc*, for a trading and pirating voyage in 1606. The ship attacked two of de Monts’ ships, the *Jonas* and the *Grégoire*, that summer, stealing their merchandise, cannons, and munitions. This aggression prompted Henri IV to send a request through his ambassador to the Estates of Holland to “faire defense à ceux de vos pays et obeissance de plus aller traficquer dans la rivière du dict Canada.” Although the Dutch government did intervene in the dispute over the seized goods by the *Lion Blanc*, it refused to limit its merchants’ movements or their “liberté commerciale” in North America. De Monts and his associates did recover the value of the seized cannons and munitions, but it is doubtful that they recouped their losses, given the number and length of suits launched as a result of the dispute. Why did Henri IV not push the Dutch further on this issue of freedom of traffic in North America? As in the case of the parlements, the king needed to avoid enraging Holland at this time. The latter was a key ally in France’s campaign to decrease Spanish power and the French king did not want Holland to capitulate in its war with Spain until better terms were available. One historian argues that these events may

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88 Le Blant has argued that only part of the Rouennais section fell apart, not the entire company. See “Les prémices de la fondation de Québec,” 46. Only one extant document, cited in n. 98 below, refers to the dissolution of the company at the end of 1606. It is, therefore, difficult to determine under exactly what circumstances the associates prepared for the voyages of 1607.


90 *Nouv. docs.*, 132; Kupp, “Quelques aspects de la dissolution de la compagnie de Monsieur de Monts,” 362. Kupp notes that the Dutch employed the extremely influential Grotian argument of liberty of the seas against the French here.

91 Indeed, Kupp goes so far as to argue that de Monts and Ralluau were not savvy businessmen, given the small return for such great effort. See “Quelques aspects de la dissolution de la compagnie de Monsieur de Monts,” 364. One lengthy trial as a result of these attacks concerned a black man, Mathieu de Coste, who was brought to Canada for de Monts by one of the defendants; this facet of the dispute was not resolved until 1619. See Liebel, *Pierre Dugua, sieur de Mons*, 193-5; *Nouv. docs.*, 135-6, 194-5, 196, 212-5, 388-93 .
have encouraged Henri IV to withdraw de Monts’ privileges in 1607. Trading privileges in New France were only advantageous to the Crown if they did not sacrifice other interests deemed more important.92

The manner in which de Monts lost his privileges in 1607 exposes the brokerage politics involved in their bestowal and revocation. Petitions to the king challenging de Monts’ privileges had not only continued since 1604 but also grown more vociferous in response to the company’s activities. Basque and Breton fishermen resented the aggressive patrolling of coasts by associates and captains of ships engaged on their behalf.93 Outside traders pointed to the declining numbers of settlers sent over in an effort to undermine de Monts’ position. Parisian hatters, supported by influential furriers, complained of the higher prices they had to pay for furs. Both Champlain and Lescarbot attributed the loss of de Monts’ privileges to these “crieries.”94 By all accounts, the duc de Sully appears to have played no small role in the outcome. Already a skeptic of colonization overseas, he was especially attentive to domestic economic concerns. De Monts himself implicated the finance minister a few years later, stating that he accorded “requistoire de quelques chapeliers de cette ville de Paris.”95 Champlain went further by implying that Sully had accepted bribes in return for the revocation: “il ne manque en Cour de personnes qui promettent que pour une somme de deniers l’on feroit casser la commission du Sieur de Mons…Doncques en peu de temps la commission de sa Majesté fut revoquée sans que sadite Majesté en sceust rien.”96 These pressures resulted in the withdrawal of privileges on 17 July 1607. The reason cited was the restriction on access to furs faced by merchants and the high price charged for them. De Monts’ was not the only commission revoked on this occasion. The commissions covered a wide variety of areas, including the sale of “terres vaynes et vagues,” orders to gentlemen to bring titles and letters before the treasury clerk, and investigations into

92 For the impact of these events on the revocation of de Monts’ privileges, see Binot, Pierre Dugua de Mons, 125. Elizabeth Mancke argues that proprietorships were advantageous to a monarch because they established some distance between the overseas activities of the former and the diplomatic relations of the latter. Here, Henri IV could promote the enterprise when the international circumstances were auspicious and distance himself or make feeble attempts to enforce French claims when close relations with overseas rivals were critical. See Mancke, “Chartered Enterprise,” 239.
93 Works, 3: 323.
94 Works, 3: 324; also Lescarbot, History of New France, 2: 351-2. The prominent Parisian furrier, Mathieu Duisterlo (or Deusterlo), who became more directly involved in the New France enterprise in the following decade, supported the petition of the hatters. See Thierry, La France de Henri IV en Amérique du Nord, 253; chap. 2 below, 146.
96 Works, 3: 324.
weights and measures against resellers and haberdashers. Their only commonality was that the king’s subjects “sont extremement travaillés” by their existence.97 The fact that a number of unrelated privileges were annulled on the basis of complaints highlights the instability associated with them and the power of a variety of constituencies to reverse royal decisions in most areas of the financial and economic system.

The Crown’s decision to re-establish de Monts’ privileges for one year shortly after their revocation demonstrates its attempts to balance a variety of interests and also follow through with its own agenda in a changing international situation. De Monts lobbied at court for an extension after the return of Poutrincourt and the rest of the settlers from the habitation in the fall of 1607. The samples of grain grown in Acadia that the latter brought back seem to have had the desired effect on the king. On 7 January 1608, “sur l’avis qui nous a esté donné par ceux qui sont venus de la nouvelle France, de la bonté et fertilité des terres dudit pays,” Henri IV renewed de Monts’ privileges in order to “faire continuer l’habitation qui avoit esté cy-devant commencée audit pays, à fin que nos subjects y puissent aller librement trafficquer.”98 This commission was, in effect, a continuation of that of 1603, with the same goals and justification. What had changed from the previous year? At the international level, Holland had entered a peace treaty with Spain in November 1607. Henri IV was now no longer reluctant to risk provoking the Dutch overseas. Moreover, the activities of France’s rivals in the Americas made the need for continued French presence all the more urgent. In 1607, the English had established Jamestown and, more troubling still, had built Fort George on the Kennebec River (in present-day Maine), a move that infringed on de Monts’ own commission. One year later, the Dutch founded a company of the Indies, whose jurisdiction also overlapped with the lieutenant-general’s.99 If Henri IV was once again set on solidifying French claims in North America, he hoped to do so with the least disruption possible to vocal traders in the various Atlantic ports and Parisian fur merchants. The short duration of the privileges was likely designed to appease these groups.100 The limitations of Henri IV’s commitment prompted Lescarbot to condemn this half-hearted approach: “to carry

97 Nouv. docs., 137-8, quotation 137. Apart from the high prices allegedly charged by de Monts, there was also the suggestion that he held on to furs to raise the price; Ibid., 222.
98 The commission is reproduced in Liebel, Pierre Dugua, sieur de Mons, 221, see also 219; Trudel, HNF, 2: 82.
99 Thierry, La France de Henri IV en Amérique du Nord, 258-9, 261-2; Trudel, HNF, 2: 82; Binot, Pierre du Gua de Mons, 130; Liebel, Pierre Dugua, sieur de Mons, 219-20.
100 Scholars have also suggested that the year-long commission was compensatory. See, for example, Kupp, “Quelques aspects de la dissolution de la compagnie de Monsieur de Monts,” 366.
out grand designs on so feeble and transitory a foundation is impossible.”101 The volatility of privileges, then, reflected not only changing international and domestic circumstances but also their important role in commanding loyalty and authority.

V. The ambiguity of the Compagnie de Monts
i. The dispute over the division of assets

The process of the company’s dissolution reveals the loose nature of the partnership, the competitiveness of the associates among themselves and the role of the courts in settling its internal affairs. Although the company had dissolved by the spring voyage, it still needed to wrap up its business in New France. Rochelais and Malouin ships thus sailed to New France as usual in 1607. The ships were to bring back the overwinterers, collect any furs, merchandise, munitions, and cannons from the habitation, and engage in trade and the fishery to cover the costs of the present voyage. The company’s composition resembled that in previous years, save for the reduction in the Rouennais branch to one: de Monts alone held the port’s share of one-fifth. Upon the ships’ return to France, some associates refused to divide the assets and merchandise among their partners. De Monts issued two procurations to pursue Georges and the Malouins for “la part et portion appartenant à icelluy sieur de Montz.”102 It is possible that there was some confusion around the arrangements for the 1607 voyage, given the company’s somewhat uncertain status that year; it seems just as likely, however, that the Rochelais and Malouins were attempting to increase their own returns and hoping that de Monts would not notice. The loose association among the three ports does not seem to have ended the competition among these traders. Bringing the courts into the company’s internal affairs was not unusual at the time and did not necessarily signal a high degree of acrimony among associates. Rather, savvy, experienced, and aggressive merchants like Georges and de Monts used the courts frequently to enforce contracts. The length of time required to close the accounts of de Monts’ company extended well beyond its date of dissolution. The last voyage’s accounts were not settled until November 1608.103 Even then, Ribertière still owed Georges, Macain, and de Monts their shares in merchandise brought back from the habitation the previous year, which he had yet

101 Lescarbot, History of New France, 3: 3.
102 Nouv. docs., 147; see also 144.
103 Nouv. docs., 174-7. The sums tabled in this “arrêté de compte” were due 1 April 1608.
to sell.\textsuperscript{104} The revocation of privileges, therefore, did not put an immediate end to the business of the association nor to de Monts’ defense of his trading rights, evident in the continuation of court cases against interlopers from previous years.

\textit{ii. Proprietor-Company Relations}

A second dispute that arose among associates upon the company’s dissolution underscores the fine line between an associate’s private affairs and those of the company. In 1609, Ralluau began a suit to recover his salary from the company for service from 1604 until 1607 by calling Georges before the Admiralty of Rouen. The latter’s role as liquidator of the company likely made him the primary object of such suits.\textsuperscript{105} As we have seen, the Compagnie de Monts was a solidary association; therefore, any member could be liable for the whole sum due to a creditor, his only recourse being the pursuit of his fellow associates. Georges thus summoned de Monts and the other associates before the royal council to end Ralluau’s pursuit of him. While the other members agreed to pay Ralluau their share of his salary in October 1609, it was not until September 1613 that Georges consented to pay one-fifth of the 600 livres per year of service accorded Ralluau by the admiralty.\textsuperscript{106}

The case highlights the ambiguity between a proprietor and the association of which he was a part and which shared some of his privileges and responsibilities. Georges argued that there was no contract made between Ralluau and the company, and that whatever arrangements had been established between de Monts and his secretary did not concern the rest of the company.\textsuperscript{107} The Rochelais merchant presented the association as one in which decisions were taken collectively; if a member entered an agreement with another, it only bound that one member. Records from suits, however, suggest a different method in practice. As mentioned above, de Monts – or his procureurs – frequently represented the association in court and before notaries. Ralluau served as both de Monts’ personal secretary (c. 1604-1612) and sometime

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\textsuperscript{104} On the length of time it took to wrap up a company’s affairs and the role of some associates as liquidators, see Lévy-Bruhl, \textit{Histoire juridique des sociétés}, 269.

\textsuperscript{105} \textit{Nouv. docs.}, 216-18. For another example of Georges as the object of a suit against the company, see \textit{Ibid.}, 188-90.

\textsuperscript{106} \textit{Nouv. docs.}, 216-18, 295-7. It also took until September 1613 for Georges and Macain to resolve a similar dispute with Poutrincourt, who demanded that they pay their share of his salary earned while in New France in the service of the company. See \textit{Ibid.}, 292-4.

\textsuperscript{107} He published his case in a factum in the fall of 1612. See W.I. Morse, \textit{Pierre du Gua, Sieur de Monts, records: colonial and “Saintongeois.”} London: Quaritch, 1939. 71-87. The original French is followed by an English translation. On Ralluau’s legal pursuits on behalf of the company, see Le Blant, “Un compagnon blaisois,” 503-12.
representative of the company in several suits. His dual role underscores the complex relationship between de Monts as lieutenant-general of Acadia and as active participant in the company bearing his name. In the history of New France enterprises, de Monts was in the unique position of having both of these roles and appears to have maintained a distinction between them. While he brought his trading privileges to the company, he retained some personal control over their exercise. After the company’s formation, for example, he allowed other individuals to enjoy part of his trading rights for a season.\(^{108}\) This control created a somewhat unusual dynamic in a company in which he held but one-fifth of the shares. Unlike a capital-centered association in which influence accorded with shares, de Monts, as the original privilege holder, presided over the exercise of trading rights.

VI. How Exclusive Were Trading Privileges?

i. Guest partners

Quite apart from whether traders internal and external to the association, the royal council and various provincial and local jurisdictions followed the terms of de Monts’ commission, the sheer number of non-associates involved in the enterprise every year calls for a reexamination of the very notion of exclusive trading privileges. It has been argued that England had the most permeable system of privileges, followed by the Dutch; France applied exclusive privileges the most strictly.\(^{109}\) While this is certainly true to an extent, no overseas trading privileges during the period were absolute given the scale of the enterprise. Membership in the first Compagnie de Monts was open to the public, albeit only briefly. More significantly, the preparations for and financing of each voyage required outside help from avitailleurs or provisioners, shipowners, captains, other merchants, and lenders. Both Rouennais vessels in 1604 were owned by several outside individuals, each with one or more shares.\(^{110}\) The precise terms of recompense in these cases are unknown, but it was common for owners to receive a share of the return cargo.\(^{111}\)

\(^{108}\) See, for example, *Nouv. docs.*, 142; LAC (Ottawa), MC, vol. I, étude XV, no. 17.


\(^{110}\) Brunelle, *New World Merchants of Rouen*, 39, 42; Liebel, *Pierre Dugua, sieur de Mons*, 102. While it was technically true that de Monts’ association was open to the public, the deadline to enter was eight days after the remonstrances of 18 December 1603. See Liebel, *Pierre Dugua sieur de Mons*, 82; Biggar, *Early Trading Companies*, 52.

\(^{111}\) In 1607, the captain of the Jonas received 42 livres for outfitting. The Rochelais merchant who had lent him the money was to receive in return half of the profits at season’s end. This transaction suggests that the captain, Guillaume Fouques, was himself to receive a share of the returns as payment. *Nouv. docs.*, 124; Liebel, *Pierre
Besides renting ships and crew, de Monts and his associates contracted loans, such as one of 300 livres at a rate of 25% that Pont-Gravé received to outfit the Rouennais ship under his command in 1604.\textsuperscript{112} The terms of the loan were “aux perilz et fortunes de la mer et autres accidens qui peuvent encourir sur ledict navire.” Typical of the period, they stipulated that the lender could make no claim to the principal or the interest if the vessel were shipwrecked or attacked by pirates.\textsuperscript{113} Like the Compagnie de Monts itself, this sort of loan helped to further spread the risks of overseas enterprise.

De Monts’ delegation of part of his privileges to others on a temporary basis suggests that it was advantageous at times to expand the circle of beneficiaries beyond investors. In July 1606, he issued a license to two pilots, Benzamin and du Bois, “pour traicter et negotier avec lesdict Sauvages depuis le quarantiesme degré jusques au quarante-deuxiesme et demy de latitude.”\textsuperscript{114} Nothing is known about these men, but they were probably in de Monts’ service as pilots. The following year, Champlain, Ralluau, François Edenon, Pierre de Champdon and others acquired “permission…par ledit sieur de Monts” to engage in the fur trade for the season. Upon arrival in France, Georges and Ribertière, the Malouins’ representative, seized the furs and merchandise belonging to Champlain and his partners. Georges appears to have been playing a game of deception by tricking Ralluau into thinking he had Champlain’s authority for the seizure; however, Ribertière’s actions suggest that the other associates were unhappy with de Monts’ use of the privileges and wanted to create difficulties, if not for him, then for those to whom he had accorded trading rights.\textsuperscript{115} This incident reaffirms that de Monts’ retention of control over his privileges, while in association with the Rochelais, Malouins and his fellow Rouennais, complicated relations with his partners. To be sure, the extension of privileges to others had definite limits: de Monts may have only favored those in his employ and the majority of traders remained on the outside, including the sailors on the company’s own ships, who were forbidden to trade on their own account. His actions do, however, suggest that permeable privileges did not always carry negative effects. The very nature and scale of the enterprise

\textit{Dugua, sieur de Mons}, 179. On captains and crews owning a share in the ship or voyage, see Brunelle, \textit{New World Merchants of Rouen}, 38.
\textsuperscript{112} Such loans were labeled loans \textit{à la grosse aventure} and usually ranged from 20% to 40% in interest, depending on the object and destination of the voyage. See Trocmé and Delafosse, \textit{Le commerce Rochelais}, 62-5; Brunelle, \textit{New World Merchants of Rouen}, 39-42.
\textsuperscript{113} \textit{Nouv. docs.}, 86.
\textsuperscript{114} \textit{Nouv. docs.}, 142.
\textsuperscript{115} LAC (Ottawa), MC, vol. I, étude XV, no. 17.
demanded an extensive web of non-associates and presupposed, then, a certain degree of permeability.

ii. Shifting lines of inclusion and exclusion

The relationships that de Monts’ new 1608 association formed, not only with outside traders and *avitailleurs* but also with his former associates, underscore the various degrees of engagement in the enterprise by non-members. That year saw the establishment of a small partnership involving de Monts and a couple of Rouennais merchants, Pierre Caulier and Lucas Legendre; the lieutenant-general also retained his stalwart lieutenant of Honfleur, Pont-Gravé. Both Caulier and Legendre were from well-established Protestant commercial families, which had left Rouen while it was under the control of the Catholic League but had returned at the end of the sixteenth century. At least Legendre, and perhaps Caulier, had experience in the fur trade. De Monts’ decision to limit his association to these merchants was probably a result of the short duration of the privileges and perhaps also the acrimony that surrounded the Bellois affair and the end to his first company. With the partners together in one port, they could more easily meet and de Monts could keep closer track of the association’s affairs. Given the small size of their association, they needed the help of other merchants and ships. After all, their own ships were carrying out colonists in addition to merchandise for the fur trade, which meant that any returns from the latter would likely be used to meet expenses. At least twenty vessels sailed to the St. Lawrence or Acadia that year, some or all of which may have had an arrangement with de Monts and his consorts. If it helped to supplement the company’s income, the latter’s investment in other ships going to New France was well worth the extension of their privileges to outside individuals. In drawing on the resources of the mercantile and maritime communities in

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116 Pierre Caulier’s family was in the fishery in the 1570s before becoming engaged in a vast international trade network, extending to Spain, Germany, North Africa, and South America. His sister, Anne, married Lucas Legendre. See Brunelle, *New World Merchants of Rouen*, 74. On the predominance of Norman traders in the new association, see Le Blant, “Les prémices de la fondation de Québec,” 52. Biggar identifies Caulier and Legendre as old partners of de Monts. It is not clear whether they were part of the first company; their names do not appear in any extant documents before 1608. Pont-Gravé did, however, send a ship to trade illegally in partnership with Legendre, which may suggest that the latter was involved. See *Early Trading Companies*, 66.

117 Thierry suggests that Georges and Macain had been planning to join de Monts’ new company but withdrew when Legendre, whom they saw as a competitor for furs, joined. See *La France de Henri IV en Amérique du Nord*, 265.

118 Le Blant, “La première bataille pour Québec,” 115; Liebel, *Pierre Dugua, sieur de Mons*, 225; Fischer, *Champlain’s Dream*, 236. With the most documentary evidence, Le Blant does not tie any of the voyages he examines to de Monts’ association; Liebel and Fischer suggest that there were arrangements made without giving examples other than those involving his former associates.
one or more French ports, the company voyages functioned much like the far more numerous annual fishing expeditions.

The new company’s contracts and subsequent disputes with de Monts’ former Rochelais and Malouin associates reveal the strategies, calculations, and instruments involved in exploiting and challenging trading privileges. Less than a week after de Monts received his new commission, Georges and Macain protested against it before the Admiralty of La Rochelle; rejecting their plea, the judge registered the commission. Having already planned to send a ship from Saint Vincent under Georges’ relative, Pierre Georges, the savvy merchants accepted a proposition from de Monts, Caulier, and Legendre by which they would send their Basque vessel to Tadoussac with “[d]es marchandises…pour faire la traicte avec les dits Sauvaiges”; upon arrival, the merchandise would be turned over to Pont-Gravé. Caulier received a lettre de change or bill of exchange for 5680 livres 15 sols from Georges in June for the value of the merchandise. In August, he paid the Rochelais merchant 2400 livres; in the meantime however, problems had arisen in New France over the merchandise and de Monts’ privileges.119 When the Basque vessel arrived at Tadoussac, Captain Pierre Georges and Master Martin Dareche refused to give the merchandise to Pont-Gravé. Further, the heavily armed ship openly flouted de Monts’ privileges: “il ne laissoiet de traicter la force en la main.”120 When it was challenged by Pont-Gravé, it fired on the latter’s ship, wounding several crew members, including the commander, and killing one, and seized the vessel’s cannons and munitions.

Back in France, the dispute over the contract became intertwined with charges of illegal trading and depredations to the company’s ships. Georges summoned Caulier to pay the outstanding sum for the merchandise, threatening to call him before the judges and consuls of Rouen if he did not. That same day in October, de Monts and his associates successfully requested a writ by which Georges was required to appear before the Admiralty of Rouen to answer charges of interloping. As in the Bellois affair, the parties appeared before multiple jurisdictions until 1611, when the royal council sent the dispute to the maîtres des requêtes in Paris. A ruling of 2 June 1612 “absoult lesdits du Mont et consors” of responsibility to pay for

119 Nouv. docs., 219-24, quotation 221; Le Blant, “La première bataille pour Québec,” 125.
120 Works, 2: 12. On the Basques' refusal to hand over the merchandise to Pont-Gravé, see Nouv. docs., 186.
the merchandise and required Georges and Macain to pay damages for the losses that the company had suffered that season.\textsuperscript{121}

The Basques’ open challenge to de Monts’ privileges and the ensuing dispute in court may have influenced his response to difficulties with his former Malouin associates that same year. As with the Rochelais, de Monts and his associates entered a contract with Ribertière, Goret, Serre, Martin, and Sarcel, by which the latter outfitted two ships to Canso and Gaspé for fishing and “la traicte et trafficq de pelleterye.” De Monts, Caulier, and Legendre were to receive one quarter of the profits in return. In mid-October, however, de Monts issued a procuration to “faire assigner par devant lesdictz sieurs tenant l’Admiraulté de France au siege de la Table de marbre du pallais à Rouen [the Malouins]…pour la contravention par eulx faicte aux desfenses.” De Monts subsequently launched several suits against Ribertière and his associates. It was not until the end of December that the two parties reached an agreement before a notary, in which de Monts recognized their having traded with his “bon plaisir, autorité et permission honorable.” De Monts received his quarter share in one vessel’s cargo and sold his share in the second to the Malouins for 1050 livres.\textsuperscript{122}

Both of these disputes with de Monts’ former associates demonstrate how aggressive, competitive traders – those favored by and excluded from trading privileges alike – used all options to pursue what they regarded as their just return. The trajectory of Georges’ and Macain’s activities – from their contestation of privileges to the contract with the company and finally to illegal trading and conflict – reveals that the courts lay at the heart of the Rochelais’ strategy. Over the course of their dispute with de Monts and his associates, they sought support from the Admiralty of La Rochelle, the consuls of Rouen, and the royal council, among others. To a certain extent, de Monts and his associates were at a disadvantage relative to both the Rochelais and the Malouin. The former were dependent on both outside parties for the success of their own enterprise, but exercised no control over them. Indeed, on the ground in New France, it was relatively easy for other French ships to trade for furs if they were determined to

\textsuperscript{121} Nouv. docs., 185-7, 219-24, quotation 224. The maîtres des requêtes gave Georges and Macain the option of entering retroactively into the association of 1608 for the same share as they had in the first company. They had to declare their intentions within one month. A private agreement made between the parties on 12 September 1613 suggests that they chose to pay the damages. See Ibid., 289-91. While it was not unusual for the Crown to settle a dispute between merchants by allowing one party to enter the association of the other, I have not come across any other examples of the option to enter into an already defunct association.

\textsuperscript{122} Ibid., 178, 173, 178 (quotations in order of appearance); also 178-80. See also Liebel, Pierre Dugua, sieur de Mons, 225-6.
do so. This was perhaps never more so than in 1608 (and onward) when de Monts’ association shifted its attention to the St. Lawrence and established the habitation at Quebec. Although the new site provided better defense against foreigners and interlopers and access to richer furs, it also left the large expanse of Acadia without much surveillance.  

For de Monts, the best defense seemed to be a good offence. Given the challenges of effective patrol, he likewise turned to the courts. Foreseeing the likelihood of illegal trading, he had appointed Legendre his procureur the previous winter to pursue interlopers in court.  

De Monts’ accusation of interloping against the Malouins may have been based on a decision to pursue them aggressively, after failing to receive his share of the profits. Alternatively, Ribertièrè, Goret, Serre, Martin, and Sarcel may have taken advantage of his permission by trading on their own account. Indeed, as the Bellois affair indicates, one of the most effective ways to contravene privileges was to play a direct role in their exploitation. As previous experience had amply demonstrated to de Monts, recourse to the French justice system itself carried considerable risk. His adversaries were as well acquainted with the intricacies of legal procedures as he was himself, which in practice meant long suits involving a number of jurisdictions. That de Monts had to pursue these two cases simultaneously probably encouraged him to settle with the Malouins outside of court. By all accounts, the one against Georges and Macain appears to have been the most contentious. The drain on the company’s resources to fight such disputes was just as, if not more, damaging than the illegal trading itself. These disputes show that the lines between inclusion and exclusion, exclusive trading privileges and open trade were not fixed and this reality greatly influenced the actions of all participants.

VII. Fragmented Authority II

124 *Nouv. docs.*, 153.
126 Estimates vary as to how much de Monts, Caulier, and Legendre made from the fur trade in 1608. Given the extent of illegal trading, especially by the Basque ship at Tadoussac, it seems unlikely that they recovered their costs. For the argument that they had significant financial difficulties that season, see Trudel, *HNF*, 2: 168. Biggar suggests that they succeeded in making some profit, due to the absence of colonizing obligations. See *Early Trading Companies*, 68. On tactic of delaying a proceeding’s resolution to drain the resources of one’s adversary, see Isabelle Carrier, “Virtuosité procédurière,” 92-3.
i. **Communautés de ville and local admiralties**

The continued struggle in France over de Mont’s trading privileges and their definitive revocation in 1609 reinforces the very real limits to royal authority and the power and influence of local bodies, especially in peripheral and strategically-located provinces. Although the establishment of a second settlement at Quebec might suggest growing acceptance in France of permanent occupation and the practice of granting trading privileges, opposition remained as vocal in 1608 and 1609 as in previous years. Indeed, according to Champlain “l’on ne crie plus que jamais” against the year-long privileges. Protest came from the same quarters as in 1607, particularly from Basque, Breton, and Norman fishermen and merchants, many of whom were well-represented at court. Beginning in the fall of 1608, various communities, including Saint-Malo, Bayonne, Saint-Jean-de-Luz, Ciboure, and Urrugne, submitted petitions to the king in favor of liberty of commerce in New France. The Malouins lamented that trade “s’anéantit entièrement en ladite ville” as a result of de Monts’ privileges. Like the Malouins’ request to the king, de Monts’ response predicted the dire consequences if his opposing request was not met: “il auroit faict de granz fraiz, pertes et dommages, lesquelz causeroient sa ruine sy ledit previlege estoit diminué, pour ce que aux premieres année il n’a faict que desppendre et s’engaiser sans rien profficter….” De Monts accordingly asked for the continuation of his exclusive privileges “sy mieulx lesdits habitans de Saint-Malo n’ayment le rembourcer de la susdite despence.” In contrast to his show of support for Chauvin in the midst of controversy in 1600, Henri IV chose to implement this latter option: from 1609 onward, New France traffic was open to all French subjects.

The king’s condition for granting “liberté du traffic” proved to be without teeth, for there was no means to enforce it. He ordered that “ceste communaulte [des habitants de Saint-Malo] payer à monsieur Dumont pour partye des fraiz quil a faict au Canada, la somme de six ou dix mil livres.” In response to the decree, Saint-Malo categorically declared that “ceste comunaulte ne se submetra de payer lesd[its] six ou dix mille livres…mes sy aucuns particuliers dicelle qui traficquent a Canada veullent se submettre a payer…sy bon leur semble le feront sans que le

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127 *Works*, 4: 33.
129 *Nouv. docs.*, 191.
130 *Ibid.*, 191; Biggar, *Early Trading Companies*, 68. It is unclear whether the king intended, when granting de Monts a one-year extension of his privileges in 1608, to renew it in 1609. Another possible reason suggested for the non-renewal of the 1608 privileges was the lack of progress in the evangelizing mission. See Binot, *Pierre Dugua de Mons*, 146.
corps generale de ceste communauté entre en ladite obligation.”131 Lacking the power to force the community to comply, the royal council devised another method by which de Monts could receive payment. This time, “lesdits habitans de Saint-Malo, Bayonne, bourgs et parroisses susdites et autres subjectz de Sadite Majesté trafficquans esdits lieux” were ordered to pay 6,000 livres to de Monts. The sum was to be divided among them by the admiralties of Saint-Malo and Bayonne according to each ship’s tonnage.132

The implementation of the king’s decision depended heavily on the cooperation of local authorities who viewed such royal orders as an encroachment on the autonomy of port and province alike. Saint-Malo was an active and important commercial port whose merchants dominated the communauté de ville. A strong and influential body, the latter exercised powers comparable to an admiralty, from supervising ship traffic and the port’s organization to ensuring the maintenance and security of facilities.133 It was the most vocal opponent to exclusive trading privileges to New France during the first half-century of French activity there. Saint-Malo was not categorically against privileges. Like other ports, it supported free trade when it caused the revocation of others’ privileges and opposed it when privileges benefitted them. Whether beneficial to the community or not, however, any privileges at all that imposed a condition – above all, perhaps, colonization – represented an infringement on the town’s customary rights.134 On both these counts, the council’s decision was quite a victory for Saint-Malo. After all, free trade constituted a significant departure for the Crown; de Monts’ three predecessors had also enjoyed exclusive privileges. It also ended – albeit temporarily – the principle of trading privileges in exchange for colonization. Henri IV was cognizant throughout his reign of needing to win the loyalty of towns across France, particularly those that were staunchly Catholic, like

131 Arch. mun. de Saint-Malo, register 6, “Déclaration du corps générale de la communauté qu’il ne payera pas 6,000 livres au Sieur de Monts,” 26 March 1609. The date of the royal council’s decree is not known. On the community of inhabitants of Saint-Malo, see Lespagnol, Messieurs de Saint-Malo, 1: 44-6.
132 Nouv. docs., 191-3, quotation 192-3. For the progression of suits in this case, see also Nouv. docs., 210-11, 231, 303-4, 336; Arch. mun. de Saint-Malo, register 6, Registration of ban on trade issued by Condé, 22 November 1612. There was no admiralty in Saint-Malo until 1681; there was, however, likely a representative of the Admiralty of France in the port at this time.
133 Lespagnol, Messieurs de Saint-Malo, 46-7.
134 Thomas J. Schaeper, “Colonial Trade Policies late in the Reign of Louis XIV,” Revue française d’Histoire d’Outre-Mer, 67.248/9 (1980) 210-11. Saint-Malo’s position was perhaps nowhere more evident than in the dispute with Chauvin over privileges. Even after the king had extended the privileges to Saint-Malo and Rouen, in exchange for colonizing costs, Saint-Malo remained adamant in its call for freedom of traffic. It sent remonstrances to the king, expressing “le peu d’importance que ledit trafic de Canada apporte au général de cette ville, laquelle n’entend y faire aucun frais; délaissant la poursuite à etre faite par les particuliers de ladite ville qui y trafiquent journalièrement.” See Appendix V, Champlain, Des Sauvages, 223-4; also above 30-1.
Saint-Malo. Recognizing their privileges – and diminishing those that were counter to their interests – was key to establishing his legitimacy.\textsuperscript{135} Saint-Malo’s location in the peripheral and strategic province of Brittany made it at once an invaluable constituency to the Crown and extremely independent-minded, both of which weakened any Crown plans that required local action to execute.

The manner by which de Monts was to receive compensation presupposed vigilance and initiative on the part of admiralty officers in each port, all of whom might have had more sympathy with local traders than with the king and certainly de Monts, a trader from a rival port. Apart from the instructions to divide up the compensation among participants in the New France trade, there was no mention of how these traders would be identified. Indeed, given the date of the decree, many if not all ships would already have been back in port. When they had departed for New France in the spring, council deliberations were in progress and, therefore, trade was open to all without condition; no doubt none was pleased to learn upon their return that they were expected to pay de Monts compensation. Given the vehemence with which Malouin traders had protested against de Monts’ privileges since 1603, it is hardly surprising that he never collected his compensation. The abdication of official responsibility left de Monts the task of pursuing the 1609 traders: “Mais quelle despense luy eust-il fallu faire en tous les ports et havres, pour recouvrer ceste somme, s’informer de ceux qui auroient traitté, et le departemet qu’il faudroit, sur plus de quatre vingts vaisseaux qui frequentent ces costes? C’estoit luy donner la mer à boire…”\textsuperscript{136} The combination of a port’s determination to protect its autonomy and the king’s reliance on local and regional authorities to execute royal commissions, decrees, and trading bans often meant that decrees were simply not observed or openly flouted.

ii. A Balancing of Interests

The role of local officials in the execution of any commission and the Crown’s need for the support of particular constituencies demanded a certain degree of flexibility in approach to trading privileges not only by the king but also by the (former) privilege holder. While de Monts

\textsuperscript{135} Historians have traditionally seen Henri IV as having “imposed his power on towns” with the ultimate aim of eliminating their various privileges. See, for example, Major, “Henry IV and Guyenne,” 2-24. For a review of, and challenge to, this conventional interpretation, see S. Annette Finley-Croswhite, \textit{Henry IV and the Towns: the pursuit of legitimacy in French urban society, 1589-1610} (Cambridge: Cambridge University Press, 1999) 6, 182-3.

\textsuperscript{136} \textit{Works}, 3: 325-6. According to Biggar, traffic in New France was lighter in 1609 than in the following two years. While this reduced number was presumably advantageous to de Monts in trying to collect compensation, it also meant that the sum each was required to pay was higher. See Biggar, \textit{Early Trading Companies}, 75.
continued to push for payment from the Malouins, he also suggested alternative forms of compensation that show an attempt to compromise with the traders who demanded unrestricted traffic. Before the decree of October 1609, he submitted a second request in which he proposed that trade along the coast of Acadia, in the Baie Ste-Claire, and in the entrance to the St. Lawrence be free; the region from Tadoussac to the Quebec habitation would be his exclusive trading area for ten years. Three years later, he suggested more circumscribed privileges, applying to Quebec and “jusques au hault de la riviere Saint-Laurens, ausquelz endroits ne vont aucuns navires” for a duration of three years. His final proposal for the continuation of his privileges – submitted sometime between October 1612 and the same month a year later – focused once more on Tadoussac, again for three years.  

De Monts employed a principle here that had earlier been accepted by the Crown: to be granted “les traictes des nouvelles descouvertures, que nous avions faites, ou auparavant personne n’avoit traicté.” These suggestions may seem like a desperate effort to hold on to some portion of earlier privileges; however, they also indicate that de Monts believed that trading privileges restricted to such circumscribed areas might gain favor with the king. Indeed, although de Monts himself did not succeed in having his privileges renewed, it is notable that the Crown adopted his suggested approach when it returned to the system of trading privileges in 1612. From that year forward, all subjects were permitted to trade in Acadia and along the St. Lawrence to Tadoussac, while the area around and above Quebec was reserved for de Monts’ successor, the Prince de Condé. Such attempts to balance a variety of interests did not stop opposition nor complaints of privilege holders that they lacked sufficient support for such an ambitious enterprise; they do, however, illuminate the structure of authority in France that helped in turn to shape the New France enterprise.

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137 *Nouv. docs.*, 210-11, quotation 210; see also 191, 303-4. De Monts limited his proposal to Tadoussac in October 1613 because by that time the lieutenant-generalship of New France had been granted to Henri de Bourbon, Prince de Condé, along with trading privileges, first limited to Québec and above, later extended south to Matane, west of Gaspé. See *Ibid.*, 233-8.

138 *Works*, 2: 111. When Noel and Jannaye were granted a commission in 1588 – which was shortly thereafter revoked – the Crown claimed that it had intended for their privileges to apply to the fur trade only in areas discovered by them. See Biggar, *Early Trading Companies*, 34-5.

139 Both Champlain and Lescarbot voiced criticisms in the face of the Crown’s refusal to back the enterprise more consistently. While Champlain believed that trading privileges were a sufficient support, provided that they remained in force, Lescarbot called for a return of sorts to direct material support from the Crown. For examples, see *Works*, 2: 221, 242, 3: 326, 324, 4: 35-6; Lescarbot, *History of New France*, 1: 4-5, 2: 209, 351. Over the course of the 1610s, Champlain became convinced of the necessity of material support from the Crown, an evolution in...
VIII. A New Regime, New Clients, New Royal Priorities

If de Monts’ commission had proven unstable with the ostensible support of the king from 1603 to 1608, it dangled by a thread with the assassination of Henri IV in May 1610. The loss of de Monts’ key patron, the ensuing disorder in France, and the shuffle of client networks and positions at court saw New France fade from the agenda in Paris, no doubt much to the relief of merchants in the capital and ports alike. Although his power had been limited in enforcing his lieutenant-general’s privileges and royal priorities changed at times, Henri IV had paid fairly consistent attention to affairs in New France. His successor was a young boy, Louis XIII, who would not govern directly for years; for the time being, Louis’ mother, Marie de Medici, ruled in his stead as Queen Regent. The latter, who was less interested in overseas enterprise than her husband and a staunch Catholic, surrounded herself with Italian advisors, whose outlook was predominantly continental. More importantly, regency rule, a period in which various court factions routinely tried to unseat the chosen regent and ministers, did not allow for such expansionist activities as overseas enterprise; it was all a regent could do to maintain order and stability in France itself. This new situation was disadvantageous to de Monts: his Protestantism prevented him from gaining favor at this court; he lost his position of gentilhomme de la chambre du roi and with it his access to the inner royal circle.

That de Monts retained his position of lieutenant-general of New France when traffic was opened to all French subjects in 1609 shows that the Crown perceived these commissions as two separate entities. In practical terms, however, the lieutenant-generalship meant little without trading privileges. Not only did de Monts and his associates no longer have a source of funds theoretically free from outside competition but also de Monts as lieutenant-general had little foundation on which to rest the considerable powers conferred in his 1603 commission. It was thought that culminated in his proposal to the king and the Chamber of Commerce in Paris in 1618 for a royally funded enterprise alongside that of Quebec. See Works, 2: 326-45, 3: 14, 147; 5: 72-3; chap. 2 below, 90-4.

140 On Henri IV as de Monts’ patron, see Trudel, HNF, 2: 173; Works, 2: 145.
141 On Champlain’s position at court under the new king and the Queen Regent, see Fischer, Champlain’s Dream, 283-6. During this time, any attention directed overseas was focused on Brazil, where Daniel de la Touche, Sieur de La Ravardière, conducted a second voyage in 1612 after receiving a commission for the lieutenant-generalship and a royal subvention. See Trudel, HNF, 2: 185; Binot, Pierre Dugua de Mons, 178-9.
142 By 1611, the heavy financial commitment had proved to be too much for Caulier and Legendre “pour n’avoir point de comission qui peut empescher un chacun d’aller en nos nouvelles descouvertures negotier avec les habitans du pays.” De Monts thereupon took on the whole enterprise himself. In 1612, he rented out the habitation to a
too early in the life of the habitation at Quebec to have a formal institutional structure. As a result, de Monts’ governmental role from 1604 to 1608 depended to a large extent on his ability to exercise his personal trading privileges, from securing the coasts of New France through the seizure of interloping ships and their merchandise and the resulting prosecutions in French courts to establishing diplomatic relations with native peoples through trade.\textsuperscript{143} Given the exceptional logistical challenges faced by de Monts and his associates during their privileges, especially in the area of policing, the revocation of the same rendered de Monts’ authority more or less moot from 1609 to 1612.

De Monts’ de facto loss of his authority became official in January 1612 when Charles de Montmorency, Admiral of France, resigned and was succeeded by his nephew, Henri de Montmorency. De Monts thereby lost a second crucial patron. After all, Montmorency had appointed de Monts vice-admiral and lieutenant-general of New France and may even have contributed to some of the latter’s expenses.\textsuperscript{144} As the admiralty controlled licenses for overseas trade and many disputes among traders came before its courts, as we saw earlier in the chapter, the admiral’s attitude towards an overseas enterprise could have a large impact on its chances of success. Not long after this change in leadership, de Monts lost his position of vice-admiral. The loss of two important patrons convinced him, in consultation with Champlain, to resign from the lieutenant-generalship that same year, in the hopes of finding a more powerful and well-connected person to oversee and protect the enterprise. In a system in which the exercise of authority depended on the bestowal of privileges to win loyalty, hopes of regaining exclusive rights to trade in New France rested on strong clientele networks and close connections to the king.

IX. Conclusion

For much of Henri IV’s reign, exclusive trading privileges to New France proved both politically undesirable and logistically unworkable. They were an awkward fit with the structure of authority in France, built partly around securing loyalty through the granting of particular liberties and the recognition of customs. To be sure, those subjects, corporations, and institutions

\textsuperscript{143} On the distinction between institutional power and personal authority, see James, \textit{The Navy and Government in Early Modern France}, 36-8.
\textsuperscript{144} LAC (Ottawa), Série C11D, fo. 28-31v, “Articles proposés au roi par le sieur de Monts,” 6 November 1603.
who received privileges, liberties, and rights from the king depended on his pleasure for the
continuation of such favor. With a focus on restoring order at home, however, Henri IV’s reign
sought legitimacy through accommodation with various levels of government, notably the
powerful provincial parlements and towns throughout the kingdom. To some of these
constituencies, de Monts’ commission raised questions about the dynamics of their relationship
to the Crown, and to this particular (and relatively new) king. The opposition of Saint-Malo and
other towns is often portrayed as the petty and parochial concerns of a few ports and their
traders, hindering a noble enterprise; yet, to them, what was at stake went far beyond the
granting of exclusive trading privileges to an individual. Provincial and local autonomy
themselves were under threat. The multiple jurisdictions in each province on which the king
relied for the registration and execution of royal orders and commissions provided leverage and
an avenue for protest. While the king possessed the means to force royal decrees through when
necessary, both the domestic and international situations were such that he required the support
of certain constituencies, including the Breton and Norman parlementaires, more than an
unhindered enterprise in New France.

The organizational infrastructure of early modern enterprises posed as much of a
challenge to exclusive trading privileges as did the multiple political and judicial authorities in
France. Like the annual fishing voyages and other short-term partnerships, the Compagnie de
Monts went through various permutations and combinations during its five years of privileged
status. A loose association among rival ports for much of its tenure, the company’s small group
of associates belied the large number of people involved in the execution of the enterprise. From
employees to ship owners, many others indirectly enjoyed the benefits of de Monts’ commission.
Supposedly exclusive trading privileges, then, were highly permeable. The line between
inclusion and exclusion was further blurred with the clandestine trading of associates themselves
and with de Monts’ continued control over the distribution of privileges independent of the
company. These various circumstances highlight the company’s status as a somewhat notional
entity. The first full decade of French enterprise in North America underscores how unfixed
were the supposedly uncomplicated principles on which the venture rested.
Chapter Two  
‘Y deffendre de tout leur pouvoir’: Competing Lines of Authority in New France, 1612-1620

As recent commemorations of the 400th anniversary of the founding of Quebec in 2008 demonstrated, Samuel de Champlain remains the most recognized figure of early New France. Indeed, he is often portrayed as the father of Canada. Yet, as the dynamic decade of the 1610s shows, the consolidation of French claims in North America involved many individuals apart from Champlain – with a comparable number of years of experience in the enterprise – and the institution and articulation of various positions of authority. Ensuing disputes among holders of power and privileges (as well as with those excluded) and changes in personnel became fertile ground for the assertion of power. The exercise and maintenance of power required concerted effort and creativity on both sides of the Atlantic. On the ground, commissions bestowing authority and privileges were but one weapon among a range of options, from legal instruments to force to personal authority. In France, connections at court and in the admiralty and the ability to win suits before various jurisdictions were integral to the defense and assertion of prerogatives overseas. During the period 1612 to 1620, the negotiation and assertion of jurisdiction played out simultaneously on a number of levels: among outside traders and titleholders, among claimants to the viceroyalty of New France, between the company with trading privileges and the viceroy’s lieutenant, and within the company itself. This jockeying over claims and privileges in New France was as much about the struggle for authority in France as it was about ascendancy overseas.

I. A Transatlantic Changing of the Guard
   i. The Regency of Marie de Medici

   The decade of the 1610s saw plays for power in France and New France alike. As we saw at the end of the previous chapter, the assassination of Henri IV in 1610 brought a child king to the throne, the young Louis XIII, and so, for the next seven years the kingdom would be ruled by the Queen Regent, Marie de Medici. Regencies were notoriously unstable periods, as members of the nobility typically took advantage of a weak Crown to improve their own positions. Changes at the very top of the social and political hierarchy reverberated outward, precipitating reversals in the political fortunes of those at court and in provincial circles: whole
patron-client networks fell, others concomitantly rose. Such shuffling extended to New France as well. As we have seen, Pierre du Gua, Sieur de Monts, lost not only two crucial supporters of his overseas enterprise, with the death of Henri IV and the resignation of Admiral Charles de Montmorency, but also his two positions in New France. In contrast to this decline in fortunes, Jean de Biencourt, Sieur de Poutrincourt, seigneur of Port Royal, received encouragement from the Queen Regent for his colonizing and trading activities in Acadia. The maneuvering occasioned by the regency took place on both sides of the Atlantic, as parties simultaneously sought favor at court and asserted their positions in New France.1

ii. New commissions for New France, 1612-1613: the lieutenant-general

It was in this context of metropolitan instability that the king named a new lieutenant-general of New France, whose prosecution of the position highlights the disjunction between commissions and their practical application. After one false start, the king appointed Henri de Bourbon, Prince de Condé to the post in November 1612.2 Just as his letters patent, which outlined his powers and responsibilities in theory, became a model for future commissions, so his exercise of the position in practice, which diverged in significant ways from intentions, established a pattern for subsequent lieutenants-general to 1627.

The commission accorded Condé suggests, on the surface at least, a continuity in the powers granted from de Monts’ tenure. Indeed, much of the wording is identical, and is repeated

1 In return for this support from the royal circle, Poutrincourt was obliged to bring Jesuits with him to Acadia. See Trudel, HNF, 2: 94-102, 112-13. Similar instability and aggressive assertions of power were also visible in the late 1640s and early1650s – another regency period – with the “civil war” over Acadia between Charles Menou d’Aulnay and Charles Saint-Etienne de La Tour and the shunting aside of the Compagnie de la Nouvelle France’s prerogatives not only in Acadia but also in the St. Lawrence Valley. See chap. 6 below, 248-71.

2 Champlain had first approached Charles de Bourbon, Comte de Soissons, Governor of Normandy and Dauphiny, for the position; less than a month after his appointment in October 1612, however, the count died. See The Works of Samuel de Champlain, H.P. Biggar, ed. (Toronto: University of Toronto Press, [1922-35] 1971) 2: 244, n. 1. On Champlain’s connections at court, see David Hackett Fisher, Champlain’s Dream: The Visionary Adventurer who made a new world in Canada (Toronto: Alfred A. Knopf Canada, 2008) 286.

This period marked a transition from de Monts to Champlain as de facto head of the enterprise. There is some debate among historians regarding the extent to which this adjustment of roles was mutually agreed upon. For the argument that de Monts was a willing party to the change, see Fischer, Champlain’s Dream, 285; Jean-Yves Grenon, “Pierre Dugua de Mons: Lieutenant General of New France,” in Raymonde Litalien and Denis Vaugeois, eds., Champlain: The Birth of French America, trans. Kathe Roth (Montreal/Kingston: McGill-Queen’s University Press, 2007) 147. For the view that Champlain usurped de Monts’ role, see Eric Thierry, “Champlain and Lescarbot: An Impossible Friendship” in Ibid., 133. While it is evident throughout his writings that Champlain aspired to a position of leadership in New France, de Monts’ continued investments and meetings with Champlain – he remained an associate until 1622 – and Champlain’s engagement of people close to the former lieutenant-general suggest at the very least that the two continued to collaborate on the enterprise.
in commissions to their successors, indicating that an understanding had been reached on the broad outlines of the position and the form of the letters. De Monts and Condé were each accorded:

plein pouvoir d’y establir nostre auctorité, estendre et faire congnoistre nostre nom si avant que faire se pourra, assubjectir, soubzmettre et faire obeyr tous les peoples desdites terres et leurs circonvoisins, les appelantz par toutes voyes les plus douces qui se pourront faire à la congnoissance de Dieu… maintenir et conserver lesdictz peuples et tous autres habitantz esdixts lieux en paix, repos et tranquilité, y commander, tant par terre, ordonner, decider et faire executer tout ce que jugerez se debvoir et pouvoir faire pour la manutention et conservation desdits lieux soubs nostre authorité et obedience par les formes, voyes et moyens prescriptz par nos ordonnances….

To this broad authority was added the power to appoint judicial and military officers, create laws in conformity with those in France, enter alliances with the country’s inhabitants, make war, distribute land and honors to those French who came to “traffiquer, negotier et resider,” clear and cultivate the land, explore the coasts and interior of the country in the quest to find a northern route to China, and build forts and habitations to ensure the safety of the inhabitants and protect the Crown’s claim. These executive powers focused on the government, rather than the administration, of the colony. In other words, the lieutenant-general represented the king’s person and assumed his various powers in the areas of the military, justice, and law. The lieutenant-general was to oversee the execution of responsibilities in each by captains, officers of justice and other delegated officials. The substance of the commission closely resembled that of a governor or lieutenant-general of a province in France, with the exception of the power to make laws. The parameters of the position on both sides of the Atlantic were rather ill-defined, and, as a result, exercise of the position differed according to local circumstances.

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4 Nouv. docs., 235.

The greatest divergence between the commissions for New France and French provinces concerned the inclusion of trading privileges in the former. While provincial lieutenants-general and governors enjoyed honors and control of patronage, they do not appear to have received anything comparable to trading rights.
The contrast between the size of Condé’s jurisdiction as lieutenant-general in theory and in practice highlights the process by which vast territorial concessions overseas translated into small enclaves of authority in actuality. Bestowing comparable powers, the commissions of de Monts and Condé diverged in the geographical extent of the trading privileges they were to enjoy. De Monts’ trading area was coextensive with his lieutenant-generalship, defined as the “countries, territories, coasts, and confines of La Cadie.”\(^6\) This sweeping trading jurisdiction effectively eliminated the possibility of others’ legally engaging in the fur trade. Just under a decade later, Condé’s privileges were confined to the area above Matane, situated about one hundred miles from the Gaspé Peninsula on the St. Lawrence River, and extending beyond Quebec.\(^7\) While a vast area rich in furs, it left Acadia and part of the Gaspé open to other traders. This decision may reflect the Crown’s intention to balance the interests of outside merchants with the need for a source of financial support for the Quebec habitation.\(^8\) Whatever the origins of the circumscribed trading area, its parameters had a significant impact on how far the prince’s government extended. Theoretically governing all of “[l]e Canada, l’Acadie et Nouvelle-France,” in practice Condé’s authority, vested in Champlain, was largely limited to the area of his trading privileges.\(^9\) Indeed, Champlain did not venture to Acadia under Condé or his successors. Two jurisdictions, one of authority, one of privileges, thereby collapsed into one on the ground.\(^10\) Just as de Monts had had no hope of exercising his authority after he lost his trading privileges in 1609, so Condé’s government became coextensive with his own privileges. Apart from the great challenge of extending authority beyond a limited area in a region where native peoples controlled much of the territory, the region between Matane and Quebec offered particular advantages, being on the St. Lawrence River with ready access to the interior, richer in

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\(^7\) See *Nouv. docs.*, 307-9. Condé’s original letters patent of 13 November 1612 designated the area at and above Quebec as off-limits to traders without his permission. The king extended his privileges on 14 November 1613 in the hopes of reducing (French) piracy in the St. Lawrence River.

\(^8\) It may also reflect the acceptance of the idea that adventurers should enjoy exclusive rights to lands discovered by them, a position unsuccessfully advocated by de Monts in 1609. On his advocacy of this principle, see *Nouv. docs.*, 210-11. Champlain shared this opinion. See *Works*, 2: 221.

\(^9\) *Nouv. docs.*, 267. It is also true that Champlain’s personal preference was to explore the interior of the continent along the St. Lawrence, rather than the coasts of Acadia.

furs, and further removed from rival powers than the coasts of Acadia. In addition, the latter was the site of greater French competition, with Jean de Poutrincourt and his son, Charles de Biencourt, extending their claims outward from their seigneury at Port Royal. The coexistence of two separate enterprises in the St. Lawrence and Acadia, each exercising little power beyond the habitations of Quebec and Port Royal, respectively, exemplified the larger pattern of uneven European control of territories overseas.

iii. New commissions for New France: delegation of the lieutenant-general’s authority

Within Condé’s de facto single jurisdiction, he created two delegated authorities with separate but overlapping jurisdictions, sparking, as we will see later in the chapter, a contest over power and prerogatives. The similarity in Condé’s and de Monts’ letters patent belies the divergence in their exercise of authority in New France. While both held the title of lieutenant-general, de Monts alone exercised significant elements of his authority directly. First and foremost, de Monts had participated in voyages to New France since 1598. In New France from 1604 to 1605 as lieutenant-general, he commanded the habitation at Sainte-Croix through the winter and led an exploratory voyage to the south of Acadia along the northeastern coast of the present-day United States. In France from the end of 1605 onward, he continued to manage and promote his New France affairs. He lobbied at court, recruited artisans and laborers for the habitation, outfitted vessels, negotiated with his partners, and engaged in suits against those who violated his trading privileges. In his absence, de Monts appointed a lieutenant or deputy in New France to build and command the habitation over the winter, conduct trade, explore the country, and patrol the coast for interlopers; François Gravé, Sieur du Pont, a veteran overseas trader and captain, served in this capacity in 1605, Poutrincourt in 1606, and Champlain at Quebec from 1608 onward. These appointments were made each year without, it would appear, a formal written commission – indeed, Champlain was uncertain of his position for the winter of 1610 until he asked de Monts outright – and were restricted in their judicial and administrative

11 On the attractiveness of rivers as “corridors of expansion,” see Benton, A Search for Sovereignty, 41-2. On the advantages of the St. Lawrence, see Trudel, HNF, 2: 84. On potentially overlapping jurisdictions between the titleholders in Acadia and those in the St. Lawrence, see below, 105-10. On the lack of distinction between the two areas after 1627 under the Company of New France, see Le Blant, “La première Compagnie de Miscou, 1635-45,” RHAF 17.3 (1963): 370.
12 On the relationship between the delegation of authority and jockeying for position, see Benton, A Search for Sovereignty, 3.
powers, although the need to maintain order in the colony meant that they also carried considerable discretion.\textsuperscript{14}

The Prince de Condé’s prosecution of the lieutenant-generalship fundamentally diverged from de Monts’ due to its honorary character and his delegation of authority in New France to others. A prince of the blood, governor and lieutenant-general of Guyenne, Condé had no particular connection to New France; rather, what was important was his close relationship to the king. He thus played a largely symbolic role, reflecting the Crown’s commitment to, and support for, the occupation and exploration of New France. Condé delegated his powers and privileges to others. Through a commission granted on 22 November 1612, Condé appointed Champlain his lieutenant “pour representer nostre personne audit pays de la nouvelle France.” As with the one from de Monts, Champlain was instructed to develop the habitation at Quebec, build forts for the safety of the inhabitants, and explore the surrounding country. His lieutenancy in 1612, however, extended far beyond this:

\begin{quote}
commettre, establir, et constituer tels Capitaines et Lieutenans que besoin sera. Et pareillement commettre des Officiers pour la distribution de la Justice, et entretien de la police, reglemens et ordonnances, traitter, contracter à mesme effect, paix, alliance, et confederation, bonne amitié, correspondance et communiation avec lesdits peuples, et leurs Princes...entretenir, garder, et soigneusement conserver les traittez et alliances dont il conviendra avec eux, pourveu qu’ils y satisfacent de leur part. Et à ce default, leur faire guerre ouverte....
\end{quote}\textsuperscript{15}

He was also to seize the ships and merchandise of those caught trading illegally, have them sent to France for prosecution, encourage the conversion of native peoples to Catholicism, and take all other action necessary “comme si le tout y estoit par exprés et plus particulierement specifié et declaré.” In short, Condé delegated Champlain all of the governmental responsibilities of his lieutenant-generalship. Given the extent of his authority, it is perhaps not surprising that Champlain was mistakenly considered by contemporaries – and later by scholars – to be “gouverneur.”\textsuperscript{16} Champlain’s commission became the template for ones from later viceroys.

\begin{thebibliography}{9}
\bibitem{works} Works, 2: 112; Grenon, “Pierre Dugua de Mons,” 146. For a list of commanders of Acadia and Quebec from 1604 to 1628, see Trudel, \textit{HNF}, 2: 485-500.
\bibitem{works1} Works, 4: 210-12. Both quotations are from the Comte de Soissons’ commission to Champlain. The substance was the same under Condé’s viceroyalty.
\bibitem{ibid} \textit{Ibid.}, 4: 214. For those who took Champlain to be governor, see Chrestien Le Clercq, \textit{Premier établissement de la foy dans la Nouvelle-France} (Paris, 1691) 160. Eric Thierry has recently argued that Champlain had the “true power of a governor, without having either the title or the commission.” See Thierry, “Champlain and Lescarbot,” 133. For the powers of a provincial governor in France, see Mousnier, \textit{Les institutions de la France}, 2: 456-7.
\end{thebibliography}
His execution of it established the broad pattern of governance for the next fifteen years, by which the titleholder remained permanently in France and his lieutenant straddled the Atlantic to varying degrees, depending on what the circumstances demanded at the time.

Condé divided his executive authority from the emoluments attached to it in his commission by delegating his trading privileges to merchants in return for a fixed sum. The negotiation of these agreements was left to Champlain: “[nous] avons auditSieur de Champlain permis et permettons d’associer et prendre avec luy telles personnes, et pour telles sommes de deniers qu’il advisera bon estre pour l’effet de nostre entreprise.” While trading privileges could theoretically have been granted to several individuals or groups, Champlain preferred the creation of one large association, involving merchants in several ports. To this end, he sought the participation of established traders in Rouen, La Rochelle, and Saint-Malo, the trio of ports active in the Atlantic trade and that had, not coincidentally, come together in the Compagnie de Monts nine years earlier. With already established networks, it comes as no surprise that several former associates entered the new association, which became known as the Compagnie de Rouen et Saint-Malo (CRSM). Negotiations began in January 1613 and were not completed until mid-November. During this time, the parties drafted three successive contracts, revealing the evolution in discussions over the year and the range of articles under consideration.

The broad strokes of the company, which remained constant throughout the negotiations, resembled the arrangements of the former Compagnie de Monts. A partnership among ports, Rouen and La Rochelle were interested from the start, while Saint-Malo joined the discussions towards the end of the summer. Like de Monts’ company, it was a société générale or partnership: all members were merchants, directly involved in its activities and collectively responsible for its business. The associates were to send annually men in the company’s employ,

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17 Works, 4: 214. Despite the impression here of a complete delegation, Condé does seem to have granted congés to other traders, on more than one occasion. On 22 November 1612, at the request of Condé, the community of Saint-Malo agreed not to hinder de Monts’ traffic to New France “suyvant ses [Condé’s] permissions, ayant cy davent presté son nom aux particuliers de ceste ville, d’obtenir a leurs fraiz de pouvoir traficquer audit Canada et non aulurement”. See Docs. inédits, 36-7. Emile Gosselin adds Rouen, Dieppe, Honfleur, and La Rochelle to Saint-Malo, as ports in which individual merchants had already entered treaties with Condé. Having themselves paid for rights, all of these parties protested the awarding of exclusive trading privileges to the new company of Rouennais and Malouin traders. See Nouvelles Glanes historiques normandes (Rouen, 1873) 34; also Trudel, HNF, 2: 191-2.

18 Among those who were from the Compagnie de Monts were: de Monts, Lucas Legendre, Samuel Georges, and Jean Macain. Veteran trader François Pont-Gravé continued to work under the new company.

19 Works, 4: 220. The first two drafts, made in the winter of 1613, therefore, involved only the Rouennais and Rochelais associates. For the three successive drafts, see Nouv. docs., 250-55, 256-61, 310-21.
from artisans to clerks, and provide transportation for Champlain and his men. They also paid Champlain’s “gages et appointements” or salary. Decisions were to be made unanimously, typical of a small association among individuals. The association was divided equally into thirds by port, although this provision remained tentative since the Rochelais merchants had failed to show up for the signing of the contract. The Rouennais and Malouin associates agreed to follow up with the group of Rochelais merchants; in the end however, as indicated by the name of the company, the latter did not join, leaving the Breton and Norman ports each with a half stake in the enterprise. Each port was responsible for outfitting one or more ships with provisions for wintering at Quebec and merchandise for trade, and named a primary representative – Thomas Porée for Saint-Malo and Daniel Boyer for Rouen – who was to travel to Paris each fall to decide on preparations for the following year’s voyage. These deputies were also to take on any other business for the company, including paying the costs for the publication and dissemination of the ban on trade and collecting sums from members for their shares, with 900 livres provided for any travel that their positions required. Drawing on an established commercial principle, the treaty mandated that all disputes among associates would be subject to arbitration “sur les lieux sy le cas est particulier, ou…pour un differend general…[les parties seront tenus de convenir] d’arbitres en ceste ville de Paris, pour terminer souverainement et en dernier ressort….” This article was of particular importance, given the later internal troubles of the association.

The Compagnie de Rouen et Saint-Malo departed from the configuration of the Compagnie de Monts in its tighter organization among ports, a deliberate attempt perhaps to avoid a repetition of the litigation that enveloped the earlier, looser inter-port partnership. The new association was to last for eleven years, beginning in 1614. As with most multi-year enterprises of the period, each associate would contribute a fixed sum annually towards each voyage in proportion to their share. Having received 3,900 livres from the company for the Quebec habitation “avecq toutes barques, agreees, ustancilles et armes,” de Monts invested 3,000 livres to become an associate. Together with 1800 livres from Champlain, the sum would form “ung douziesme ou treiziesme ou autre portion plus grande ou moindre en la couche

generalle." This suggests that the company’s capital was between 57,600 and 62,400 livres, a bit higher than the 54,000 livres invested each year in the Compagnie de Monts. Between 25,000 to 30,000 livres of this was to be spent on merchandise in 1614. Significantly, de Monts’ and Champlain’s share was to be “par tiers reparty sur chacune des dictes trois villes,” rather than going to one port. Although each port had particular responsibilities, such as the outfitting of a ship to be undertaken by both La Rochelle and Rouen in 1614, most company business was to be conducted in common. The methods of sending merchandise for trade and of receiving furs in return exemplified this setup. Both voyages were to be undertaken at the collective risk of the associates and the furs sold by the company, before dividing the profits according to share. This arrangement contrasts with that of the Compagnie de Monts, in which each port kept separate accounts, to be pooled at the end of each season. Rather than an umbrella organization under which each port conducted its own trade and sale of furs, the Compagnie de Rouen et Saint-Malo was in theory to have been an association of various individuals from three ports. Its organization in practice, however, was another matter. Just as the viceroy’s own commission differed considerably from his prosecution of the position, so the company’s conduct of its business became very much entwined with, and highly affected by, its composition of Rouennais and Malouin traders.

Negotiations over the terms of the company’s agreement reveal the different forms New France assumed for each party as a vast overseas territory claimed by France. It is worth examining in detail the changes in the successive drafts as they indicate the elements deemed most important to the success of the enterprise by the different parties and highlight potential points of friction in the treaty’s execution. Not surprisingly, the terms of the trading privileges preoccupied the associates. While the draft of 16 January 1613 gave them permission to trade above Quebec, it was not specified that this would be an exclusive privilege. The following month’s agreement, however, reimbursed Champlain for having obtained “[l]esdictes lettres et deffences, publications d’icelles faictes et à faire selon que requis est en tous les lieux portez par lesdictes deffenses” and stated how merchandise seized from, and fines levied on, interloping ships would be divided. More significantly, it included a clause that tied Condé’s portion of the profit to these prohibitions: “A esté outre accordé que s’il se trouvoit cy-après que Mondit

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22 Nov. docs., 313-14. By a notarial act of 21 November 1613, Champlain ceded his share to de Monts, having acknowledged that the money had in fact come from the latter. See Ibid., 322-3.
23 Ibid., 314.
Seigneur le prince, sondict lieutenant…eust donné ou donnast cy-après autres passeportz…lesdicts marchans ne seront tenuz payer ledict vingtieme à Monseigneur….”

The inclusion of this clause may reflect reports of other traders’ having entered individually into agreements with Condé and the uncertainty surrounding the prince’s commission due to concerted opposition by Malouin traders. While the condition is absent in the final treaty in the fall – pertaining as it did only to the 1613 season – the agreement remained contingent on the ban on trade above Matane to all other traders. The firestorm that trading privileges provoked and their consequentially slippery status – to which the Compagnie de Monts could readily attest – prompted the prospective associates to seek some sort of guarantee of their prerogatives.

If the assurance of exclusive trading privileges was of primary concern to the merchants from the trio of ports, the maintenance and development of the habitation at Quebec preoccupied Champlain. It is, therefore, all the more surprising to note the virtual absence of settlement obligations in these agreements. That said, the articles that do address the transportation of men to New France illuminate the trajectory of the company’s role in the government of the colony from one of steward responsible for transportation and sustenance to one of company tout court responsible only for the minimum number of men needed to mind the company’s storehouse over the winter. The first agreement proposed sending the largest number of men: “vingt hommes ayant gages, comprins ledict sieur de Champlain, le commis et deux garcons, pour estre menés et conduicts audict pays de la Nouvelle-France y demeurer et travailler et faire audit pays tout ce qui leur sera commandé par ledict sieur de Champlain.” The company was to provide the transportation and upkeep, but these men would remain under the authority of Champlain. Likewise, the company’s clerk, in charge of the storehouse at Quebec, “distribuera le tout selon qu’il luy sera ordonné par ledict sieur de Champlain et ne se fera rien qu’il n’en ayt communiquation.” The company’s jurisdiction was restricted to the storehouse inside the habitation and to the conduct of the trade; having no concrete administrative responsibilities, it would nevertheless bear some of the costs. In addition, the company was to provide for four men, who would accompany Champlain on his explorations, a commitment retained in the second draft of the agreement. The most striking change in its obligations on this subject

24 Nouv. docs., 258.
25 On agreements between Condé and individual merchants, see n. 17 above. On the Malouins’ opposition, see Nouv. docs., 245-9, 263-4.
26 Ibid., 252.
occurred between the first and final treaties. In the latter, the associates undertook to leave at most ten men, “dont trois massons, ung charpentier, ung forgeron, ung scyeur d’aiz et les autres hommes communs” to look after the company’s merchandise during the winter under the command of a clerk.27 In the end, their responsibilities do not appear to have extended beyond their own trading concerns.

The terms reached between the CRSM and Champlain highlight at once the many layers of delegated authority and the contested nature of empire formation. The articles concerning the company’s settlement responsibilities in the final agreement appear to run counter to the justification for trading privileges – to support the colonization and expansion of the colony – established at the beginning of the century. While the king conferred both the obligation and the privilege on Condé as viceroy, only the latter was clearly delegated to the company in the final treaty. The lack of specification regarding just who was responsible for colonization in the treaty of 1613 led to later disputes between the company and Champlain as well as with Condé’s successor, both of whom considered the associates bound to contribute directly to the habitation’s growth.28 The issue of whether companies did fulfill their colonizing obligations, an issue that occupied contemporaries, has long been a preoccupation of historians as well. Many analyses rest on the underlying assumption that the calculation of the number of settlers sent over answers the question: if the company reached its quota, then a premature revocation of its trading privileges on that basis was unjust; if the reverse were true, then the viceroy or king acted appropriately.29 What the three drafts of the agreement between Champlain and the CRSM demonstrate, however, is that the situation was not nearly as straightforward as such a calculation would suggest. Indeed, even explicit agreements did not necessarily settle matters. Just as trading privileges – supposedly exclusive – were in practice highly contingent, so colonizing obligations were uncertain, leaving room for interpretation. Both of these elements highlight a

27 Ibid., 314.
28 Although no colonization figure appears in the treaty, the CRSM accepted, according to some historians, the obligation to send over six families over the course of their tenure. See Biggar, Early Trading Companies, 94-5; Trudel, HNF, 2: 206. The exact nature of their settlement responsibilities is less clear in Champlain’s account. The company showed at various times an – albeit fleeting – interest in contributing “quelque chose de plus que ce qu’ils estoient obligez par leurs articles, comme de passer des hommes par delà pour habiter et défricher les terres.” See Works, 4: 349-50.
29 Trudel, HNF, 2: 272-3, 430. Trudel does, it is true, also acknowledge the great logistical challenges such a large-scale enterprise posed to a relatively small company. See Ibid., 2: 432. Biggar, for his part, is inclined to blame the Crown for its inconstancy. See Early Trading Companies, 49-50.
chief characteristic of commissions and agreements in general: far from fixed representations of conditions in reality, they were one tool in a repertoire used by titleholders to assert their claims. If trading privileges and colonizing obligations proved unfixed, the company’s and lieutenant’s attempts to codify the boundaries of their respective jurisdictions showed just how elastic zones of authority were in the early modern French Atlantic. The first two drafts of the agreement show a particular preoccupation with the precise relationship between Champlain’s lieutenancy and the company. It is not difficult to see why. Champlain had, after all, engaged these associates on the part of Condé but he also held his own extensive commission, which could, conceivably, put his interests in conflict with those of the company. In an attempt to prevent such an eventuality, the agreement of 16 January 1613 declared: “Ce qui sera resolu et arresté par lesdits marchans depuissés pour le gouvernement de ladite societté, lesdits associés, ensemble ledict sieur de Champlain, seront tenuz de bien et fidellement l’executeur, ne se pouvant prevaloir les ungs sur les autres ny pretendre aulcune superiorité, ny mesmes ledict sieur de Champlain en vertu de sa commission que mondict Seigneur le prince luy a addressée.”

Champlain was to be treated like any other associate. The impracticability of this situation was highlighted by the earlier provision that all twenty men transported to the colony that year at the expense of the associates were to be under Champlain’s authority and attend to any work he asked of them.

The articles concerning Champlain’s wages, both the amount and the reasons given, exemplify the struggle to define the lieutenant’s position vis-à-vis the company. In the 16 January version, the lieutenant was awarded 1050 l annually, plus one-twentieth of the company’s profits. A crossed-out portion reveals that there was disagreement over the proper amount, with the Rochelais representative preferring 600 l and the same share in profits. The rest of the associates, however, overruled him. The second contract perhaps reveals a greater weight accorded to the Rochelais position, as it offered 800 l with no share. This sum was designed “pour donner courage audict sieur de Champlain de se comporter vertuesement ausdites descouvertures et moyen aussy de s’entretenir durant ledict voyage,” thus emphasizing his mission of exploration in New France. The final treaty met and surpassed the first in amount, with a salary of 1200 l. More significantly, its justification was tied closely to the company’s

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30 Nouv. docs., 251; emphasis added.
31 Ibid., 253, editor’s note.
32 Ibid., 259.
interests: Champlain was to “se tenir près de Sa Grandeur [Condé] en France, pour le bien de ladite compagnie et pour empescher les surprises que l’on pourrait faire au prejudice d’icelle [. . .] [he is to receive the sum] soit qu’il voyage audit Canada, ou qu’il demeure en France.”33 None of the treaties highlighted his position of command over the habitation. While exploration had always formed part of Champlain’s commission, the mandate to protect the company’s privileges in the face of opposition put him and his influence explicitly in its service. As with the final version of the article on overwintering, this one sought the protection of the company’s rights. Overall, the final treaty did not, however, explicitly place Champlain on an equal or subordinate footing. Indeed, while all associates were declared to be equal as in the earlier versions, there was no attempt to single out Champlain and his capacity as lieutenant.34 If the associates had succeeded in reducing their manpower obligations, Champlain managed to keep his own authority unfettered by his association with the company.

The articles on Champlain’s relations with the CRSM’s associates reinforce the manner in which sovereignty and authority were delegated and exercised in France, and, indeed, in seventeenth-century Europe more generally. Rather than tied to a particular physical space, authority was based on jurisdiction, ranging from judicial to fiscal to ecclesiastical. Although territorial boundaries, when established in the eighteenth century, were by no means clear-cut and linear, jurisdictional boundaries were exceedingly porous and open to contestation.35 Consider that Champlain and the company received separate delegations of authority and responsibility; yet, at the same time, the lieutenant received his “gages et appointements” from the latter. This situation might appear from our standpoint to be a contradiction or even a conflict of interest. Such tangled lines of authority were, however, part of the fabric of early modern government. On the one hand, they could prove advantageous to a monarch if he or she were in a position to play one authority off another to advance royal interests; on the other hand, elastic and overlapping zones of authority could encourage competing titleholders to assert their own claims at the expense of a rival, and the temptation was all the greater during an era of regency rule such as 1610s France. As we will see later in the chapter, subsequent crises of authority in New France prompted both Champlain and the company to exploit the slippery

33 Ibid., 316-7.
34 The article concerning relations among the associates reads: “Qu’en ladite societé personne ne pourra s’attribuer aucune superiorité l’un sur l’autre, au contraire tout ce qui deppendra dudit voyage et compagnie, circonstances et deppendances sera resolu et arresté par icelle à la pluralité des voix.” Ibid., 311.
35 Sahlins, The Making of France and Spain, 4-7; idem, “The Nation in the Village,” 239.
nature of jurisdictional boundaries at the expense of the other. Condé’s separate delegation of authority and privileges, then, introduced two new parties with claims in New France, in addition to his own – and to the many outside traders with their own claims based on custom – each with distinct but overlapping responsibilities, and sometimes competing visions of the fledgling French overseas possession.

II. Competing Lines of Authority
   i. Opposition of outside traders: part I

   As de Monts himself had discovered, the considerable power and privileges granted in commissions and contracts could prove to be rather chimerical in practice. Accorded jurisdiction over often vast territories with unspecified limits, titleholders faced the challenge of effectively enforcing their authority and policing their privileged trading area. This task was rendered all the more difficult by the thriving coastal fishery, which continued to be open to all Frenchmen, and by the presence of other titleholders in the region also intent on exercising their rights. A number of events in the 1610s became opportunities for various parties to voice and stake out competing claims, highlighting the complexity of lines of authority in New France during this period. Among those who were, from a royal and judicial point of view, excluded from trade in the St. Lawrence, fellow Frenchmen became the focus of the political, legal, and policing energies of the Compagnie de Rouen et Saint-Malo, Champlain, and Condé on both sides of the Atlantic. The ensuing disputes demonstrate that power and standing in France were as much at stake as authority and privileges in New France.

   The response of parlements to Condé’s appointment as lieutenant-general of New France reveals the delicate game played by parlementaires, one in which they endeavored to obey the king’s will all the while yielding as little as possible. The Parlement de Rouen only reluctantly registered the prince’s letters patent on 4 March and 14 December 1613 after considerable delay and royal pressure. The decree of 14 December recognized the privileges and powers of the prince de Condé “sans prejudice de l’execution de l’arrest du Conseil privé en faveur des bourgeois et habitants de Saint-Malo le 6 octobre 1609 et de la liberte de la navigation traitce et

36 While concerns over English and Dutch encroachment were present in the 1610s, they became more pronounced in the following decade. The exception, of course, was Captain Samuel Argall’s capture of the French settlements of Saint-Sauveur and Port Royal in 1613. See Trudel, HNF, 2: 128-30; Huia Ryder, “Biencourt de Saint-Just, Charles de,” DCB, vol.1, http://www.biographi.ca/ (Accessed 3 February 2010).
commerce fors et reservé aux terres et rivieres qui se deschargent dans le fleuve Sainct Laurens audessus dudit lieu de Mantenne.”37 In other words, they tried to uphold the freedom of trade granted in 1609 as far as they could, in support of the majority of the province’s traders excluded from the trading privileges. As in de Monts’ case, even a partial registration of the lieutenant-general’s commission increased the chances of securing redress later in the courts, in the event of infraction. At the same time, the sympathy of the parlementaires to the liberty of trade argument of outside traders signaled their intention to uphold the interests of their province and assert their prerogatives in the face of the royal will.

The most concerted and persistent opposition, from the province of Brittany and especially the port of Saint-Malo, revealed the skillful mobilization of local and provincial bodies and of a discourse of rights based on custom, which highlighted the particular relationship between king and province. From 1613 to 1619, the merchant-dominated community of Saint-Malo acted as an advocate, lending its considerable weight as a corporate group to those merchants who had enjoyed commercial relations with New France during the period of free trade. In early January 1613, it published a factum against Champlain, whom it held responsible for the ban on trade contained in Condé’s letters patent of the previous November. As in previous protests, the community based its case on custom, history, and lineage. New France, the Malouins argued, had been a destination since 1504 for fishing and exploration by Normans, Bretons, English, and Portuguese. Jacques Cartier, from Saint-Malo, had been the first to travel up the St. Lawrence beyond the site of Quebec, after whom other Bretons, Normans, and fellow Malouins, including Pont-Gravé and the Sieur de Prévert, had followed to trade with the native inhabitants. In short, it had primarily been the people of Saint-Malo “qui ont faict la couverture [sic] dudit pays de Canada et pays adjacens” and it was the resulting fish and fur traffic that provided “[les] occupations des hommes et vaisseaulx de la pluspart des villes de ce royaume.”38 Although this factum provoked some reaction – Champlain was moved to defend his own record of discovery against that of Cartier’s – it did not result in the revocation of the lieutenant-general’s privileges, unlike a similar plea in 1609.39

37 ADSM, 1B 981, Arrêt de Parlement de Rouen, 14 December 1613. See also Nouv. docs., 267-70, esp. 270. On the royal pressure applied to the parlement, see Trudel, HNF, 2: 192.
38 Nouv. docs., 245-9, quotation 248. The community also questioned the utility of a second enterprise, since, it argued, recent experience under de Monts had shown that the colonization of a territory with such poor soil and lacking in rich metals was not worthwhile.
39 For Champlain’s defense, see Works, 2: 218-21. For the outcome of the earlier case, see Nouv. docs., 191-3.
The community of Saint-Malo’s subsequent campaign expanded the issue into one that threatened the very rights and jurisdiction of the entire province. At the end of 1614 or beginning of 1615, it turned to the Estates of Brittany for support, the body composed of the three orders in the province and which negotiated taxes with the king on the province’s behalf. Interested Malouin merchants slipped an entreaty into the province’s cahiers de doléances or list of grievances for the Estates General, exhorting the deputies to “représenter que le Canada a été découvert par Jacques Cartier, originaire de Saint-Malo et de se plaindre des Lettres qui accordent le commerce exclusif dans la partie et en endroits qui y est favorable.”40 Unlikely to have its case included in the cahier if potential benefits were to accrue only to itself, the community of Saint-Malo asked for freedom of trade in New France for all of Brittany. The prospect of a challenge to Condé’s (and the CRSM’s) rights from the powerful provincial body – not to mention the Estates General – prompted a swift reaction from the titleholders. Champlain “ayant ouy le vent de cecy, j’en parlay à Monseigneur le Prince, et luy remonstray l’interest qu’il auoit en la defense si iuste de cet article & que s’il luy plaisoit me faire l’honneur de me faire oüir, ie ferois voir que la Bretagne n’a nul interest en cela, que ceux de Saint Malo....”

Through the prince’s intervention, Champlain was able to have the clause removed.41 In giving a voice to opponents of trading privileges, these local and provincial bodies competed with the traders grouped together in the CRSM and their patron for legitimacy and influence.

The discourse based on custom and rights to New France through discovery in both the list of grievances and the factum illuminates the particular roles of custom and privileges in shaping the relationship between the king and his subjects in the early modern French Atlantic. The person of the monarch united all provinces together but his relationship to each, politically and juridically, was particular. Upon annexation to the Crown, a province like Brittany entered into what it saw as a contractual agreement with the king by which the customs and laws of the province remained intact in exchange for the province’s allegiance.42 Privileges created layers of

41 Works, 4: 225; see also 347. It is worth noting here that this was an example of the protective role of the lieutenant-general working in practice according to intentions. Champlain and de Monts had wanted to find an advocate at court who wielded the influence required to rebuff such attempts to overturn their privileges, which they regarded as the foundation of the New France enterprise.
42 The king’s perception of this arrangement was different: not a contractual obligation, his recognition of the province’s customs and privileges was due to his “pure et simple libéralité.” See Joël Cornette, Histoire de la Bretagne et des Bretons (Paris: Seuil, 2005) 1: 547, also 426-8; Jean-Jacques Monnier and Jean-Christophe Cassard, eds., Toute l’histoire de Bretagne: des origines à la fin du XIXe siècle, 2nd ed. (Morlaix: Skol Vreizh, 1997) 326.
jurisdiction, status, and law, ranging from a port’s designation as a port franc or free port, in which import and export duties were waived to a province’s enjoyment of administrative autonomy. Saint-Malo’s campaign reflects the importance of privileges in defining status and merchants’ relations to their counterparts in other ports. While the port’s community called each time for the restoration of “liberté du commerce,” what it had in mind was far removed from the modern notion of free trade. Denoting a “vested right or privilege,” liberty of trade would confer status rather than remove all claims.\(^4\) The distinction here is best seen in Saint-Malo’s persistent claim that its traders and explorers alone had discovered New France and its fur trading regions. Although the period of free trade from 1609 to 1612 appeared to put merchants of all ports on an equal footing, Saint-Malo distinguished itself from other ports due to its long history with North America and its customary rights. Had the king reopened trade to all in 1613, the Breton port would not have stopped pushing for favor and advantage at the expense of its rivals. Indeed, the primary concern of the community was to protect the interests of its own traders. The case presented by Saint-Malo proved to be a highly effective argument in a society in which privilege defined relations among individuals and with the king, often mediated through corporations. The challenge this presented to the Compagnie de Rouen et Saint-Malo, Champlain, and Condé was that their exclusive privileges were frequently at risk of being undermined, a situation which, as became evident later, could have serious consequences if they were not in a position to confront competing claims together.

ii. Who was the legitimate viceroy of New France?

In 1616, a series of events precipitated a crisis of authority, in which the legitimate holder of the top position in New France was thrown into question, ultimately exposing the fragility of the Compagnie de Rouen et Saint-Malo’s legal status and inviting insiders and outsiders of the New France enterprise alike to consolidate their own positions. The transatlantic maneuvering illuminates the variety of tools parties drew upon, ranging from commissions to personal authority to appeals to the metropolitan courts. Unrest in France itself both influenced and was affected by the strategies adopted by claimants in the struggles overseas.

Plays for power in France had a direct impact on governance in New France. In 1616, a challenge to the authority of the Queen Regent prompted a change in viceroy in the colony. Two years earlier, Condé had organized a rebellion among nobles dissatisfied with the Regent’s reliance on Italian advisors and, by extension, the exclusion of the French high nobility from the inner circles of government. Based in the Huguenot stronghold of La Rochelle, Condé and his assembled forces resisted until his imprisonment in September 1616. As he was unable to fulfill his New France responsibilities, the Crown appointed Pons de Lauzière, marquis de Thémines – the very man who had arrested the prince – to serve temporarily as viceroy and lieutenant-general of New France. Declaring all previous commissions “nuls et de nul effet,” Thémines’ letters patent transferred to him all of the powers granted Condé in 1613. In a bid to reassure those who might wish to associate with the new viceroy but were discouraged by the uncertainty of the situation, “nous [the king in his council]…avons vallidé et vallidons dès à present les traictez qui seront faicts avec quelques personnes que ce soit par nostredit cousin le mareschal de Themines…Lesquels traictez auront force et vertu pour autant de temps que durera ledit pouvoir…” The latter clause combined with the notable absence of any mention of the existing agreement between Condé and Champlain and the Compagnie de Rouen et Saint-Malo threatened the latter with the loss of its rights less than halfway through its eleven-year contract. The associates consequently entered a new agreement with Thémines in November, by which they committed to pay him 4,500 l annually; Champlain was named the viceroy’s lieutenant the same month.

Despite the appearance of resolution that the company’s agreement with Thémines afforded, the association was soon caught in the middle of a dispute between past and present viceroys. Condé refused to relinquish his title and the attendant annual duty paid to him by the association since 1614. From prison, he ordered his intendant, Nicolas Vignier, “[de faire] arrest de ce qui estoit deub à mond. Seign. le Prince,” requiring the company, in effect, to pay twice. Unsure to whom they owed their rights, the associates appeared before the royal council, along

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45 It is not clear exactly when Condé became viceroy; all of the versions of his letters patent from 1613 examined here identify him only as lieutenant-general.
46 *Nouv. docs.*, 355-60, quotation 359.
47 On the agreement between the company and Thémines and the ensuing dispute, see *Nouv. docs.*, 371-2; LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 58b, fo. 122.
with Thémines, Condé’s representative, and the intendant of the Admiralty of France, the Sieur de Villemenon, who was present to defend the admiral’s jurisdiction. After a lengthy suit that involved the parlement as well as the council, the associates were eventually ordered to pay Thémines, although Condé’s opposition continued.48

The situation in which the Compagnie de Rouen et Saint-Malo found itself in 1616 reveals an important element about the nature of commissions and the uncertain legal status of companies with delegated trading privileges. The position of lieutenant-general and viceroy was, as with other titles, a personal commission from the king and lasted for as long as the holder remained in the king’s pleasure. The conventional phrase, “car tel est notre plaisir,” that concluded royal commissions and letters patent encapsulates this phenomenon.49 Those who served under the viceroy, in this case Champlain and the Compagnie de Rouen et Saint-Malo, received commissions or treaties directly from him. In other words, both were tied to an individual viceroy, whose own power was based on the king’s will rather than in law; if the latter were removed by the king, all dependent agreements would be rendered void. This feudal approach to the delegation of privileges meant that the company had no claims to New France independent of the current viceroy.

The dispute among Condé, Thémines, and the company tied the political situations of France and New France together, underscoring the contestation endemic to the processes of state building and empire formation. Condé’s rebellion and the subsequent change in viceroy was only a dramatic example of what was a fairly common occurrence during periods of regency rule. The latter encouraged a climate of factional maneuvering, in which sudden changes in favor were frequent. Condé’s refusal to give up his rights as viceroy was likely another manifestation of his resistance to the Queen Regent’s government. The political instability in France exacerbated the vulnerability of a company already operating in a high-risk environment. It was surely not coincidental that it took until the 1620s, by which time Louis XIII’s majority rule was well underway, for a trading company in New France to enjoy its own status independent of a particular viceroy. The exercise of authority and privileges overseas, then, was intimately connected to the political situation at home.

48 Works, 4: 345, quotation 341.
49 Zoë A. Schneider, The King’s Bench: bailiwick magistrates and local governance in Normandy, 1670-1740 (Rochester, N.Y.: University of Rochester Press, 2008) 108. The author observes that royal law, in contrast to Roman law, was comprised of “ad hoc responses to the conditions of the moment” rather than based upon principles of natural law.
iii. Opposition of outside traders: part II

The political instability occasioned by crises of authority in France and New France alike created an opening for opponents of exclusive trading privileges in New France to launch another challenge. The evolution of these legal proceedings highlights the ways in which the power and prerogatives of various bodies limited the king’s own authority in such times of weakness and those active in New France brought regional influence into overseas spaces. The significance of the context in which opposing claims were made did not escape Champlain: “les envieux croyent qu’ils auroient meilleur marché pendant la detention de Monseigneur le Prince, pour faire rompre sa commission, et par consequent celle de Monsieur de Themines.” Although some Malouin traders had decided to enter the company, others continued to voice their opposition in the courts of France.\(^{50}\) In the fall of 1616, the Estates of Brittany accepted a remonstrance from Saint-Malo, which they then brought before the royal council. Using the same justifications as previous representations, the grievance asked the king to “revoquer lesd. commissions données…comme prejudiciable au bien commun du pays, et en conséquence déclarer ledit traficq de Canada ouvert et libre à tous vos sujets sans difference.”\(^{51}\) The following March, in direct contradiction to the assurances given in November that the Crown would support any contract with viceroy Thémines, the king acceded to the Bretons’ request and suspended the Compagnie de Rouen et Saint-Malo’s trading privileges.\(^{52}\)

In contrast to the incident involving the list of grievances for the Estates General a year earlier, the request only came to Champlain’s attention after a decision had been made in its favor. Frustrated that the king’s council had not bothered to hear both parties involved before taking action, Champlain presented his own request for a hearing before the body, and “escri[t] aussi tost à nos associez à Rouen, qu’ils eussent à venir promptement, ce qu’ils firent, car la chose leur touchoit de prés.”\(^{53}\) Accordingly, Porée and Boyer appeared before the council in May to ask for the restoration of their privileges and the ban on all other traders. One month later, the prosecutor syndic of the Breton Estates received notification of this action with orders

\(^{50}\) *Works*, 4: 347. Among the Malouins who had decided to cut their losses were Thomas Porée, Guillaume Le Breton, and Richard Boulain, all of whom entered the company negotiations with Champlain in the middle of 1613. Biggar states incorrectly that all Malouin opponents to exclusive trading privileges entered the company. See *Early Trading Companies*, 98.

\(^{51}\) *Docs. inédits*, 46. See also *Nouv. docs.*, 372, n. 3.

\(^{52}\) *Docs. inédits*, 47-9; Berenger, “Les Etats de Bretagne et la colonisation nord-américaine,” 13.

\(^{53}\) *Works*, 4: 348.
to appear before the council and “consentir ou empecher les fins et conclusions desdits Porée et leurs associés.” Having instructed their syndic and deputies in Paris to “y defendre de tout leur pouvoir,” the Estates pursued the case for the duration of the viceregal dispute and into 1619.54

Although the council eventually reaffirmed the Compagnie de Rouen et Saint-Malo’s exclusive trading privileges, the Estates of Brittany and the community of Saint-Malo took advantage of the political confusion at court to assert their prerogatives and customary rights against what they regarded as the unjust extension of the Crown’s reach overseas into the area of the well-established North American trade.55 Indeed, their challenge coincided with a coup d’état against the Queen Mother’s closest advisor, the rise to power of the king’s favorite, and the Queen’s exile to Blois in the Loire Valley. The upheaval, which culminated in the suppression of the Queen Mother’s revolt in 1619-1620, continued throughout the time the suit was before the royal council.56 Due to their institutional power, the provincial and local Breton bodies were in a strong position to push for the restoration of liberty of trade to New France when the Crown was in an even moderately weak state. The community of Saint-Malo, for one, controlled the Estates’ approach to commercial affairs. The latter thus sent deputies to Paris every year during the suit expressly to advocate its side in the event of any challenges.57 The Estates, for its part, wielded considerable influence with the king. As a pays d’état, Brittany had the power to negotiate with the king over the taxes it would pay each year in exchange for its status. The king’s dependence on these and other exceptional sums together with other factors, such as the province’s frontier position, meant that both the king and his council generally paid attention to lobbying by the Estates. The ability of traders to exploit the upswing in influence of the multiple local and provincial jurisdictions during regency rule and political upheaval underscores the contingency of authority and privileges on both sides of the Atlantic.

iv. Lieutenant-company dynamics

The conflict between viceroys left a power vacuum with regards to governance in New France, prompting both the company and Champlain to seek leverage. While the Crown may

54 Docs. inédits, 47-8; see also resolutions to the same effect of 23 October 1618 and 3 October 1619, 49-51.
55 The exact date of the council’s ruling in favor of the CRSM is unknown. Berenger suggests that it occurred as early as 27 May 1617 but records in Docs. inédits show that this was merely the date of the company’s request. The case had not yet been resolved by November of that year. See Berenger, “Les Etats de Bretagne et la colonisation nord-américaine,” 13; Docs. inédits, 47-9; Nouv. docs., 371-2.
56 James, The origins of French absolutism, 13-14.
57 Docs. inédits, 49-51.
have considered authority in New France to be under one lieutenant-general and viceroy, the exercise of that authority in practice rested to a large degree on the dynamic between lieutenant and company. As lieutenant, Champlain relied on the company for the timely transportation of provisions to the habitation each spring, for his own maintenance and expenses, and for the conduct of the fur trade, which, aside from providing revenue, formed part of his diplomatic approach towards the Huron and Algonquin. The company in turn depended on Champlain’s extensive connections at court to counter attempts to overturn their trading privileges and to keep New France on the Crown’s agenda. As we have seen, it was Champlain who more than once learned of a challenge to the enterprise’s commission, alerted the other parties, and made the first move to counter it. Charged initially with finding associates for the enterprise, the lieutenant subsequently served as the intermediary between the CRSM and Condé. The company no doubt benefitted from Champlain’s growing reputation and the legitimacy and support his writings lent to the project. As became evident in 1617, however, their blurred jurisdictions precipitated plays for power when lines of authority were shifting at court and in the government of New France.

To assert their respective positions at the other’s expense, both parties appealed to the authority of various metropolitan jurisdictions, revealing skillful manipulation of the tools at hand. In the spring of 1617 shortly before the annual voyage, one of the deputies of the associates, Daniel Boyer, informed Champlain that the parlement had exonerated the company from paying either viceroy and that he “ne pouvois plus pretendre l’honneur de la charge de Lieutenant.” Although the other associates subsequently denied that Boyer had acted under their instruction, Champlain was vehement in his rebuttal: “Tout cela ne me touchoit point; car ayant servy comme j’avois fait, ils ne me pouvoient oster ny la charge, ny moins les appointemens, à quoy volontairemet ils s’estoient obligez lors que je les associay.”58 His response distinguished between his appointment, which was not connected to – let alone determined by – the associates and the contract of association he had made with the latter, which fixed his salary. Having asserted his own position, Champlain then departed for New France as planned. This albeit brief episode demonstrates the common practice among titleholders of resting their actions on a sentence issued by one court or another, all the while going far beyond it. Boyer took advantage of the uncertainty over the viceroyalty to test the limits of the company’s authority relative to Champlain’s. A party’s brandishing of one decree often precipitated a contest over contrasting

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58 *Works*, 4: 344.
decrees from different jurisdictions. Although Champlain did seek support from the king and royal council in this case, his own play for power came in the form of a new enterprise.

Champlain’s appeal to two bodies with different interests highlights the aspirational or imagined quality of New France. It was to many in France a space to be filled, but in what manner depended upon the particular constituency. His proposal of 1618, presented first to the Chamber of Commerce in Paris and then to the king and royal council, outlined a plan for the colonization and development of New France over a period of fifteen years. As the enterprise’s leader, Champlain pledged to relinquish to the king at the end of this period a set of colonies “tellement establ[e]…qu’il n’y aura force humaine à redoubter aux quatre villes basties….” Champlain skillfully tailored his proposal to the interests of each audience. Before the Chamber of Commerce, he outlined what might be called a “prospective inventory” of resources that could be had with “l’establishissement d’un grand commerce infaillible dans la Nouvelle-France.” He listed the types of fish available, the variety of woods and their uses, suitable crops, minerals from silver to lead, different types of furs and hides, and prospects for the cultivation of hemp and the introduction of cattle. Each of these commodities was followed by the estimated profit France could expect to accrue annually. Concluding with the possibility of a passage to China by way of the St. Lawrence River, Champlain opined that he “a travaillé à

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59 Despite the timing of the proposal, there is no evidence that Champlain was reacting directly to the incident of 1617. Berenger intimates, incorrectly, that Champlain’s proposal came in 1617, between the decree in favor of free trade and the request by the company to have their privileges restored. See “Les Etats de Bretagne et la colonisation nord-américaine,” 13.

The documents are out of order: the proposal to the Chamber of Commerce preceded that to the king and his council. See Marcel Trudel, Beginnings of New France, 1524-1663 (Toronto: McClelland and Stewart Ltd., 1973) 125, n. 25. Champlain was not alone in proposing a plan for the colonization of New France at this time. Others included the Récollet missionaries in 1616, de Monts for the CRSM in 1617, Charles de Biencourt, Sieur de Poutrincourt in Acadia in 1618, and the company, possibly at the behest of Champlain, once more in 1618. See Trudel, HNF, 2: 235-6; Works, 4: 342-3, 353-6; “Lettre de Monsieur Potrincourt aux autorités de la ville de Paris,” 1st September 1618, Coll. ms., 1: 57-9; Fischer, Champlain’s Dream, 364.

I have not been able to find more information on the Parisian Chamber of Commerce in the early 1600s. It may have been an informal lobby group of merchants and businessmen. The historiography on French Chambers of Commerce generally dates such bodies from Colbert’s tenure. Chambers of Commerce only became widespread after 1701 and the establishment of the royal Council of Commerce. See Amalia D. Kessler, A Revolution in Commerce: The Parisian Merchant Court and the rise of Commercial Society in Eighteenth-Century France (New Haven: Yale University Press, 2007) 245, n. 40.

60 Works, 2: 336.

61 Works, 2: 338. A “prospective inventory” was both a plan for development and a prediction of what would in time be found or produced in a given region. On the inclusion of such an inventory in charters, see Christopher Tomlins, “Law’s empire: chartering English colonies on the American Mainland in the seventeenth century,” in Law, history, colonialism: The reach of empire, Diane Kirkby and Catharine Coleborne, eds. (Manchester, U.K.: Manchester University Press, 2001) 31.

62 Works, 2: 343.
icelle recherche depuis seize ans; mais le peu d’assistance qu’il a eu” had prevented him from succeeding “comme il fera estant assisté.” Champlain hoped that the emphasis on the potential economic and commercial value of the colony would win him the backing of these Parisian businessmen, thus strengthening his case before the king and royal council. Success came in the form of a letter from the Chamber of Commerce to the king on 9 February 1618, which urged him to “ordonner moyens et fonds audict Champlain” for the realization of the enterprise.63

Champlain’s address before the king and royal council appealed to a different vision of New France through the invocation of sovereignty and potential threats to it. Where his earlier presentation had highlighted the abundance of commodities available in New France, this one focused on the colony’s role in the extension of God’s and his Majesty’s dominions and the French reputation.64 He began with his discoveries and interactions with native inhabitants over the previous sixteen years, the efforts at evangelization, the reports of an interior sea that would likely lead to China, and the goods available there. Not only would all this be at stake “sy cedict pais estoit délaissé et l’habitation abandonnée, faulte d’y apporter le soing qui seroit requis” but also, more seriously, “les Anglois ou Flamens, envieux de nostre bien, s’en empar[er]oist en jouissant du fruict de nos labeurs,” as they had already done in Acadia and at Saint-Sauveur, a settlement across the Bay of Fundy south of the Sainte-Croix River.65 France’s standing in North America against its rivals thus depended on adequate funding for existing and future habitations. Champlain accordingly requested “moyen de fortiffier et augmenter son desseing.”66

Having baldly stated the costs of doing nothing, the following articles outlined the advantages to be enjoyed by the king and his subjects from such an enterprise, before addressing what was needed. Champlain highlighted the number of souls the king would bring to Christianity and the vast territory, full of rivers and rich soils, over which “le roy se rendra maistre et seigneur.” With the discovery of a passage to China via the St. Lawrence, Louis XIII could also expect a significant revenue from customs duties on goods passing through, not only

63 Ibid., 2: 345, 349 (quotations in order of appearance).
64 The letter sent by the Chamber of Commerce to the king also couched its message in these terms. See Ibid., 2: 346-51.
65 Ibid., 2: 326-27; quotation 327. A similar emphasis on the threat posed by France’s rivals in North America can be found in “Lettre de Monsieur Potrincourt aux autorités de la ville de Paris,” 1st September 1618, Coll. ms., 1: 58. The exact location of Saint-Sauveur is a matter of debate. For the view that it was on Mount Desert Island, see Fischer, Champlain’s Dream, 290. For the view that it was on the mainland, see Trudel, HNF, 2: 126-7.
66 Works, 2: 328.
shipped by the French but also by “tous les marchands de la chrestienté, s’il plaict au roy leur octroyer ledict passage.” At the center of this enterprise would be a town at Quebec worthy of the king: “une ville de la grandeur presque que celle de Saint-Denis, laquelle ville s’appellera, s’il plaict à Dieu et au roy, Ludovica.” This was, admittedly, a grand vision; no previous proposal or commission had suggested anything on the scale of a French town, and much of Champlain’s energy for the past several years had gone into simply repairing and maintaining the current habitation. Unlike previous ventures in New France, however, the core of this enterprise was to be colonization “pour s’establir fermement dans ledict pais,” a goal reflected in the section on logistics. Champlain called for fifteen Récollets, three hundred families of four, a like number of skilled soldiers, and the transportation of domestic animals to provide for these inhabitants. In addition, he requested that royal counselors be appointed to draft laws for the colony. This article, along with the proposal for a town like Saint-Denis, drew on existing forms of French civic and judicial infrastructure to build the foundations of New France. With a final reiteration of the readiness of the English and Dutch to annex New France, Champlain asked for royal approval and assistance to implement his proposal.

Champlain’s enterprise represented a significant departure from previous New France ventures in four principal ways. First, unlike the earlier royal commissions granted to de Monts, Condé, and Thémines, which delegated regal powers without providing the means to exercise them, Champlain’s proposal presented both a vision and a concrete, detailed plan of execution. Second, its scope and ambition raised the level of the enterprise undertaken in New France, going beyond a set of posts to secure French imperium in North America. Third, the enterprise was contingent on royal assistance, both in the form of finances and input from royal counselors on such matters as laws for the colony. Having been engaged in New France affairs for over fifteen years, Champlain had come to the conclusion – as had many of his contemporaries – that material support from the Crown was crucial for overseas colonizing ventures. The

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67 Ibid., 2: 331.
68 Ibid., 2: 333.
69 On the use of metropolitan legal, social, and economic instruments in the Anglo-American context, see Tomlins, “Law’s empire,” 32-3.
70 Indeed, Champlain’s writings abound with laments for the lack of royal assistance and calls for financial and administrative support from “ceux qui ont le pouvoir d’y travailler, et y contribuer de leur abondance.” Works, 3: 147; see also 2: 221 ; 3: 14, 176; 4: 300 ; 5: 72-3. Among those who shared Champlain’s view, see “Lettre de Monsieur Potrincourt aux authorités de la ville de Paris,” 1st September 1618, Coll. ms., 1: 58-9; Gabriel Sagard, Histoire du Canada et voyages que les frères mineurs recollects y ont faicts pour la conversion des infidels: depuis l’an 1615 (Paris: Libraire Tross, [1636] 1866) 84; Isaac de Razilly in Léon Deschamps, Un colonisateur du temps de
administration and government of New France could not continue to be reliant on the commercial activities of a company if the existing posts were to develop into populous, well-established colonies. Champlain planned to use the profits from the various commodities that would come from New France as well as “autres deniers qu’il plaira à Sa Majesté faire délivrer pour le faict et expédition de ladicte entreprise.” The final new component of the proposal was that these funds would not come at the expense of the profits from the fur trade currently enjoyed by the CRSM, nor would the enterprise as a whole affect the company’s obligations or Champlain’s position as lieutenant. In fact, the latter recommended “que lesdicts marchands soient préférés sur tous autres pour le faict du commerce dudit pays” under the plan. 71 There would, then, be more than one Crown-sanctioned, privileged venture underway in the same region. Champlain accomplished here a clever sleight of hand: while ostensibly leaving the rights and privileges of the company intact, the new enterprise would in practice narrow its jurisdiction to commerce, thereby becoming subordinate to the lieutenant, and put both colonization and administrative authority under him.

Champlain’s simultaneous appeals to sovereign interests and to the economic preoccupations of the Paris Chamber of Commerce illuminate more generally the ways in which claimants overseas at once depended upon metropolitan patrons and institutions and steered the latter’s engagement in expansionist enterprises. Like all claimants, Champlain depended upon the continued favor of the king and viceroy. Central to the assertion of claims overseas was a subject’s ability to identify themselves with the preoccupations of their sovereign and demonstrate that their actions advanced those interests. 72 Champlain’s emphasis on his past accomplishments was part of his self-fashioning as the king’s representative in New France. At the same time, the lieutenant also sought to expand his metropolitan support by bringing in the Parisian businessmen. It is perhaps here that we can best see how titleholders used the available resources and jurisdictions to advance their own interests. Heretofore unengaged in the New France enterprise, the Chamber of Commerce became an advocate through Champlain’s construction of an imagined New France that appealed to their commercial orientation. This is not to say that Champlain did not believe in his proposal and hoped for the colonization and

71 Works, 2: 338, 339 (quotations in order of appearance).
72 Benton, A Search for Sovereignty, 30-1.
material development of New France; however, it does highlight the dialectic relationship between claimants overseas and authorities at home. At the same time that they depended on patronage, titleholders drew metropolitan authorities and institutions into overseas spaces.

The Crown’s half-hearted response to Champlain’s proposal in March 1618 reinforces the difficulty of undertaking any big commercial, financial, or political business during a royal minority. In a letter addressed to the company associates, the king called on them to support Champlain in the colonization and development of New France:

> Sur l’advis qui nous a esté donné, qu’il y a eu cy-devant du mauvais ordre en l’establissement des familles et ouvriers que l’on a menez en l’habitation de Quebec, et autres lieux de la Nouvelle France, Nous vous escrivons ceste lettre, pour…vous mander, que nous aurons à plaisir que vous assistiez…le sieur de Champlain, des choses requises et necessaires pour l’exécution du commandement qu’il a receu de Nous, de choisir des hommes experimentez et fideles pour employer à descouvrir, habiter, défricher, cultiver, et ensemencer les terres, et faire tous les ouvrages qu’il iugera necessaires pour l’establissement des Colonies que nous desirons de planter audit pays, pour le bien de nostre service, et l’utilité de nos Sujects….\(^73\)

The letter was not, however, a full endorsement of the enterprise proposed by the lieutenant. While it affirmed the goal of a large permanent settlement, it rejected Champlain’s primary request, a source of funds independent from the company with trading privileges.\(^74\) The transition period from minority to majority rule was hardly an auspicious moment to call upon the Crown to underwrite an ambitious, high-risk, costly overseas enterprise. Indeed, even without Condé’s rebellion and Louis XIII’s coup d’état mentioned above, regents shied away from embarking on dramatic new initiatives, such as foreign wars. Just as the company had to wait until the 1620s to have its undertaking exist independently of the viceroy, so too did Champlain for greater government involvement in New France.\(^75\)

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\(^{73}\) *Works*, 4: 364-5.

\(^{74}\) Trudel shares this interpretation. See *HNF*, 2: 256. For the contrary view that the proposal “succeeded completely,” see Fischer, *Champlain’s Dream*, 355-6. While the proposal was never implemented, it may have influenced a plan for colonization drawn up by the CRSM in 1618. It, too, did not come to fruition, although the company did send over some settlers the following year. See *Works*, 4: 353-6; Trudel, *HNF*, 2: 262-3.

\(^{75}\) Given the similarity of some provisions in the charter of the later Compagnie de la Nouvelle France (CNF), Champlain’s proposal may, however, have helped shape the future enterprise, in which Cardinal Richelieu and other government officials were personally involved. For the CNF’s powers and privileges, see chap. 4 below, 158-9.

It is also worth noting that, the political instability of France during the 1610s aside, royally-financed overseas enterprises were not common among European countries at this time; rather, rulers preferred to continue the practice of delegating powers, privileges, and responsibilities to corporate and individual proprietors.
The letter’s confirmation of both Champlain’s authority and the company’s trading privileges highlights the contingency of the exercise of each in the context of overlapping jurisdictions. The king addressed not only the proposal but also the 1617 dispute over the relationship of the two delegated authorities to one another. Acting in his traditional role as arbitrator of disputes among rivals for power and status, Louis XIII attempted to walk a fine line between the two commissions: the company was to do all in its power to aid Champlain in colonizing activities “sans que pour raison desdites descouvertures et habitations, vos Facteurs, Commis, et Entremetteurs au faict du trafic de la pelletterie, soient troublez ny empeschez en aucune façon et maniere que ce soit, durant le temps que nous vous avons accordé.” The letter thus affirmed both parties’ positions, leaving the extent to which colonizing activities interfered with the conduct of trade open to interpretation. A royal decree the following year in response to another company challenge to Champlain’s command over the Quebec habitation was even more explicit in its equivocation, simultaneously forbidding both parties to “troubler ny empescher” the other in their activities. Overlapping jurisdictions were a common phenomenon in France and throughout Europe, so there was nothing unusual in the letter’s and the decree’s ambivalence. Indeed, such a situation allowed the Crown, when it was strong, to play parties off against one another to advance its own objectives; in a regency, however, it fueled plays for power. By not imposing any conditions on either party in their interactions with each other, both letter and decree left the parties to continue their jockeying for position.

The manner in which both parties asserted and sought confirmation of their prerogatives reinforces the company’s uncertain legal position and the importance of personal networks in the

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76 Historians do not usually relate the letter to the dispute of 1617, thus omitting a significant dimension. The letter was almost certainly issued as much in response to the jurisdictional dispute as to Champlain’s proposal, for the following reasons: before embarking in 1617, Champlain vowed to pursue the issue upon his return to France; the decree focused on the respective jurisdictions of the two parties; Champlain used the letter to justify his position when the question of authority arose again in 1619; and the king’s decree of that year was remarkably similar in content. For a typical reading of the letter exclusively as a response to Champlain’s proposal, see Trudel, HNF, 2: 256; Fischer, Champlain’s Dream, 355-6.


78 Nouv. docs., 394-6, quotation 396; Works, 4: 361-7. The royal decree is worth quoting at greater length: “…faisant Sa Majesté inhibitions et deffences ausdits deffendeurs [the associates] et autres de l’y [Champlain] troubler ny empescher sous quelque pretext que ce soit…sans que toutesfois ledit Champlain puisse divertir et empescher les commis desdits deffendeurs en l’exercice du commerce” (emphasis added).

79 On the absence of conditions in the letter, see Trudel, HNF, 2: 256. In the event, Condé relinquished his viceroyalty shortly after his release from prison that year, ending the jockeying between Champlain and the company and precipitating a new contest over trading rights. See chap. 3 below, 112-13, 126-9.
ever-contested struggle over empire formation. Champlain, for his part, fostered connections at court, both directly through face-to-face meetings and through his travel accounts. As his proposal demonstrated, he was adept at tailoring his rhetoric to a particular audience and garnered the support of a wide variety of interests, evident in his service to several viceroys.80 The company associates, by contrast, do not appear to have built their own lobby at court; instead, they relied on Champlain. When they came into conflict with him, therefore, they lacked the connections and profile to circulate their own case at court. The two parties’ legal positions were also substantially different. Champlain’s was relatively straightforward; representing the person of the viceroy, he assumed in law his superior’s rights and responsibilities. By contrast, the company’s legal identity was undefined. The absence of a written body of commercial law, the CRSM’s status as an association among individuals without the security of an incorporated company, and the short history of such privileged overseas ventures in France together put it in a weaker position than Champlain before the courts.81 In this respect, the king’s and the royal council’s tendency to confirm both Champlain’s lieutenancy and the company’s privileges without defining the jurisdictions in relation to one another and the political instability in France provided the CRSM with an opening in which to assert its power over Champlain and the New France enterprise.

The simultaneous crises of authority in France and overseas precipitated plays for power on both sides of the Atlantic. Regardless of what was at stake – whether it was on-the-ground command, as in the case of the lieutenant and the company, or the collection of duties and emoluments, as in the case of the competing viceroys – parties mobilized a range of tools to advance their interests. The overlapping and competing claims highlight the contingent nature of both empire formation and state building.

III. The Contest for power in New France

i. The Cie. de Rouen et Saint-Malo or the Cie. de Rouen, Saint-Malo et La Rochelle?

80 Champlain dedicated his writings to various patrons. His first work, Des Sauvages, of 1603 was dedicated to Henri IV. The Voyages of 1613, 1619, and 1632 were dedicated to the Prince de Condé, Louis XIII, and Cardinal Richelieu, respectively. On Champlain’s method of building networks at court, see Fischer, Champlain’s Dream, 353-6. On the importance of patron-client networks in France in general, see Sharon Kettering, Patrons, Brokers, and Clients in Seventeenth Century France (Oxford University Press, 1986).

81 On these points, see Lévy-Bruhl, Histoire juridique des sociétés de commerce, 141-2, 151, 280-1.
A series of suits over trade between the Compagnie de Rouen et Saint-Malo and the Rochelais traders who had planned to join represents nothing less than a contest for power among competing titleholders and jurisdictions on both sides of the Atlantic. With supremacy over New France at the core of these disputes, the Rochelais, Malouins, and Rouennais asserted their prerogatives on the ground, assertions that then had second acts in the courts of France. Indeed, these latter jurisdictions seem to have been integral elements in the construction of sovereignty overseas. Knowledgeable in the intricacies of legal proceedings, the parties exploited interjurisdictional rivalries to advance their own interests.

The Rochelais’ continued traffic to New France in open defiance of the CRSM’s privileges tested the latter’s authority overseas and the strength of their connections in France. The clandestine trading precipitated a dispute between the two parties in 1614 that continued for almost twenty years. At the end of December 1613, the Rochelais managed to receive permission from Condé to trade in New France the following season, despite their failure to join the company. Caught by representatives of the CRSM, their vessel and merchandise seized, Samuel Georges and associates protested first before the Admiralty of La Rochelle in September 1614 and then before the royal council, where they obtained permission to summon the company’s associates to account for the seizure. The case soon expanded beyond the specific incident to encompass the Rochelais’ status vis-à-vis the association more generally. In October 1617, an arbitrated settlement by two royal counselors and masters of requests, the Sieurs Renard and Amelot, aimed to reach a compromise between the two parties’ positions. It ordered, on the one hand, that “lesdits marchands de Rouen et Saint-Malo seront tenus recevoir en la société

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82 From its inception, the Compagnie de Rouen et Saint-Malo was dogged by the question of who legitimately belonged in the association. Although the Rochelais’ absence from the ratification of the association’s treaty in Paris in November 1613 prompted summons by the Rouennais and Malouins and a declaration of intention to join by the Rochelais over the course of the next month, none of these actions resulted in their admission. ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633. There are two decrees of this date, one concerning the Rochelais merchants’ participation in the CRSM, the other their alleged contravention of the trading ban. For the purposes of footnoting, they will hereafter be distinguished as (1) and (2), respectively. The exact reason for the Rochelais’ absence from the signing of the agreement is not clear. Champlain deemed the Rochelais too slow: “Ils furent si longtemps en ceste affaire, que ne venans pas au temps ils furent démis.” See Works, 4: 220-1, quotation 221. In a notarial act of 1618, the Rochelais claimed that they were refused entry. See ADCM, 3 E 261, Acte de Chesneau, 27 October 1618.

83 According to Champlain, the passport was granted under false pretenses: “voulant iourir de son passeport inustemement acquis contre les nostres, où mond. Seig. s’obligeoit ne donner passe-port autre qu’à ceux de nostre Societé…. ” See Works, 4: 222. The notification of Condé’s letters patent to La Rochelle’s mayor and admiraltry judge, as well as to Georges and associates on 8 January 1614 suggests that the CRSM expected protest from that quarter, if not outright illegal trading. See ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (2).

84 ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (1).
traictée par les contractz et articles [of 15 November 1613] lesdits marchands de la Rochelle ce
quilz seront tenus accepter dans cinq mois”; the associates were also to return merchandise
belonging to Georges et al that they had seized at Quebec, worth 8,000 livres. The Rochelais
ship, Le Soleil, and its merchandise and provisions seized by the company in 1614 and 1615
were, on the other hand, to be “acquises et confisquées à leur proffict.”

Although both parties had agreed to abide by the arbitrators’ decision on pain of 10,000
livres, they each submitted an appeal in December. Georges and associates protested against the
confiscation of their ship Le Soleil and its cargo; Legendre and associates requested that they be
released from admitting the Rochelais into the association. The same month, Georges and
associates declared that they “intenderont entrer en ladite compagnie de Canada pour les
cargaisons qui commenceront en 1618 et années restantes…en y contribuer pour tiers à ladvenir
et protestation en cas de reffus de tous depens…..” The results were twofold: both parties
claimed that the other owed 10,000 livres for having appealed the arbitrators’ decision; and the
case henceforth split into two issues – the admission of the Rochelais into the CRSM and the
Rochelais’ continued contravention of the trading ban – sometimes heard together, sometimes
separately in the courts.

In the final years of the suits, the cases turned decidedly against the CRSM. A decree of
14 August 1632 ordered the CRSM to pay Georges and his associates a third of all monies they
had received from 1618 to 1622, including not only profits from trade but also compensation
awarded the company in 1622 against its successor. The other half of the ruling, on the
Rochelais’ contravention of trading privileges, did not offset the loss to Legendre and his
associates. It awarded the latter 1,000 livres in interest from Samuel Georges and consorts for
their having gone to Canada in 1615 without waiting for permission from the royal council and

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85 The settlement is quoted in a decree of 20 December 1624. See LAC (Ottawa), V6, Conseil privé, c. 50, no. 1.
86 It is unclear which party made the first appeal, but both had by mid-December 1617. On the appeal by Georges
and associates, see Nouv. docs., 386; ADMC, 3 E 261, Acte de Chesneau, 27 October 1618. On that by Legendre et
al, see ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (1); LAC (Ottawa), V6, Conseil privé, c. 50, no.
1, 20 December 1624.
87 ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (1). The Rochelais were still prepared to join at the
end of October 1618. See ADMC, 3 E 261, Acte de Chesneau, 27 October 1618.
88 For the numerous rulings on this subject, see, among others, LAC (Ottawa), V6, Conseil privé, c. 50, no. 1, 20
December 1624; ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (1). On the phenomenon of cases
splitting into multiple suits, see Carrier, “Virtuosité procédurière,” 48.
89 ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (1). On the compensation of 10,000 livres due the
CRSM in 1622 – which they in fact exchanged for entry into the new company of New France – see chap. 3 below,
140-2.
for legal costs from March 1631 onward. An appeal launched the following year by the CRSM before the Parlement de Rouen resulted in the dismissal of the majority of grievances on both sides. The sovereign court “a condamné et condamne lesdits deffendeurs [the Rouennais and Malouin associates] solidairement envers lesdit demandeurs [Georges and associates] en la somme de 6,000 livres d'interet pour tout ce qu'ilz pourroient demander ausdit deffendeurs” as a result of the arbitrated settlement of October 1617, plus legal costs; Georges et al were still required to pay the interest from the August 1632 sentence as well as the expenses of the present ruling. Both parties were found at fault, and thus subject to an indemnity, in one of the two suits, although the company arguably suffered the most.

The long, contentious, and convoluted suits between the CRSM and the Rochelais expose multiple layers of competing and overlapping authorities on both sides of the Atlantic. In New France, the responsibility to uphold the ban on other traders was divided between the CRSM and Condé. On the one hand, the associates were charged with paying for the publication of the trading ban, seizing the vessels and merchandise of any interlopers, and seeking redress in the courts back in France. On the other hand, the power to give congés or licenses rested with the prince. From the start of his viceregal tenure, Condé exercised this prerogative. He entered individual agreements with traders from various ports by which he granted them a portion of his privileges in return for a payment of 1,000 livres. In February 1613, Champlain, on the viceroy’s behalf, provided four passports to the prospective Rouennais and Rochelais associates for the coming season. It may be recalled that de Monts also used his power to grant licenses

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90 ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (2).
91 ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (1) and (2). Historians differ on the impact of the ruling on the respective parties. Robert Le Blant argues that Legendre and associates emerged victorious from their appeal, as the amount owed the Rochelais was reduced to just 6,000 livres. While it is true that this sum was far less than a third of all monies accrued over the four-year period in question, the CRSM sustained the greatest losses of the two parties, as they not only had to pay Georges et al but also had had to compete for furs with the punctual Rochelais ships every season in New France. See “Les arrêts du Parlement de Rouen du 25 June 1633 et les premières compagnies du Canada,” Revue des Sociétés Savantes de Haute-Normandie – Lettres, 3 (1956): 49. Similarly, Marcel Delafosse and Étienne Trocmé’s statement that Georges and Macain lost their case fails to take into account the full picture given by the two rulings as well as what had occurred in New France itself over the twenty years it took to resolve the dispute. See Le commerce rochelais de la fin du XVIe siècle au début du XVIIe siècle (Paris: A. Colin, 1952) 168.
92 For the ports with which he made such agreements, see n. 17 above. The Rochelais made another request in 1615 for a passport in return for the customary payment to Condé, this time appearing before the king’s council. They did not, however, wait for a verdict before embarking on their voyage, making them subject to a penalty. See ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (2).
93 These were to be split in a three-to-one ratio between the Rouennais and Rochelais. In their announcement that the Rochelais were no longer in the association on 22 and 27 November 1613, the CRSM reserved the right to
to those outside his company, but in contrast to the situation with the Rochelais, there was no animosity between the company and those awarded licenses; in fact, the latter were connected to the venture as agents, lieutenants or ships’ captains. The CRSM’s understanding with Condé was that he would limit passports to associates or clerks of the company. While it is possible that Condé was unaware of the Rochelais’ outsider status when he awarded them the 1614 license, the incident does nevertheless highlight the fragmentation characteristic of authority in the French Atlantic and the permeability of exclusive privileges in this context.

The competition over trading privileges and authority in New France played into jockeying among jurisdictions in France. The Rochelais’ very visible illegal trading each year from 1614 until 1622, when a new association was formed under a new viceroy, dared the CRSM to challenge them in court. This behavior suggests that the Rochelais were sufficiently confident and secure in their connections and supports in France to handle any retaliatory measures the company took. Their confidence points to the variety of sources of privileges and legitimacy in seventeenth-century France. For starters, they could rely on the support of admiralty officials on both sides of the Atlantic. They enjoyed a special relationship with both the admiral of France, Henri de Montmorency, and his vice-admiral of New France, Charles de Biencourt. Just as Georges, Macain and consorts considered the association’s privileges to impinge on their own rights, so Montmorency viewed Condé’s prerogative to give out passports to New France as a threat to his own. As admiral, Montmorency had jurisdiction over the arrival and departure of all ships in French ports. A competing titleholder compromised his oversight of the awarding of licenses at a time when he was looking to consolidate his authority at home and abroad. For privilege holders and interlopers alike, ties to the admiralty could facilitate everything from the granting of passports to the prosecution of suits before the institution’s courts. Condé may not have granted the Rochelais passage to New France after 1614, but they pursue their would-be associates for having taken two ships to New France the previous season. See ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (2).

94 Among those who received permission from de Monts were Champlain, Jean Rallua, secretary to de Monts and the company, and two captains in the company’s service. See chap. 1 above, 56.
95 The Rochelais had an agent at Biencourt’s seigneury of Port Royal from 1615 to 1621. See David Parker, La Rochelle and the French Monarchy: Conflict and Order in Seventeenth-Century France (London: Royal Historical Society, 1980) 72. On their relations with the admiral, see Gosselin, Nouvelles glanes, 39. For a discussion of their relationship with Biencourt, see below, 102-4.
96 On Montmorency’s consolidation of maritime authority, see chap. 3 below, esp. 112-16.
had connections to equally powerful patrons, in whose professional interests it was to challenge Condé’s jurisdiction.

The greater jurisdictional schism highlighted by the Rochelais-CRSM dispute lay between the Crown and the city of La Rochelle. The Protestant stronghold enjoyed substantial franchises and had a strong municipal government. Indeed, alone among towns in the kingdom, La Rochelle boasted a mayor under the direct authority of the king, rather than a royal governor. Moreover, the relatively small number of royal officials in the town could exercise little restraint on the autonomy enjoyed by the powerful corps de ville, of which Georges and Macain were members. The latter appear to have enjoyed the backing of the municipal body in their business relations with New France. When representatives of the CRSM arrived in La Rochelle to address the dispute between the two parties, for example, they were told to leave the town and threatened with a dunking in the harbor.97 Apart from the general political situation in La Rochelle, the regency of the 1610s worsened relations between the Crown and the Huguenot town, with the latter suspicious of the centralizing plans of the staunchly Catholic Regent.98 In this volatile context, royal decrees carried little weight among Rochelais political and judicial authorities.

The limited force of royal decrees among municipal and provincial authorities coupled with the Rochelais’ and CRSM’s skillful manipulation of interjurisdictional rivalries within the legal system highlights the contested nature of state formation. Both parties perceived that they would obtain the best results in their home province. Samuel Georges and his associates made frequent appeals to the Admiralty of La Rochelle, where they expected – and usually received – a favorable hearing, as well as to the royal councils. The Rouennais and Malouins appeared most often before the Admiralty of Rouen. A request by one party in one jurisdiction was frequently met with a counter-request in another, resulting in contradictory sentences.99 As a privileged company under the viceroy, the CRSM appeared to enjoy an advantage over its

98 Much of the material in this paragraph comes from David Parker. See *La Rochelle and the French Monarchy*, 34-6, 47-8, 66-7.
99 For examples of each side’s requests in their favored jurisdictions, see ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (1) and (2). One of many disputes over jurisdiction occurred in 1614-1615, when the CRSM requested an order for Georges et al to appear before the Admiralty of Rouen and the latter responded with a like order for the company associates to appear before the royal council. In January 1615, the council ordered both parties before the admiralty. See *Nouv. docs.*, 340-3. On the manipulation of jurisdictions by opposing parties, see Parker, “Sovereignty, Absolutism and the function of law,” 58; Richard L. Kagan, *Lawsuits and Litigants in Castile, 1500-1700* (Chapel Hill: University of North Carolina Press, 1981) 35, 42.
adversaries. Its cases were to be heard before a specified jurisdiction, a privilege granted
corporations and individuals of a certain status. First reserved to the royal council by Condé’s
letters patent of November 1612, the king soon transferred all suits to the courts of Normandy:
“les procès et differentz qui naistront entre nos subjects de Normandie, pour le faict de la
negotiation et voyages de Canada seroient traictés en premiere instance par devant nos juges de
l’Amyraulté à Rouen et par appel par devant vous [le Parlement de Rouen].” While this order
did lend legitimacy to the Rouennais’ and Malouins’ actions before the Admiralty of Rouen, it
did not stop the Rochelais from appearing before local courts or the royal councils. The
advantage to the company, then, depended heavily upon the cooperation of other competing
jurisdictions; if unrecognized or ignored, a royal decree had no force. Revealing the strength
of regional jealousies and suspicion, Samuel Georges made a request in January 1618 for the
proceedings between the two parties to take place before the Admiralty of La Rochelle, or
another judge appointed by the king “hors la province de Normandie,” or before the council.
With such strong rivalries among Rochelais and Norman traders, each court was biased. Rival
and overlapping jurisdictions encouraged such strategies as seeking sentences in one’s home
province, “shopping around” for a sympathetic jurisdiction, or prolonging a case in the hopes of
a favorable sentence. Courts were happy to pronounce upon a case if it privileged their power
over another’s and employed their own tactics, from taking their time to send particular
documents to another court to ruling on a case expressly reserved to the royal council.
Legal
authority in France was, then, as much at stake in these lawsuits as was power in New France.

ii. The inter-port struggle for supremacy over trade
A second, parallel suit, involving the same parties and over the same period of time,
highlights the struggle for wealth, power, and material resources that lay at the heart of these
conflicts and the key role that metropolitan courts played in the assertion of prerogatives

100 Parker, “Sovereignty, Absolutism and the function of law,” 56; François Olivier-Martin, L’organisation
101 Nouv. docs., 265. The king issued this order by lettres de jussion of 26 February 1613. On the original
jurisdiction to which the CRSM was assigned, see Ibid., 237.
102 ADSM, 1B 981, Arrêt de Parlement de Rouen, 25 June 1633 (2). This request was turned down. See LAC
(Ottawa), V6, Conseil privé, carton 52, no. 42, “Arrêt ordonnant que les differends entre les deux parties seront
procédés à l’admirauté de Rouen et en appel au Parlement de Rouen,” 11 March 1625. On the strength of local and
regional legal institutions, see Tomlins, “Law’s empire,” 39.
103 Carrier, “Virtuosité procédurière,” 96.
overseas. Unlike the suits over the Rochelais’ trading and their participation in the company, this one concerned an incident in Acadia, in which the Rouennais and Malouins were accused of illegal trade. In the spring of 1614, a ship in the name of Biencourt, vice-admiral of New France, seized two of the CRSM’s ships that had been trading in the fur-rich area along the Saint John River, an area of supposedly open trade. The clerk judge of the Admiralty of New France issued a decision “portant confiscation au profict dudit sieur de Pioirtrincourt [sic] des vaisseaux, armes, munitions, marchandises et victualles desdits Gravé, Merveille et complices.”104 That fall back in France, the company associates obtained an order for “lesdits de Poutrincourt et de Biencourt, pere et filz, Macquain et Georges et autres qu’il appartiendroit” to appear before the royal council “pour se veoir condemner à leur rendre tout ce qu’ilz avoient depredé sur eux, leurs hommes, navires et marchandises, interestz, dommages et despens.”105 The role of Georges and Macain here demands some explanation. In the fall of 1613, the two Rochelais merchants entered a business arrangement with Poutrincourt and Biencourt by which they provided sizable loans, outfitted ships to Acadia, and contracted with ships’ masters in the latter’s names. In exchange, they received first choice of furs on the ships’ return to France and, eventually, a more active role in Biencourt’s affairs as he became heavily indebted to them. The relationship was advantageous for Biencourt and Poutrincourt because they were sorely in need of funds throughout their tenure as seigneurs of Port Royal.106 Business between the two parties was no

104 Nouv. docs., 368. This is the only reference to an admiralty court in New France at this time that I have come across.

This case is very convoluted, especially as concerns the people and ships involved. At times, decrees refer to “Gravé, Grout, Legendre et consors,” at others, to “Legendre, Vermeulle, Boyer et consors,” and three ships appear to have had their goods seized. While those in the latter grouping of names are known to have been members of the CRSM, Gravé’s and Grout’s participation remains an open question. It is just possible that Biencourt seized more than one ship in 1614 in which Legendre was concerned: that is, one belonging to the CRSM and one in which he had a share. After all, François Pont-Gravé and, his son, Robert, as well as Grout were long-time traders in Acadia. (The first two had signed an agreement in March 1614 with Biencourt by which they would split the profits from the trade that year; this arrangement appears to have gone awry.) There are, however, several indications that decrees involving these various people were referring to the same incident: Grout is one of several traders named by both Gosselin and Trudel as having made an individual agreement with Condé for trade in the St. Lawrence, so he may have joined the CRSM; not all members were ever named in a decree nor was there consistency in how the company was identified; and reference to the suit concerning the Rochelais’ participation in the CRSM was made in decrees involving Grout et al.

105 Nouv. docs., 379.

106 For contracts between the two parties, see LAC (Ottawa), Extraits des diverses séries, Arrêt de Parlement de Rouen, 12 July 1633; LAC (Ottawa), V6, Conseil privé, c. 52, no. 42, 11 March 1625; Nouv. docs., 379. Among the many loans provided by Georges and Macain to Biencourt was one of at least 12,350 livres for the outfitting of Le Pellican in 1617. On the many similar arrangements the Rochelais merchants entered with others, see Trocmé and Delafosse, Le commerce rochelais, 136.
doubt facilitated by the fact that Biencourt’s secretary, David Lomeron, was Georges’ and Macain’s nephew. As receivers of furs each fall from Acadia, Georges and Macain were called before the court in 1614 by Legendre and associates to return the 642 furs taken from their ship.¹⁰⁷

The subsequent long and acrimonious dispute, which continued until 1633, followed the trajectory of the other two suits in the use of multiple jurisdictions and countless appeals.¹⁰⁸ The main rulings on the seizure to 1632 were in the CRSM’s favor, ordering that the furs seized be returned. When Biencourt and associates failed to comply, the company received permission to “saisir à leurs fraitz et dangers le navire nommé La Fortune et autres barques de navire que lesdits de Biencourt et [consors] pourroient ramener à La Rochelle et autres endroits, ensemble leurs autres biens et marchandises jusques à la somme de 20,000 livres.”¹⁰⁹ In April 1618, the Admiralty of Rouen ordered Georges and Macain to restore to Legendre and associates the 642 furs seized or their value, citing a 1584 ordinance by which “bourgeois avitailleurs et armateurs” were liable if they had received plundered goods.¹¹⁰ By a decree in late August 1632 however, the tide turned in favor of Biencourt, Georges, and Macain. The admiralty dismissed the charges against the main defendants; the Rouennais and Malouin associates were permitted only to pursue an earlier action against the ship’s captain and Lomeron. An appeal before the Parlement de Rouen the following year upheld this decision.¹¹¹

Poutrincourt entered a similar business agreement with a group of Parisian hatters in 1610, by which they were to furnish 12,000 livres upfront in return for first choice of furs. Conditional upon an ultimately unsuccessful bid for exclusive trading privileges, the arrangement was never implemented. See Nouv. docs., 207-9. A more fruitful, albeit contentious, arrangement involved the Jesuits and Madame de Guercheville, first lady-in-waiting to the Queen Regent. See Bibliothèque Villon (Rouen), ms mm39, “Contract d’association des Jesuits au trafique de Canada,” 20 January 1611, fo. 191.

¹⁰⁷ Although Georges and Macain had served as procureurs of Biencourt and Poutrincourt – and had been permitted by the latter in 1613 to “faire toutes les convenances qu’ilz adviseroient pour le traficq de Canada” with Biencourt – they appear to have been involved in this case primarily in the capacity of fur merchants. Poutrincourt’s widow, Claude Pajot, and Biencourt subsequently entered the case as interveners. See Nouv. docs., 385; LAC (Ottawa), MC, vol. I, étude VI, no. 423, 2 March 1620.

¹⁰⁸ For examples of the use of favored jurisdictions, see Nouv. docs., 367. There was some overlap between the two cases, including the use of evidence from the other. See, for example, LAC (Ottawa), V6, Conseil privé, c. 52, no. 42, 11 March 1625; Nouv. docs., 386.

¹⁰⁹ LAC (Ottawa), Extraits des diverses séries, Arrêt de Parlement de Rouen, 12 July 1633. A not uncommon practice in cases of seizure, this counter-seizure – to the value of the furs taken – does not appear to have taken place.

¹¹⁰ Nouv. docs., 377-8; quotation 378, n. 2.

¹¹¹ For both the sentence of 27 August 1632 and the appeal decision, see LAC (Ottawa), Extraits des diverses séries, Parlement de Rouen, 12 July 1633. This case lasted so long because it coincided with the other two acrimonious lawsuits between the CRSM and the Rochelais merchants. Both parties exploited one dispute in the hopes of gaining an upper hand in the others.
Far more than a dispute over the seizure of ships and merchandise, this suit, coupled with the other two, represented a struggle for supremacy in the fur trade of New France between various ports. These stakes are best seen in the CRSM’s strategy and focus in the Saint John River dispute. Although the Admiralty of Rouen found the Rochelais merchants legally accountable in 1618, the key figures were arguably those who had seized the ship, the captain and Lomeron, acting on behalf of Biencourt and Poutrincourt. Yet the Rouennais and Malouins spent the bulk of their energy and resources pursuing Georges and Macain. What was the origin of the fierce animosity and competition between the two parties? Religious differences could in part account for the strong feelings. After all, the Protestant Rochelais failed to show up to sign the contract of association in 1613 only after the admission of the (militantly) Catholic Malouins. Samuel Georges and Jean Macain had, however, previously joined forces with Malouin and Rouennais traders in de Monts’ company. Moreover, not only were some of the Rouennais Protestant, but also the considerable overlap in personnel from the previous company suggests that past working relationships could have transcended religious concerns.\(^{112}\) An alternative explanation might lie in the aggressive and ambitious approach to business taken by the merchants in each of these ports and their preference for working independently. Each port’s privileges, including exemptions from taxes and rights to trade in particular regions, fostered an atmosphere of competition over status and material resources. All parties involved in these suits were wealthy, prominent, and experienced international merchants in their respective ports and well established participants in New France commercial and colonizing enterprises. The history of relations between Norman and Rochelais merchants was also particularly volatile, fostering suspicion on both sides.\(^{113}\) What we see here in microcosm, then, is a contest for ascendancy in New France, a contest that was inextricably tied to fierce, long-standing inter-port rivalries.

Courts played a key role in this imperial struggle as a sort of second battleground. As the above suits demonstrate, claimants rarely launched just a single one in the period; instead, they fought two or three simultaneously.\(^{114}\) While it is not clear which of the two seizures came first – in the St. Lawrence or the Saint John Rivers – nor indeed which party entered litigation first,
the suits became intertwined and mutually reinforcing in the courts. Given the length, cost, and outcome of the legal proceedings, one might wonder why the two parties – and, especially, the CRSM, which lost the most – persisted for so long in court. The various strategies that each party used to prolong the disputes point to a lack of interest on either side to actually resolve their differences. In fact, as curious as this may appear from our perspective, resolution was not the goal. Courts were another tool in claimants’ repertoires, just like force, personal authority, and commissions. Far from promising a speedy end, they helped to continue a dispute. For the CRSM and the Rochelais, what was at stake – power, privileges, and status – was far more important than the costs of proceedings and the penalties incurred. It is in this sense that the French legal system became an integral forum for the assertion of prerogatives and rights overseas, influencing the construction of sovereignty in the colonial realm in the process.

iii. The assertion of personal authority

The contest for power at the heart of the dispute in Acadia illuminates the role of personal authority in the twin processes of state building and empire formation. The case erupted in large part due to Biencourt’s claims to rights as vice-admiral. Appointed “Viceadmiral et Lieutenant general de Monsieur l’Admiral de France et de Bretagne en l’estedue de la nouvelle France” sometime in 1611, Biencourt received power to “commander à toutes sortes de personnes [et] de visiter leurs vaisseaux.” From the late sixteenth century, the admiral appointed vice-admirals to exercise authority in his absence, from the issuing of licenses to the judging of prizes. Biencourt’s position thus represented an extension of Charles, then Henri, de Montmorency’s jurisdiction overseas. With no commission extant however, it is difficult to determine the full extent of his prerogatives. As with the position of admiral of France and

115 For the argument that going to court in seventeenth-century France indicated a desire not to resolve a case, see Carrier, “Virtuosité procédurière,” chap. 2, esp. 59-79. For a different view, see Kagan, Lawsuits and Litigants in Castile, 77.
116 Indeed, among the evidence presented in the final hearing of July 1633 were excerpts from “ordonnances royales sur le fait de l’Admirauté.” See LAC (Ottawa), Extraits des diverses séries, Arrêt de Parlement de Rouen, 12 July 1633.
117 Factum du procès entre Jean de Biencourt, Sieur de Poutrincourt et les pères Biard et Massé, Jésuites, Gabriel Marcel, ed. (Paris: Maysonneuve et Charles Leclerc, 1887) 30, first quotation; LAC (Ottawa), Extraits des diverses séries, Arrêt de Parlement de Rouen, 12 July 1633, second quotation. See also Nouv. docs., 383. There appears to have been some overlap between de Monts’ commission as vice-admiral, which he lost in 1612, and Biencourt’s. On the extension of the Montmorencys’ authority overseas to New France, see chap. 3 below, 118.
others, the vice-admiralty in New France depended to a considerable degree on the effective exercise of personal authority and rights.  

Biencourt pursued these personal privileges aggressively in a bid to establish firmly his authority. From 1611 to 1616, he, his agent Lomeron, and his father Poutrincourt crossed the Bay of Fundy from Port Royal to the “pays des Etchemins” (in present-day New Brunswick), where Frenchmen, especially Bretons and Normans, frequently traded, to demand the presentation of their charterparties and licenses and to conduct inspections of their vessels. In 1611, for example, Poutrincourt found four vessels there. All captains, save one from Brittany, agreed to recognize Biencourt’s authority. The fourth captain, for his part, declared “qu’il n’y reconnoissoit ny Roy ny V’admiral, et qu’il estoit Breton,” a defiant response that underscored the challenge of having a central institution recognized in peripheral (and fiercely independent) regions of France, never mind overseas. Later that summer, having learned that a captain from Honfleur was planning to spend the winter on the island of Sainte-Croix, Biencourt travelled there to “tirer de luy le Quint de toutes ses marchandises, et traicte, parce qu’il hivernoit sur le pays.” The vice-admiral considered such measures necessary to establish his jurisdiction, and permitted those under him to take similar actions. In his instructions for the impending voyage of a ship in the spring of 1616, Lomeron, on Biencourt’s behalf, gave the captain permission to “se desfendre ou attacquer les navires de Normandie ou autres lieux qui ne vouldroient recongoistre ledit de Biencourt vis admiral.” The seizure of the CRSM’s ships

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118 I use “personal authority” to denote the exercise of power through patronage, clientele networks, and personal connections as distinct from that through a bureaucratic system of government in which positions were awarded based on merit and defined in terms of specific functions. See Alan James, The origins of French absolutism, 61-3; Kettering, Patrons, Brokers, and Clients; William Beik, Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc (Cambridge: Cambridge University Press, 1989); David Parker, “Class, Clientage, and Personal Rule in Absolutist France,” Seventeenth-century French Studies, 9 (1987): 192-213.


120 JR, 3: 186. On the identity of the various vessels, see Trudel, HNF, 2: 104, n. 94.

121 JR, 3: 198. That fall, Biencourt waived the one-fifth he claimed against another trader. See Nouv. docs., 381.

122 LAC (Ottawa), Extraits des diverses séries, Arrêt de Parlement de Rouen, 12 July 1633. Not surprisingly perhaps, Jean Martin, master of a ship that sailed to Acadia that season, filed a report in the Admiralties of Honfleur and Rouen concerning the seizure of his vessel, munitions, and merchandise by Biencourt et al. See Ibid. For an attempted seizure that went awry when a barrel of gunpowder exploded, see Factum du procès, 30; Trudel, HNF, 2: 119-20.

Poutrincourt attempted to assert his own authority along the Saint John River as judge in 1610 in a dispute between Robert Gravé and native peoples of the area. Gravé, however, refused to recognize his prerogative, as Poutrincourt was neither vice-admiral nor did he possess any other position than seigneur of Port Royal, a good distance away. See Factum du procès, 19; Trudel, HNF, 2: 90, esp. n. 44.
and merchandise was, in this context, one in a long series of incidents in which Biencourt demanded to have his authority recognized and attempted to collect what he considered his due.

The above incidents have traditionally been used as evidence that Biencourt grossly abused his powers in Acadia. Marcel Trudel has observed that it is not clear in what capacity Biencourt was acting when he went to the pays des Étchemins or the island of Sainte-Croix to claim one-fifth of a trader’s merchandise. This is certainly true. After all, the admiral of France had the right to a duty of only one-tenth. If one-fifth was, instead, a seigneurial right, it raises the question of what were the legitimate boundaries of seigneurial authority. In February 1608, de Monts ceded to Poutrincourt and his heirs “les terres, rivieres, lacs, bois, forets et autres choses et substances terrestres qui sont en et au dedans la cote de la riviere de L’Esquille,” which emptied into the bay at Port Royal, a cession which appears to have also included fur trading privileges. Although the boundaries in the commission were vague, it seems unlikely that they could have legitimately extended across the Bay of Fundy to the area around the Sainte-Croix and Saint John Rivers. Trudel concludes from these ambiguities that Biencourt “s’autorise aisément de sa commission de vice-amiral pour commettre des abus.”

The vice-admiral did, it appears, overextend his reach, but to condemn it as an abuse of power is to misunderstand the exercise of authority in the seventeenth-century French Atlantic. Indeed, Biencourt was far from unusual in using aggression to assert his prerogatives. In France, the Crown had long relied on the personal as much as the administrative power of the admiral to strengthen royal naval authority in the face of competing interests. With overlapping and imprecise jurisdictions common, the exercise of personal authority, through the collection of duties, for example, greatly affected how much space, either on land or at sea, one controlled in practice. French naval historian Alan James has recently argued that the often heavy-handed nature of policing, long a subject of complaint among merchants, was essential to establish the authority of both king and admiral. There was, then, a similar constellation of competing claims in New France. In this context, commissions were but one tool in a titleholder’s arsenal and claims were only as good as one’s ability to enforce them, be it through personal authority,

125 Trudel, *HNF*, 2: 98, n. 70.
126 James, *The Navy and Government in Early Modern France*, 36-8, 67, 75.
legal forms, or force. Kept unstable by sets of claims and counterclaims that varied across space and time, both empires and states were constantly in a “state of becoming.”

Personal authority was central to the way in which power was exercised on both sides of the Atlantic, but it produced quite different results for the Crown in each case. In France, during periods of strength, the Crown could play individual titleholders and institutions off against one another to ensure that its own interests would be served; in times of weakness, personal authority left the Crown vulnerable to plays for power by nobles, parlementaires, and others, who could assemble armies of loyal supporters or block royal directives, as we saw earlier in this chapter. In New France, while metropolitan political instability certainly emboldened titleholders at various times, the vast territories and powers granted contrasted sharply with the relatively small area over which each titleholder managed to establish effective control. Indeed, what is remarkable about the litigation brought before French courts concerning New France is that so little involved rival titleholders. This period saw the highest number of claimants to various privileges and powers in the history of New France, a fact generally overlooked because of the tendency to separate the study of Acadia and the St. Lawrence River habitations in this period. Three commissions – vice-admiral, viceroy, and seigneur of land from the St. Lawrence south to Florida – overlapped, potentially creating conflict over prerogatives. The interest lies not in the fact that they overlapped, a common phenomenon in Europe and overseas colonies alike, but in the relatively small effect this appeared to have on the exercise of authority and what this in turn suggests about early empire formation. Only those who had to work together, such as Champlain and the Compagnie de Rouen et Saint-Malo or Poutrincourt and Madame de Guercheville – de Monts’ successor in the rest of Acadia – who entered a somewhat reluctant business partnership in 1611, came into conflict over their respective jurisdictions. Those with more sweeping powers did not. This phenomenon shaped the way in which sovereignty was established, creating a pattern of small enclaves occupied by the French. In New France then,

128 During the 1610s, Biencourt held the position of vice-admiral of New France, the prince de Condé was lieutenant-general and viceroy of New France, the Company of Rouen and Saint-Malo enjoyed trading privileges from Matane to Quebec and beyond, Poutrincourt was seigneur of Port Royal, and Madame de Guercheville held the remainder of de Monts’ commission. On the frequency of overlapping jurisdictions overseas, see Tomlins, “Law’s empire,” 30.
129 Condé’s viceroyalty was in practice coextensive with his trading privileges, Biencourt and his father effectively controlled Port Royal and the surrounding area, and Guercheville’s claims remained largely theoretical after the short-lived settlement of Saint-Saveur, established in 1613. On Poutrincourt and Guercheville’s conflicts, see JR, 3: 232-4; Trudel, HNF, 2: 112-19; Huia Ryder, “Biencourt de Poutrincourt et de Saint-Just, Jean de.”
different sorts of delegated authority, theoretically overlapping, ended up being the basis for territorially circumscribed de facto zones of authority.

IV. Conclusion

Tracing the complex lines of authority in 1610s New France highlights the dialectical relationship between the struggle for authority and privileges in colony and metropole alike. Indeed, the decade’s crises of authority on both sides of the Atlantic were closely intertwined and mutually influential. Condé’s refusal to give up his claim to viceregal rights was part of his resistance to the Queen Regent’s government; the ensuing legal dispute offered an opening for others involved in New France – including Champlain, the Compagnie de Rouen et Saint-Malo, and outside traders – to assert their own claims. Indeed, power was highly contingent in the French Atlantic. In a polity of multiple and overlapping jurisdictions, the pendulum swung between the Crown and vocal local and provincial bodies. When these latter were on the upswing, such as during periods of regency rule, they asserted their autonomy by blocking royal directives and protecting regional interests. The community of Saint-Malo thus inserted a clause supporting free trade in the Breton Estates’ list of grievances; the latter pushed the same issue and won (temporarily) before the royal council. Royal confirmation of both Champlain’s and the CRSM’s jurisdictions underscores the contingency of overlapping authority. In this context, commissions were but one tool in a repertoire and only as good as one’s ability to enforce them, be it through personal authority, as in the case of Biencourt, force, represented by heavily armed Rochelais ships, or appeals to metropolitan courts, used by all parties. Through the latter strategy, traders and titleholders drew metropolitan authorities into overseas spaces. As much as assertions on the ground, the French justice system became a forum for testing the limits of, and defending, one’s prerogatives. The three long, convoluted, and acrimonious suits between Georges and Macain and the CRSM exposed both parties’ sophisticated knowledge of the labyrinthine justice system and their lack of interest in reaching a resolution to their disputes. They exploited interjurisdictional rivalries to continue their struggle for supremacy in the fur trade of New France and the wealth and status that came with it. Competing courts frequently

It should also be noted that the small number of settlers and the limited resources at their disposal as well as native sovereign control over much of the territory were contributing factors in the creation and persistence of a series of enclaves and corridors of French control. I would like to thank John Reid for bringing this point to my attention. E-mail communication, 9 May 2011.
issued contradictory sentences and defied orders to send the suits to the royal councils. Jockeying thus occurred among litigating parties and judges alike. The process of empire formation was neither unidirectional nor dependent on the initiative of one long-serving lieutenant, Champlain. Rather, the multiple claimants of the 1610s made the process highly contested, contingent, and transatlantic, playing into metropolitan struggles for authority. The decade, then, is particularly important for illuminating the complex interactions between empire formation and state building.
In 1621, what is considered to have been the first colonial assembly of the principal inhabitants in New France was held, those present “desirans remedier et apporter quelque ordre dans ces désordres.”¹ Five years later, a mémoire, describing conditions in New France in similar terms, called on the Crown to intervene. The decade of the 1620s, like the previous one, was characterized by ongoing struggles for control among various individuals and groups. These parties – ranging from the lieutenant of the viceroy to rival trading companies to missionaries – introduced a new tone of urgency, however, as each suggested that the very sovereignty of the king in New France was at stake and sought to position themselves as the legitimate representatives of the Crown. They deployed variously the language of sovereignty, legal instruments, and knowledge of the French justice system to their own advantage. The efforts of the Récollets and later the Jesuits to establish themselves during the decade introduced new parties with their own objectives, vying for favor, standing, and power. These dynamics highlight the strategic mingling of personal or corporate interests and sovereign aims, and the connections parties drew between their activities in France and those overseas in New France.

I. New France becomes attached to the Admiralty of France

The beginning of the 1620s saw the incorporation of New France into an existing institution in France for the first time, with the appointment of a new viceroy. After purchasing the position from the prince de Condé in November 1619, Henri de Montmorency, Admiral of France and Governor of Languedoc, received a commission from the king.² No longer extant, the letters patent appear to have been the same as Condé’s, conferring governmental authority over the St. Lawrence Valley and Acadia, and exclusive trading privileges from Matane to Quebec and beyond. The background to this event shows that this was simultaneously part of attempts by the admiral to strengthen his control – and by extension the Crown’s – over maritime

¹ Gabriel Sagard, Histoire du Canada et voyages que les frères mineurs recollets y ont faicts pour la conversion des infidèles: depuis l’an 1615 (Paris: Librairie Tross, 1866) 1: 80.
affairs and a dynastic strategy among allied houses, underscoring the inextricable links between personal and royal authority.

The authority of the admiral had long been extensive in theory and restricted in practice due to the competing claims of seigneurs, governors, and other admirals. Since 1582, the admiral of France claimed control over ports, fortifications, ships, munitions, and maritime justice in Picardy, Normandy, Poitou, Saintonge, Guyenne, and Brittany. In practice, his authority was only secured in the first two provinces. Provence, Languedoc, and several seigneuries, including Sables d’Olonne and Saint-Valéry, remained officially outside his jurisdiction. Elsewhere too, resistance was high, perhaps nowhere more so than at La Rochelle, which despite the presence of the admiral’s representatives, created its own admiralty whenever it was in conflict with the Crown, a frequent occurrence in the 1610s and 1620s. Although his administrative authority was not always recognized, the admiral enjoyed considerable personal power through rights to prizes and droits d’ancrage et du guet. Eight years before becoming viceroy of New France, Henri de Montmorency succeeded his uncle, Charles de Montmorency, as admiral. Like his predecessor, Henri concentrated his energies on centralizing his jurisdiction through a mixture of personal and administrative authority, with the king’s encouragement. He issued a decree asserting his prerogative as the sole legitimate provider of licenses, called upon all captains to diligently register them, attempted to strengthen the local admiralty courts, and sent personal agents to ports to collect the duties owed him from these proceedings. In 1622, the Crown increased the authority of the admiralty courts, the admiral himself, and the royal council, and, four years later, a secretary was created for each of the navies in the Ponant and Levant. Montmorency also purchased the office of admiral of Guyenne from Henri de Châtillon, Comte de Coligny, whose family was tied to the admiral’s line through the latter’s great-grandmother. This move expanded his and the Crown’s jurisdiction to the southwest and the

volatile Huguenot stronghold of La Rochelle. These initiatives served what were two sides of the same coin in early modern France, royal interests and patrimonial concerns.

It is in this context that the purchase of the viceroyalty of New France should be seen. Like the acquisition of the Admiralty of Guyenne, it served a dual purpose. Both transactions allowed allied noble houses to shuffle maritime interests for strategic reasons; in this case, Condé was Montmorency’s brother-in-law. The role of such considerations in the transaction has generally been overlooked. L.-A. Boiteux, for one, dismisses the 30,000 livres Montmorency paid as “un prix dérisoire” for the post, suggesting incompetence or ignorance on Condé’s part. The realignment of dynastic interests, however, is a more convincing explanation. Condé, after all, had a change of heart upon his release from prison in 1619 and spent the 1620s leading royal armies on the king’s behalf against Protestant rebels. The viceregal commission, then, was perhaps no longer of personal interest to him and fit better with his brother-in-law’s position of admiral. Indeed, the two jurisdictions overlapped. The prince, as viceroy, had the power to issue licenses in France to traders going to the St. Lawrence, a prerogative that technically competed with, if not undermined, the admiral’s control over all those entering and leaving French ports. On the advice of the intendant of the admiralty, the Sieur de Villemenon, Montmorency added the viceroyalty to his personal and institutional domain. He was probably unaware of the colony’s actual situation: it was a small habitation with little infrastructure in a territory controlled by native peoples. New France was, rather, attractive to the admiral as a maritime space. Authority over the colony, like that over any port in France, extended his surveillance over the movement of goods and subjects. For the first time, control over maritime traffic in France was linked to control over territory overseas.

Not merely attached to the admiralty through the person of Montmorency, the viceroyalty of New France benefitted from the administrative and maritime expertise of the former institution, relying on a similar combination of personal agents and administrative positions, such as intendant. Montmorency reappointed Champlain as his lieutenant and commander of Quebec,

6 Parker, La Rochelle and the French Monarchy, 75-6; Boiteux, Richelieu, grand maître, 67; David Hackett Fischer, Champlain’s Dream: The Visionary Adventurer who made a New World in Canada (Toronto: Alfred A. Knopf Canada, 2008) 367-8; Trudel, HNF, 2: 264-5. On the various licenses Condé issued as viceroy, see Emile Gosselin, Nouvelles Glanes historiques normandes (Rouen, 1873) 34, 38-9.
granting him a commission virtually identical to that from Condé. For the first time in the colony’s history, there was an intendant of New France, Jean-Jacques Dolu, royal counselor and grand audiencier of France. Dolu’s responsibilities were broadly defined, encompassing “es choses concernant les affaires de la Nouvelle France” and comprising some of Champlain’s former duties. The intendant’s activities ranged from making treaties with merchants for provisions and merchandise to evaluating whether the Companie de Rouen et Saint Malo should retain trading privileges in the colony. Champlain greeted Dolu’s appointment with enthusiasm, hoping it would “mettre nostre Societé en meilleur estat de bien faire qu’elle n’avoit fait.”

Montmorency also named two commissioners, Baptiste Guers and Captain Du May, who travelled to New France in 1620 to report on its condition. Guers, at least, appears to have been on subsequent voyages to the same ends and acted as messenger, delivering letters to Champlain from the king, Montmorency, Dolu, the company associates, and the Sieur de Villemenon. The latter was not accorded a particular position relative to New France but served at times as Montmorency’s liaison to the company granted trading privileges in 1620. The full extent of Dolu’s, Guers’, and Du May’s duties is not known, but it is possible, even likely, that, like the intendant of the admiralty and clerks in French ports, they also asserted and protected Montmorency’s rights as viceroy.

The manner in which Montmorency consolidated his authority as admiral along the coasts of France and overseas underscores the importance of private interest to the exercise of public functions in France and New France alike. Just as his increased authority at once served royal and patrimonial ends, so his methods combined personal and administrative power. These two types of power enjoyed a symbiotic relationship within early modern states. Personal power derived from patron-client networks, reaching from court into provinces and municipalities and comprised of relatives, friends, and dependents. Administrative power, far removed from our

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8 The Works of Samuel de Champlain, H.P. Biggar, ed. (Toronto: University of Toronto Press, [1922-35] 1971) 4: 368. Dolu’s position changed the prosecution of Champlain’s from one in which he had to straddle the Atlantic to one where he commanded the habitation during the winter, a responsibility he had not undertaken for seven years due to colonial business in France. For a list of those who had commanded and wintered at Quebec in his absence, see Trudel, HNF, 2: 488-97.
9 Trudel, HNF, 2: 277-8; Fischer, Champlain’s Dream, 367-8.
10 When Dolu took out a share in the Compagnie de Montmorency in November 1622, he had already resigned from his position as intendant and emphasized his status as an ordinary subject of the king. This suggests that he did not want to appear to be Montmorency’s man in the company; however, he may have continued to report to the viceroy in an informal capacity. See BnF, dép. de ms., Collection Margry, vol. 9269, fo. 190-91v, 5 November 1622.
modern notions of a disinterested bureaucracy, depended on those same networks of clients and relatives to fill positions. Loyalty and attachment to one’s superior, rather than merit, determined eligibility. Montmorency bought up the positions of rivals (and relatives), created new positions in which he installed clients, and asserted his rights to duties and other privileges owed him as admiral and viceroy. Both personal and administrative authority were central to structures of power on both sides of the Atlantic.

II. The Assertion of a Viceroy’s Authority

Montmorency’s strategy for asserting his new commission highlights the contingency of both law and force in the exercise of authority. The two-act drama consisted of a ceremonial display in New France followed by a show of force in France. Together, they signaled the viceroy’s intention to exercise fully his prerogatives and extend his authority as admiral to the territory of New France. The metropolitan struggle over control of the sea was in fact transatlantic.

The first act was a typical ceremony of possession, undertaken to claim the territory for the viceroy (in the name of the king), to inform the French inhabitants, and make a record in anticipation of any future challenges. Armed with their commissions from Montmorency, Champlain, Guers, and Du May sailed to New France in the spring of 1620. Their first order of business was to communicate the change in government to those who had wintered there. Accordingly, upon their arrival at Quebec, a Récollet performed Holy Mass, called upon all to serve the king and his viceroy, and to obey the latter’s lieutenant. Guers then read aloud Montmorency’s letters patent and Champlain’s commission. “Ce faict chacun crie Vive le Roy, le Canon fut tiré en signe d’allegresse, et ainsi ie pris possession de l’habitation et du Pays au nom de mondit seigneur le Viceroy. Ledit Guers en fit son procès verbal pour servir en temps et lieu.” Champlain’s description of this modest ceremony highlights two important features. First, the ceremony was directed towards fellow French rather than native peoples or European rivals. Its main component, the reading of the commissions, intended to inform and serve as a warning “à ce qu’ils n’en pretendissent cause d’ignorâce,” as did countless other similar announcements

of royal decrees in French cities and ports. It also aimed to convey, through the gun salute, the grandeur of Montmorency’s authority. Like comparable acts of possession performed by other Europeans, this one was provisional, to be followed by “effective occupation” through the construction of a fort at Quebec and other habitations elsewhere in the region. Second, the viceroy’s representatives were careful to make a record of the ceremony, in anticipation of future disputes. In this, we get a glimpse of the contingency of such claims and the constant need to assert and defend them. The display of authority and solemn reading of the commissions belied, then, the messiness and uncertainty of empire formation in practice.

This dignified, symbolic act at Quebec had its aggressive corollary in France that fall when Montmorency brought the full weight of the admiralty to bear. Upon the return of the CRSM’s ships to France, the viceroy ordered his intendant of the Admiralty of Normandy and the procureur du roi to seize the company’s merchandise at Honfleur. While this type of action was not unusual in France or New France, as we saw in chapter two, the decision to make such a show of force rather than simply give notice of the change in personnel to the company is nevertheless indicative of Montmorency’s approach to his new position. As the viceroyalty of New France was part of the consolidation of his authority as admiral, he planned to use the legal and administrative apparatus of the admiralty in its favor. The seizure, as with many aggressive displays of personal authority, proved to be just the beginning of a vigorous contest over rights. After the associates protested the action, the parties reached a compromise out of court by which Dolu agreed to release the goods on condition that the CRSM reimburse the Admiralty of Normandy for the costs of the seizure and storage of the merchandise. Although the company associates initially agreed to “desiste…de toute pretention que icelux associez pourroient avoir et pretendre de continuer à l’advenir lesdictz voiages et traicte esdictz pais de la Nouvelle-France, soubz couleur du pouvoir par traictez cy-devant faictz…avec les precedentz gouverneurs desdictz pais pour le Roy, sans congé, confirmation et adveu dudict seigneur de Montmorency

12 Works, 5: 6-7.
vice-roy,” they later withdrew their consent. Before the courts once more, the ensuing dispute came to involve several third parties and did not end until 1622.14

Montmorency’s prosecution of the admiralty showed that he wished to extend his jurisdiction as far as Frenchmen ventured by sea. He was already the official patron of the Compagnie des Indes orientales (CIO).15 As early as November 1620, he entered a contract with Guillaume de Caen and his uncle Ezechiel, a Rouennais merchant, for the establishment of the Compagnie de Montmorency.16 If the manner in which Montmorency divested the CRSM of its privileges signaled his intention to exercise fully his prerogatives in New France, the establishment of a new trading company offered a very practical means of doing so. He could assume direct control over its composition, organization, and terms. Indeed, while the de Caens may not have been actual clients of Montmorency, it is notable that they were both already in his service in other capacities. Ezechiel, in particular, was one of the administrators of the CIO. Montmorency also intended to have the proceedings of the Compagnie de Montmorency closely supervised by his agents, specifically the intendant of either the admiralty or New France.17 This provision effectively removed the association’s headquarters from the ports where ships would be outfitted to Montmorency’s base in Paris. More than a dispute over the prerogatives of the viceroy and those of the CRSM, the lawsuit reflected Montmorency’s bid to incorporate the company with trading privileges to the colony into the existing structure of authority of the Admiral of France.

III. A New Form of Trading Company in New France

The establishment and structure of the Compagnie de Montmorency need to be reconsidered as part of the larger canvas of Montmorency’s maritime revitalization initiatives

14 Novv. docs., 406. For the two sides’ positions, see Ibid., 417-19. Although notarial acts such as the compromise of 1620 were designed to prevent lawsuits, they could also hide a party’s true intentions, thereby precipitating a suit; in this case, Montmorency wished to remove the CRSM from trade to New France. See Carrier, “Virtuosité procédurière,” 66.
16 Trudel states that Ezechiel de Caen had been a member of the CRSM. See HNF, 2: 273.
17 In addition to these supervised assemblies, the de Caens were to present to the viceroy or his intendant a list of passengers to New France, detailing their occupations, salaries, and places of origin. See Nouv. docs., 408. When the Compagnie de la Nouvelle France was established in 1627, it followed the same practice; the intendant of the company and the colony presided over its assemblies. See chap. 4 below, 200.
and in light of the important role accorded companies in this program. The New France historiography tends to treat all trading associations before 1627 more or less the same: they were comprised primarily of traders, most of whom were interested solely in profits from trade and uninterested in and neglectful of colonization and the other noble goals of the enterprise. But a look at the vast literature on the contemporary Dutch and English commercial companies and other French initiatives shows that this was a very dynamic period for the commercial organization, spurred largely by overseas expansion and the challenges and opportunities it presented to Europeans. Tied to Montmorency’s maritime ambitions, the new company in New France was very much a product of this experiment with new forms of association.

In light of the growing sea power and commercial might of Holland and England, Montmorency considered companies modeled on the Dutch and English ones invaluable as a way to stimulate French navigation and commerce. What did a company built on Dutch and English models look like? The essential features of the nascent joint-stock company were pooled capital and incorporation, meaning that the company itself could sue and own property.20 Capital was at the center of the enterprise and was divided into transferable shares. An associate was responsible in theory only for his or her share in the enterprise; to put it another way, his liability for the company’s affairs was limited. Only part of the membership was involved directly in the management of the enterprise’s affairs as directors. The capital was in theory continuous: rather than dividing up the company’s assets at the end of each voyage, the profits went towards the following year’s expenses. This concept, however, was adopted in practice


19 Montmorency did, however, approach them with more caution than some of his contemporaries, including Henri IV. Given the scale and risks of overseas enterprises, the admiral advocated a probationary period of two to three years before issuing formal letters patent. There is no evidence that this practice was ever implemented. See Boiteux, *Richelieu, grand maître*, 79-80.

only fitfully over the seventeenth century.\textsuperscript{21} The joint-stock company’s ability to pool large amounts of capital and lessen both the risk and the burden on individuals of having funds locked up in infrastructure for several years encouraged experimentation with the form.\textsuperscript{22} Given the success of Dutch and English enterprises in the East Indies, such organizations proved attractive to other European governments that believed the route to control over the sea lay in the establishment of maritime trade routes and the building up of naval forces.

Companies modeled on Dutch and English commercial and colonizing enterprises constituted an ambitious departure in France where the vast majority of associations were small partnerships among friends and relatives and organized on a year-by-year basis. In early modern France, there were two broad categories under which most associations fit. The first and most common was the \textit{société de personnes}, which was organized around the people who took part. If a partner withdrew, the association itself dissolved.\textsuperscript{23} Under this heading were two types of association relevant for our purposes. The first was the \textit{société générale} (also called the \textit{société en nom collectif}) or partnership, which consisted of a handful of members, usually merchants, who were all active in the association’s affairs. The association formed for a limited time, often one season, at the end of which members divided the profits and losses among themselves. Each associate, actively involved, was liable for the affairs of the company. If approached by a creditor for the whole sum of a debt, the associate had to pay, but could then approach his fellows for reimbursement of their shares. Such were the associations organized under de Monts and later Champlain. The second type, the \textit{société en commandite}, differed from the first in that not all members were engaged in the association’s affairs to the same degree. The “silent partners,” who contributed capital only, were in theory not responsible beyond their individual shares. In practice, however, the terms under which associates were liable were similar to those in the traditional partnership.\textsuperscript{24}

The second broad category of association was only beginning to develop in France over the seventeenth and eighteenth centuries. This was the \textit{société de capitaux}, organized around the pooled funds, rather than the individual investors. The distinctive characteristic of the capital-

\textsuperscript{21} For example, the English East India Company alternated between continuous capital and a separate fund for each voyage for the first decade of its existence. See Scott, \textit{Constitution and Finance}, 1: 154-57.
\textsuperscript{22} Davies, \textit{The Royal African Company}, 32-7.
\textsuperscript{23} Lévy-Bruhl, \textit{Histoire juridique des sociétés de commerce en France}, 136-8, 255.
centered association was the transferable share. In contrast to the partnership, a capital-centered company continued to exist when a member left and sold his or her share. These organizations drew on Dutch and English models in their powers and prerogatives, management, size, and duration. Just as the idea of continuous capital took time to develop, the concept of limited liability, a feature of capital-centered companies in theory, only began to appear regularly in charters in the late eighteenth century and was not recognized by courts in France or England until the following century. Although it is possible to identify such different types of associations, these categories prove to be largely artificial constructs when applied to on-the-ground arrangements among merchants and businessmen. Contemporaries did not take especial care to define an association and often used a mixture of elements from capital-centered and people-centered organizations. When Montmorency and others looked to English and Dutch companies, they did not transplant them wholesale to France but incorporated various elements into existing French forms of association.

Montmorency’s experience with the Compagnie des Indes orientales revealed both the advantages and challenges of organizing companies on the scale of the Dutch and English East India enterprises. The CIO, initially formed in 1604 under a Flemish naval captain and a French royal counselor and treasurer, was to exercise exclusive privileges in the East Indies trade for fifteen years. Like its Dutch and English counterparts, the company was open to public subscription, offering shares at a minimum of 3,000 livres. It received material support and privileges from the king in the form of artillery, munitions and vessels, exemptions from admiralty rights for a year, and the use of the port of Brest; lastly, noble and foreign subscribers received assurances against derogation and disinheritance, respectively. Despite these favorable terms, the company did not engage in any trading activities for the next decade,

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26 The involvement of foreigners, particularly Dutch, in French commercial and navigation plans was quite common during this period. Several people, including a Pieter Lintgens – who may have been involved in the first incarnation of the CIO – and Isaac Le Maire, a member of the Dutch East India Company, entered negotiations with Henri IV to transfer the Dutch East India Company to France or establish a French version. See Charles de La Roncière, Histoire de la marine française (Paris:Plon-Nourrit et Cie, 1910) 4: 268-70; BnF, dép. de ms., Cinq Cents de Colbert, vol. 203, fo. 236, “Advis de Isaac le Maire pour l’Etablissement d’une compagnie en France,” 1608.
inactivity which encouraged two Rouennais merchants, one of whom was Ezechiel de Caen, to propose their own enterprise. The king, “recoNoissant qu’il seroit périlleux qu’il y eust diverses compagnies et sossietz pour une meme entreprinse,” united the two companies under the protection and jurisdiction of Henri de Montmorency, a fairly common solution to rival claims during this period.27 His stewardship saw annual trading voyages by the company’s ships, henceforth known as “la flotte de Montmorency,” the transfer of its headquarters to Paris, and an expansion in membership, before the association dissolved in 1620.28 One of the earliest attempts to adopt certain characteristics of the joint-stock companies of Holland and England, the CIO’s tenure highlighted at once the logistical challenges of such a large-scale enterprise and the opportunities it presented.

Although the trading company to New France under Montmorency emerged out of its own particular context, its organization and management resembled the CIO and the Dutch and English companies on which the latter drew. The company had an économie mixte, or a combination of noble, bourgeois, and merchant associates, although there was no explicit assurance against derogation in the company’s articles, in contrast to the CIO’s.29 This mixed membership, in which not all associates were active partners, marked a significant departure from previous trading companies to New France. As we saw in chapters one and two, the Compagnie de Monts and the CRSM both consisted of traders, all of whom were engaged in the association’s business. The Compagnie de Montmorency, by contrast, functioned more like a société en commandite than a partnership. Some associates appear to have limited their participation to paying their share, while others, such as the de Caens, managed the association’s

28 “Lettres patentes par Louis XIII pour la première Compagnie des Indes Orientales,” 162-66, quotation 165; Haudrère, La Compagnie française des Indes, 1: 19-23. The CIO may have originally been christened “de Montmorency” when it fell under the protection of Charles in 1611. See James, The Navy and Government in Early Modern France, 41-2.
29 A list of the company’s associates in 1622 showed four merchant bourgeois, four officeholders – three of whom were financiers – and one naval captain. See Nouv. docs., 432. On the long-standing goal of noble participation in long-distance commerce, see Gayle Brunelle, “Narrowing Horizons: Commerce and Derogation in Normandy” in Mack P. Holt, ed., Society and Institutions in Early Modern France (Athens, Ga.: University of Georgia Press, 1991) 63-79. In contrast to the CIO, which actively encouraged foreign participation, the Compagnie de Montmorency was to consist only of Frenchmen. This difference underscores the contrasting perceptions of the two areas of operation: the French saw the East Indies primarily as a region of trade, and, lacking experience there, sought outside expertise; they had, however, a long history of fishing and trading in North America and viewed it as a place to settle and thereby solidify their claims against European rivals.
affairs. The provision, however, that signaled most forcefully the company’s ties to the broader development of the commercial corporation was Montmorency’s requirement that assemblies be held at the houses of the intendant of either the admiralty or the colony, “qui y assisteront pour l’interest public, et des charges de mondit Seigneur le vice-Roy.” The notion of a commercial association acting for the public good was closely tied to these nascent large-scale enterprises that received privileges and considerable powers from the king. Contemporaries assumed that such delegations required the company to act in a manner that was beneficial to both its investors and the public at large. The importance of this change in composition and structure is often overlooked by historians of New France, who consider Cardinal Richelieu to have been behind the introduction of the Dutch model to New France through the Compagnie de la Nouvelle France (CNF). While the CNF may have adhered to the model more closely and explicitly, the Compagnie de Montmorency emerged from similar experimentations with the form. Even prior to 1627 and Richelieu’s stewardship, then, the New France enterprise was deeply connected to changing approaches to maritime commerce and navigation.

IV. More than “just” a commercial enterprise: the articles of the Compagnie de Montmorency de la Nouvelle France

If the structure of the Compagnie de Montmorency reflected larger trends in commercial organization, its obligations and privileges emerged from the long-standing preoccupations of the New France enterprise – colonization, trade, the conversion of native peoples, and the extension of his Majesty’s dominions – and the struggles among the various parties involved. In the articles of November 1620, ratified by the viceroy later that month, the de Caens and their associates undertook to transport and provide for several different groups of people in the colony over the course of their eleven-year period of trading privileges: six families of three persons each; anyone else who wished to settle in New France, nourishing them for eight days after their arrival at a cost of thirty-six livres each; six Récollets; ten men to be employed by Champlain,

30 Although nobles had certainly participated in ventures to New France, most notably de Monts and his partners from Saint-Malo, they had all shared the responsibilities of outfitting, recruiting, and trading. See chap. 1 above, 36-8.
32 Trudel, HNF, 3.1: 1-4, 7. See chap. 4 below.
“gagez de vingt escus par an”; the lieutenant’s own family; and one representative of the viceroy at an annual cost of 150 livres. The company agreed to pay Champlain a salary of 1200 livres each year, and “six cens liures tournois aussi par an à tel des Secretaires dudit Seigneur vice-Roy que bon luy semblera, pour toutes peines, salaires, et vacations, des expeditions qu’il sera nécessaire avoir dudit Seigneur vice-Roy” in exchange for the annual passport. In addition, the company was required to build “une maison et habitation de douze toises de face sur rue,” every three years, at a location chosen by the lieutenant. As was customary, the de Caens received exclusive trading privileges and the power to seize interloping vessels in exchange for these considerable responsibilities. A new provision, however, belied the exclusivity of the privileges, reinforcing their slippery and contingent nature: French fishers and inhabitants were allowed to trade up to twelve furs with native peoples, provided that they sold them to the company at a fixed price.33 These responsibilities and privileges were similar in kind to those assumed by the Compagnie de Rouen et Saint Malo in the first draft of their agreement in 1613, but the obligations were more onerous, the rights more restricted, in range and extent.34

Where its predecessors’ focus and prerogatives had rested on their commercial jurisdiction, the Compagnie de Montmorency became part of the government and administration of the colony. This expansion in jurisdiction created a new dynamic with the viceroy’s lieutenant, Champlain. In attempting to define the two spheres of authority, the articles retained the distinction between the commercial and administrative responsibilities of company and lieutenant, respectively, established previously in the CRSM’s contract.35 Subsequent articles, however, revealed the integration, rather than separation, of the two functions. Champlain was granted “la presceance en terre,” as commander of the Quebec habitation and any others to be built, and “generalement en toute la terre audit pays de la nouvelle France, aux François et autres qui y seront pour resider,” while the commander of the company’s ships maintained control over his crews on land and had “l’autorité absolue pour y faire tout ce qu’il iugera estre necessaire pour le bien de la Compagnie.” In a further effort to “distinguer la charge dudit Lieutenant” from that of the company’s clerk, the former could command ten men maintained by the

33 *Nouv. docs.*, 407-14, quotations (in order of appearance) 409, 412, 411. This practice continued under the Compagnie de la Nouvelle France after 1627.
34 For the CRSM’s obligations and privileges, see chap. 2 above, 74-6.
associates to perform tasks “au bien, service et utilité de l’habitation”; the rest would work in the company’s own interests without interference from the lieutenant “sous pretexte du commandement qu’il a.” The latter clause was, however, subject to exception when the colony needed to be defended from outside attack. Having thus defined more or less the respective jurisdictions of the company and lieutenant, the contract proceeded to outline the company’s place within the government proper.

The integration of the Compagnie de Montmorency into the colony’s government was an attempt to legitimize the structure of authority in New France in the eyes of its small French population, the majority of whom were in the employ of the company. While the clerk maintained control over the company’s own storehouse of trading merchandise and provisions, he shared oversight of the habitation’s stores of munitions, provisions for overwinterers and residents, and other supplies with Champlain. In the case of disputes over this responsibility, each was to appoint an arbitrator. Collaboration between the two positions extended to the judgment of infractions and crimes committed by Frenchmen in New France. As we have seen, the viceroy’s lieutenant had the power to establish a judicial administration in conformity with the laws and ordinances of France. Article fifteen of the Compagnie de Montmorency’s agreement stipulated that “afin que son iugement soit plus solemnel,” Champlain was to convene a tribunal of six principal inhabitants, including the clerk and any ships’ commanders present at the time. The participation of the clerk in judicial procedures had its administrative corollary in his appointment as Champlain’s replacement as commander of the habitation when the latter was away in France, on exploratory voyages, or engaged in military campaigns with native allies. This provision contrasted with earlier practice by which Champlain appointed a man of his own choosing to assume control in his absence. Finally, in the event of the lieutenant’s death, the de Caens and their associates could voice any objections they might have to the viceroy’s chosen replacement “et y avoir par mondit Seigneur tel esgard que de raison, afin qu’il

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36 Nouv. docs., 408-9.
37 On the politics of defending legal authority overseas, see Benton, A Search for Sovereignty, 86.
38 Nouv. docs., 411.
39 Among those whom Champlain regularly appointed in the 1610s was Jean Godet du Parc, whose family was active in the New France enterprise. His brother, Claude Godet des Maretz, married François Pont-Gravé’s daughter. See Trudel, HNF, 2: 103, 161, 173, 238, 245.
puisse mieux exercer sa charge de Lieutenant au contentement desdits de Caen, et de leur Société.”

The Compagnie de Montmorency’s articles made the jurisdictions of the associates and Champlain more intertwined and mutually dependent, a move in the opposite direction from the actions and proposals of the two parties under Condé. Although the agreement established Champlain as the supreme authority in New France – one of the objectives of his 1618 proposal to the Parisian Chamber of Commerce and royal council – it expanded rather than shrank the parameters of the company’s activities. Far from restricted to commerce, the latter shared some aspects of administration with the lieutenant. From the company’s perspective, this expanded power came with heavy responsibilities. Subsequent events demonstrated that such carefully orchestrated dynamics between Champlain and the Compagnie de Montmorency on paper broke down on the ground in the face of competing claims and visions of New France’s future.

V. The trade dispute of 1621: the power and limits of royal decrees

The orderly integration of the Compagnie de Montmorency into the government of New France as per its articles collided with the messy realities of empire formation, where terms such as “legal” and “legitimate” were neither objective designations nor universally agreed upon. As several legal scholars have recently argued, European subjects overseas brought knowledge of metropolitan law and a range of legal practices with them, which they then applied creatively depending on the particular circumstances. According to Lauren Benton, through such “legal posturing,” subjects sought to reinforce their relationship to their sovereign, position themselves for continued patronage and rewards, and defend any contested actions before French courts. In this context, law was an instrument that both extended the monarch’s sovereignty and provided subjects with a framework within which to affirm and defend their own privileges and challenge other claims.

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40 Nouv. docs., 411.

While the emphasis in the works of Benton and Macmillan is on the defence of claims in the face of international rivals, participants in the trade, exploration, and colonization of New France in the early seventeenth century spent at least as much, if not more, time asserting their claims against fellow Frenchmen.
The 1621 season in the St. Lawrence saw jockeying for position among rival French traders and by the viceroy’s representatives, characterized at once by frequent recourse to royal decrees and other legal instruments and a willingness to abandon such strategies when others proved more effective in the establishment of claims. The May arrival of a ship carrying Montmorency’s commissioners delivered the news to Champlain and the habitation’s residents that “pour plusieurs raisons j’ay [Montmorency] estimé à propos, d’exclure les anciens Associez de Rouen, et de saiinct Malo, pour la traitte de la Nouvelle France, d’y retourner” and that the de Caens and their associates were to succeed them. There followed letters from Dolu, with instructions to Champlain to seize the goods of the CRSM, and from Guillaume de Caen, who signaled his imminent arrival with two armed ships and “de bons arrests qu’il esperoit apporter en sa faveur.” Without a decree from the king authorizing a seizure and outnumbered by the employees of the CRSM, Champlain opted to allow the company to continue trading until the arrival of de Caen, “qui estoit assez fort, ayat l’arrest en main à son advantage.” After all, the suit before the royal council between the CRSM and Montmorency, which had expanded to include the new company, had not yet fully settled the matter in either association’s favor.

At the beginning of June, the approach of a CRSM vessel carrying company agent François Gravé, Sieur du Pont, and three clerks prompted Champlain to arm a group of men in the half-completed fort at Québec: “En ceste façon nous pouuions parler à cheval, faisant tousjours continuer le travail du fort pour le mieux mettre en défence.” Two men met the company’s clerks at the river to discover the nature of their business. Pont-Gravé’s ship had set sail with no more than the company’s approbation, having left before the council had made its decision and in spite of the admiralty’s refusal to grant it a license. With none of the customary papers, the CRSM’s associates and agents “s’estoi[en]t mis en tout devoir d’obeir au Roy.” While Champlain rebuked them for their actions, the clerks in turn questioned his authority to put Du May in charge of the fort “sans commandement du Roy.” This maneuvering continued until the arrival of de Caen with a decree from the royal council, which allowed both companies to trade for the 1621 season while deliberations continued over whether the two

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42 Works, 5: 14, 16, 17 (quotations in order of appearance).
43 Works, 5: 18, 22-3. De Caen and his associates intervened in the suit sometime after assigning a procureur to represent them in April 1621. See LAC (Ottawa), MC, vol. I, étude XVI, no. 48, “Procuration en blanc par Guillaume de Caen pour intervenir au procès pendant entre le duc de Montmorency et le Sieur Legendre et ses associés,” 1st April 1621.
44 Works, 5: 25-8, quotation 26.
should be merged or a new company formed. Under this arrangement, the two companies were to contribute equally to the costs of the habitation, including the maintenance of soldiers, religious, and other residents. Despite the decree’s injunction against causing the other “aucun empeschement ny d’aucune violence à peine de la vye,” de Caen announced his intention to seize Pont-Gravé’s vessel, which he planned to use to pursue interlopers in the river. While Champlain exhorted de Caen to “ne rien alterer au service de sa Majesté ny de ses arrests,” the latter referred to “[les] particuliers commandemens qu’il auoit du Roy, et de mondit Seigneur” to justify his position. With no sign of a resolution, the lieutenant “pren[ait] le vaisseau dudit sieur du Pont en ma sauuegarde, et voulant le conseruer pour l’authorité du Roy, et l’honneur de mondit Seigneur, deuant tout son [de Caen’s] esquipage, et après qu’il en vseroit comme bon luy sembleroit, ayant la force à la main; mais que pour obseruer la forme de iustice, qu’il falloit que ie fisse ainsi.” He then left the site and de Caen seized the vessel, “disant qu’il ne recognoissoit de iustice en ce lieu.” In the event, de Caen returned the ship to Pont-Gravé, declaring it insufficiently armed. One suspects that the show was far more important than the outcome.

This series of events exposes the fluidity, instability, and contention associated with the use of both law and force. Each party pledged to recognize the legitimacy of royal decrees, but could, at the same time, produce decrees that contradicted or conflicted with those of other parties. De Caen used his commission from Montmorency, which accorded him exclusive rights to trade in the colony, as the basis for the seizure of Pont-Gravé’s ship to counter the royal decree allowing both companies to trade that season. This practice highlights the multiple and competing jurisdictions in France. Courts anxious to defend their jurisdiction from encroachment by rivals and assert their institutional power were more than willing to accede to a request, perhaps especially if it challenged another court’s sentence. The structure of the legal system encouraged parties to seek out and act on favorable decrees, regardless of subsequent ones to the contrary.

45 Ibid., quotations (in order of appearance) 5: 28, 30-1, also 35.
46 Nouv. docs., 435.
48 Works, 5: 46-7.
Almost as frequent as calls for the presentation of decrees to substantiate claims were invocations of royal sovereignty, reflecting a political culture defined by service to king and patron. The CRSM agents, for one, could come up with no other legitimate justification for their presence in New France. In manning the fort and protecting Pont-Gravé’s ship, Champlain reminded witnesses of the king’s imperium in New France and asserted his claims as the legitimate legal authority in his name.⁵⁰ He employed the languages of law, sovereignty, and fidelity to Montmorency, juxtaposing them with de Caen’s use of force.⁵¹ The climactic showdown between de Caen and Champlain also underscores the personal and feudal foundations of power. On both sides of the Atlantic, de Caen was far from alone in pushing his authority beyond the limits of his commission. From Biencourt in Acadia to seigneurs and governors in France, claimants frequently used force to assert and defend their prerogatives. Indeed, the Crown’s practice of conferring commissions and privileges on individuals, corporations, and local institutions encouraged widespread use of such tactics. Their multiplicity produced similar struggles to those in New France, resulting in a pattern of feudal enclaves. Claimants in New France brought with them not only legal instruments but also knowledge of the structural conditions that rationalized their use.

VI. Political and Religious Authority at Stake

While the conflict between the CRSM and the Compagnie de Montmorency on the spot in New France and in the courts of France in 1621 was ostensibly over which legitimately held the right to exclusive trading privileges, it became the premise for one of a far larger scale over who could influence the direction of the colony in accordance with their interests. This situation was comparable in some respects to the crisis of authority in 1616 that Condé and Thémines had precipitated through their dispute over the viceroyalty. Both expanded to encompass several parties, led to multiple lawsuits in various jurisdictions in France, and prompted representations


⁵¹ On individuals’ construction of cases and use of rhetoric, see Benton, *A Search for Sovereignty*, 26, 77, 97, 101.
and proposals to the king on the future of New France.\(^{52}\) Whereas in the earlier case the struggles revolved mainly around trading and administrative interests however, the 1620s saw the introduction of a third element through the actions of another constituency, the Récollet missionaries. Though they were but one party in the struggle for control, these religious influenced the dynamics in the colony throughout the decade, one in which regulations governing religious activity in the colony increased. Each party framed its interests and activities by calling variously upon royal and religious authority in order to gain the favor of the courts, the viceroy, and the king.\(^{53}\)

i. The reestablishment of royal and religious authority in France

The events and debates of the 1620s in New France cannot be understood outside the context of contemporary political and religious developments in France. The upheaval and violence of the Wars of Religion in the sixteenth century created a general desire for the restoration of order and stability at the beginning of the following century. Henri IV’s conversion to Catholicism shortly after his accession to the throne and the promulgation of the Edict of Nantes in 1598 moved France in the direction of these goals. The former reaffirmed Catholicism as the country’s official religion; the latter outlined certain political and religious privileges and restrictions for Huguenots, rendering them a “corps politique avantagé et un corps religieux désavantagé.”\(^{54}\) Members of the reformed religion could practice freely on the land of Protestant seigneurs and in any town where services had been held in the previous two years, with the exception of certain cities, including Paris. They could build houses of worship in these places and maintain their own cemeteries. They could not work on any Catholic holidays and had to pay the dîme, a tax to support the clergy. Politically, Protestants could hold public office, had a right to be heard before the law, and, as a guarantee of these rights, were allowed to

\(^{52}\) On the Condé-Thémines suit, see chap. 2 above, 84-6. On the tendency for suits to split into multiple ones, see Carrier, “Virtuosité procédurière,” 48.

\(^{53}\) On the tendency to “invoke royal, religious and personal authority” at times of instability in overseas contexts, see Benton, *A Search for Sovereignty*, 101. Historians have tended to evaluate the actions and assertions of the various parties involved, ultimately privileging one over the others. For interpretations favoring Champlain, see Fischer, *Champlain’s Dream*, 377-80; H.P. Biggar, *The Early Trading Companies of New France*, chap. 7. For a pro-de Caen perspective, see Trudel, *HNF*, 2: 278-87, 299-306. Lucien Campeau, for his part, was sympathetic to the Récollets and Jesuits. See *Monumenta Nova Franciae* (Rome: Monumenta Hist. Soc. Jesu) 2: 99-102, 835.

maintain several *places de sûreté* to be maintained at the king’s expense. Under Henri IV, the Edict was followed quite closely.

Both the assassination of Henri IV and subsequent actions taken by his successors reignited Protestant anxieties about the security of their position and encouraged renewed plotting on both sides.\(^{55}\) With his death in 1610, Henri IV’s position of relative religious tolerance and coexistence gave way to a more stridently Catholic one under the Queen Regent, Marie de Medici. The latter became the head of a faction at court, the *parti dévot*, which advocated an uncompromising approach towards Protestants in France and unwavering support for Spain, traditionally the bulwark of Catholicism in Europe.\(^{56}\) Louis XIII’s position lay somewhere between his parents’. On the one hand, he readmitted the Jesuits to France, chose representatives of the Church as his advisors, and extended legal and religious protections to the Catholic minority of staunchly Protestant Béarn on the border with Spain, a measure that Henri IV had decided to forgo for fear of exacerbating religious tensions.\(^{57}\) On the other hand, the king chose to wage war against the Catholic Habsburgs and ally with Protestant states during the Thirty Years’ War (1635-1648). Louis XIII thus combined a conviction of the strong link between the French monarchy and Catholicism with political pragmatism. His actions on this basis tended to stir up one side or the other.

At the same time as the Crown attempted to reestablish order in society, the Catholic Church underwent its own revitalization and restructuring. The Catholic Reformation had two sometimes competing currents.\(^{58}\) On the one hand, the institution of the Church itself, in response to the Reformation and in accordance with the reforms of the Council of Trent, reaffirmed the principal tenets of the faith, established measures to tighten its control over both

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\(^{57}\) Béarn was part of the kingdom of Navarre. Louis XIII sent his army there in 1620 to unite the province with France and apply the Edict of Nantes, under which the Catholic minority would enjoy freedom of worship and have its property restored. See Alan James, *The origins of French absolutism, 1598-1661* (Harlow: Pearson Longman, 2006) 13-14; Stephan, *Histoire du Protestantisme français*, 144-5; Tapié, *France in the Age of Louis XIII and Richelieu*, 87-8, 95.

parishioners and clergy, and began a campaign to educate the populous about its faith.\footnote{Dominique Deslandres, “Samuel de Champlain and Religion,” in Raymonde Litalien and Denis Vaugeois, eds., 
*Champlain: The Birth of French America*, trans. Kathe Roth (Montreal/Kingston: McGill-Queen’s University Press, 2007) 192, n. 1. In France, the reforms of the Council of Trent were not ratified by the Assembly of Clergy until 1615.} On the other hand, a religious revival, resembling the Protestant Reformation in its energy and dynamism, swept through all levels of the Church, galvanizing lay and religious alike. These men and women undertook a range of activities, including the expansion of old orders and the creation of new ones, the establishment of lay associations, and internal missionary work, following the examples of François de Sales, Pierre Bérulle, and Vincent de Paul.\footnote{These men created various religious communities to conduct internal missions aimed at a variety of different groups, from youth to peasants in the countryside. See Raoul Allier, *La Cabale des Dévots*, 1627-1666 (Paris: Librairie Armand Colin, 1902) 17; B. Secret, “Saint François de Sales et les missions à l’intérieur,” *XVIIe siècle*, 41 (1958): 304-15; G. Chalumeau, “Saint Vincent de Paul et les missions en France au XVIIe siècle,” *XVIIe siècle*, 41 (1958): 317-27; Rapley, *The Dévots*, 10-12, 19-22; Terry Crowley, “The French Regime to 1760,” in *A Concise History of Christianity in Canada*, Terrence Murphy, ed. (Toronto: Oxford University Press, 1996) 3-4.} A particular phenomenon of the period was the large number of *dévots*, or devout lay members, who were influenced by Christian humanism and Spanish mysticism.\footnote{Jean-Pierre Gutton, *Dévots et société au XVIIe siècle: Construire le ciel sur la terre* (Paris: Belin, 2004) 5. Tapié has characterized those born around 1600 as a generation of dévots. See *France in the Age of Louis XIII and Richelieu*, 85.} They shared the goal of Christianizing society through piety, charity, good works, and conversion, including support for overseas missions. The lay congregations they established would become particularly instrumental in the financing and establishment of hospitals, schools, and seigneuries in New France in the 1630s and 1640s.\footnote{Largely apolitical, these lay congregations were not linked to the parti dévot faction at court. On these organizations’ various activities in New France, see chap. 6 below, 256-60.} A growing intensity characterized the trajectory of these interrelated phenomena – the religious policies of the Crown, the institutional Catholic reform movement, and lay and religious apostolic activities – over the course of the first few decades of the seventeenth century, a pattern also seen in New France.

ii. Catholic reformers and the evangelizing missions of New France

The goal of spreading Christianity to native peoples in North America had been present from the start but it was really only in the 1620s that this component of the New France enterprise became a hot political issue, influencing the way in which all parties framed their objectives and actions. At the opening of the seventeenth century, the prevailing atmosphere in
France was one of “tepid orthodoxy,” reflecting the desire for peace. While some ecclesiastics embraced the Tridentine reforms before their adoption by the Assembly of Clergy in 1615, most of the population, including royal officials and nobles, regarded the reformers’ activities as overzealous and intrusive. These attitudes travelled overseas with those engaged in the New France enterprise and shaped its development. A sort of “ecumenism” is visible in de Monts’ undertaking, consisting of both Protestants and Catholics and including one minister from each religion on voyages. His commission itself reflected this acceptance of both religions in its directive to convert the native inhabitants to Christianity, rather than Catholicism; despite the evangelizing component, the parties involved implemented few concrete initiatives to realize this goal. The 1610s witnessed the expansion and strengthening of the Catholic reform movement, especially among elites, coupled with a more aggressively Catholic Queen Regent and, to a lesser degree, young king. These developments had immediate effects in New France: the Protestant de Monts, as we saw in chapter one, lost his positions both at court and in the colony; Poutrincourt, a former member of the ultra-Catholic League, received the support of Marie de Medici for his enterprise in Acadia. Indicative of the ways in which parties endeavored to align with the prevailing mood at court, the latter appeared anxious to prove his commitment to the evangelizing mission, bringing a secular priest, Jessé Fléché, to the colony in 1611. In a manner not dissimilar to the deployment of legal instruments overseas, individuals underscored their role in advancing the evangelizing mission to acquire and maintain favor at home.

One of the principal characteristics of reformers in France was their view that all those ignorant of Catholicism – peasants, Protestants, heretics, native peoples – formed one group and, consequently, were objects of the same project of evangelization. For dévots and religious alike, the primary site of missionary activity was France itself, with both paganism and Protestantism seen as threats to the integrity of the Catholic religion. Though proportionately much smaller,
overseas missions, which adopted the Tridentine methods of those within France, proved popular among both groups. Religious for the most part welcomed the aid of dévots, particularly in colonies, where the former were often at a premium. In 1615, four Récollets, a branch of the Franciscans, arrived in Quebec to establish missions among the Huron and Montagnais, both allies of the French. Within a year, this order, already well established in Spanish America, outlined a program for conversion after consultation with Champlain and other prominent French inhabitants. It involved a concerted colonizing effort to achieve “francisation” and, only then, Christianization of the native peoples. By 1621, then, the Récollets were sufficiently established – with construction begun on a convent and seminary – that they could participate in the social and political life of Quebec, both at the behest of others in the colony and to assert their own interests. At about the same time as the Récollets’ arrival, Champlain also began to show more interest in the evangelizing dimension of the enterprise, having himself likely been influenced by the growing Catholic revival and the activities of the reformers in France, and aware of the religious and political priorities of the Crown. While Louis XIII was subduing Protestant revolts in the south of France in the early 1620s, one thus finds a constellation of approaches to the evangelizing missions on the ground in New France: some were galvanized by the Catholic revival, themselves increasingly devout; others saw the politico-religious events in France as a way to help further their own interests; and still others continued to act according to the traditions of a mixed-faith enterprise. Whatever the particular orientation of each


67 On the size of the New France missions and the often close relations among those involved, see Codignola, “Competing Networks,” 563-4, 570. On the use of Tridentine methods and the importance of lay missionaries, see Deslandres, Croire et faire croire, 207, 244-5.


70 On Champlain’s religious evolution over the period, see Deslandres, “Samuel de Champlain and Religion,” 191-204, esp. 197-201.

participant, the advancement of the kingdom’s religious goals became a key component in the struggle among parties to assert their claims.

iii. The Récollets’ transatlantic strategy to assert their power and standing in New France

These particular transatlantic religious dynamics played directly into the struggles among parties for control over governance and trade in the colony and finances, favor, and attention in France. With backing at home, the Récollets took advantage of the unrest and legal disputes overseas to assert their religious authority and position themselves as the potential saviors of sovereign claims in New France. This new party and its rhetoric in turn shaped the claims and counter-claims of other parties jockeying for supremacy.

The disputes on the ground between the CRSM and de Caen and his men in the summer of 1621 encouraged other parties in the colony to construct their own representations for the king and his council in France. On 18 August of that year, an assembly of “tous les principaux habitans Français du Canada” took place to “aviser des moiens les plus propres sur la ruyne et desolation de tout ce pais, et pour chercher les moiens de conserver la Religion Catholique, Apostolique et Romaine en son entier, l’autorité du Roy inviolable et l’obeissance deue audit Seigneur Viceroy.” In attendance were Champlain, de Guers, the three Récollets Denis Jamet, Georges Le Baillif and Joseph Le Caron, Louis Hébert, procureur du roi, Gilbert Courseron, provost’s lieutenant, Nicolas, law clerk of the assembly and jurisdiction of Quebec, and four other residents. The lieutenant and the Récollets were, it appears, instrumental in organizing the assembly and, at its conclusion, the participants deputed Father Georges Le Baillif to travel

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72 Sagard, *Histoire du Canada*, 1: 80, 81 (quotations in order of appearance). The participants adapted the institution of the provincial estates to their circumstances, thus asserting their status as French subjects at the same time as they voiced their concerns about the current situation. Fischer draws a comparison to the legislative assemblies in the Anglo-American colonies; the fact that such an assembly did not continue to meet, he argues, shows that “such meetings were not welcome in France. This was the road not taken in Quebec.” This comparison, however, is inappropriate, as the conveners were likely drawing on the much less frequently called French Estates; it is not, in itself, indicative of a lack of liberty among Frenchmen. See Champlain’s Dream, 377-8, quotation 378. On the practice of adapting institutions to one’s own circumstances, see Benton, *A Search for Sovereignty*, 57.

73 Trudel, *HNF*, 2: 281. Some historians have suggested that this was the occasion on which the posts of procureur du roi, provost’s lieutenant, and law clerk of the jurisdiction of Quebec were established. See Dickinson, “Champlain, Administrator,” 212; Gustave Lanctôt, *A History of Canada*, trans. Josephine Hambleton (Cambridge, Harvard University Press, 1963-64) 117.
to France to present their cahier de doléances or list of grievances first to the viceroy, in the hopes that he would lend his support, and then to the king.\(^{74}\)

Although the assembly was held in the name of the larger community, the documents and actions that followed reveal it to have been largely a Récollet endeavor.\(^{75}\) Indeed, the cahier began with a mémoire by “les pauvres Religieux Récollets” who had “jugé estre de leur conscience de donner avis à Vostre Majesté, de l’interest qu’elle a en la conservation de cette terre.”\(^{76}\) Like others of the time, the mémoire highlighted the abundant resources and potential riches of New France, stated reasons for urgent action, and suggested remedies. What the colony needed, it argued, was “l’ordre necessaire à tant de malheurs qui menacent ces terres d’une perte future.” Such threats could be averted through “l’entretien de la Religion par l’autorité de la Justice, quand elles y seront toutes deux appuyées et maintenues par la force d’une garnison establie en un fort.” The articles of the cahier then outlined the specific measures needed to secure the king’s goal of evangelization, from which would follow an increase in his prosperity, glory, and dominion. In the area of religion, “deffenses seront faictes à tous sujets de Votre Majesté, faisant profession de la religion prétendue reformée d’y habiter ou y entrer aucune personne de quelque nation que ce soit de ladite R.P.R.,” a seminary would be established for fifty native children, each receiving fifty écus from the king, and an abbey built. Justice would be applied strongly “afin d[e]...ne permettre que sous l’autorite de Sa Majesté il se commette des voleries, meurtres, assassinsats, paillardise, blaspheme et autres crimes déjà trop familiers entre quelques François habitants en ladite terre.”\(^{77}\) Finally, a fort and tower at Tadoussac with a garrison of fifty men combined with an increase in the lieutenant’s authority (and salary) would insure the effectiveness of the above measures. The program thus called for an integrated approach, whereby force would buttress justice and religion.

The assembly and mémoire reveal the Récollets’ attempts to take advantage of their recently acquired prestige – embodied here in Le Baillif’s deputation – to consolidate their

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\(^{74}\) The exact nature of Champlain’s role in the assembly and in various trips to France to advocate for the colony’s future is not clear from the sources. Most contemporary writers and later historians assign him a central role. See Sagard, *Histoire du Canada*, 1: 80; Fischer, *Champlain’s Dream*, 377; Dickinson, “Champlain, Administrator,” 212-13; Deslandres, “Samuel de Champlain and Religion,” 201. Trudel suggests that Champlain’s approach to Récollet initiatives was more reserved: he only reluctantly agreed to Le Baillif’s advisory role and was at various times the object of Récollet criticism for his approach to the evangelizing mission. See Trudel, *HNF*, 2: 281, 283 n. 51.

\(^{75}\) Deslandres argues that the majority of inhabitants harbored no ill feeling towards de Caen on account of his religion; if any existed, it was due to his economic power. See *Croire et faire croire*, 251.

\(^{76}\) Le Clercq, *Premier établissement de la foi*, 1: 195.

\(^{77}\) Sagard, *Histoire du Canada*, 1: 82, 89, 92 (quotations in order of appearance).
position in the colony’s governance structure. They employed the language of sovereignty to align their interests with those of the king. The mémoire juxtaposed the current disorder in the colony with “l’ordre nécessaire à tant de malheurs qui menacent ces terres.” It was not uncommon during the period for parties to make use of the order/disorder dichotomy – and identify their own actions with the former – when appealing to the king for support. Indeed, such an argument no doubt had particular resonance in France where the instability and factional struggles of regency rule were only just beginning to fade from view. The Récollets, however, took the potential threats to sovereignty further than previous appeals from Champlain, Biencourt, and others by locating the imminent danger not in the colonizing and trading activities of the Dutch and English in North America but within the French habitation itself. The absence of both Protestants and representatives of either trading company is a stark illustration of the agenda at work here and alignments in the colony. The interests of the religious and the viceroy’s representatives combined here, as those of Church and Crown frequently did in this period in France, in their desire for the re-establishment of order under their respective authorities and the concomitant diminution in the power of the companies. Indeed, both Champlain and Récollets such as Joseph Le Caron complained at various times of the superior leverage that the companies enjoyed in the colony as a result of their commercial might. On one occasion, the lieutenant opined that “une société…tient la bourse, elle paye, donne & assiste qui bon luy semble: ceux qui commandent pour sa Majesté sont fort peu obeis, n’ayant personne pour les assister, que sous le bon plaisir de la Compagnie.” What was at stake here was control over the colony. By asserting their status as both the king’s subjects and protectors of the Crown’s interests, lieutenant and Récollets alike hoped to consolidate their positions at the expense of the companies’.

Le Baillif’s activities in France illuminate how the contest over authority in the colony expanded into a debate about legitimate subjectionhood. Besides his representations to the viceroy and king, the deputy became involved as an intervener on behalf of the inhabitants of New

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78 MacMillan, Sovereignty and Possession in the English New World, 103; Benton, A Search for Sovereignty, 97.
80 Works, 5: 18. See also Joseph Le Caron, Au Roy sur la Nouvelle France (Paris, 1626); and below, 154-6.
France in the lawsuit among Montmorency, the CRSM, and the de Caens and their associates, transforming what appeared to be primarily a political and trading dispute into a religious one as well. Indeed, his mandate from the assembly included the power to “nommer et instituer un ou deux advocats au Conseil de Sa Majesté, Cours Souveraines et Jurisdictions” to represent their perspective.81 In December 1621, Le Baillif appeared before the Conseil privé to request that the “prétendues charges et informations faites” at the Admiralty of Dieppe by Dolu, Villemenon and others be brought before the royal council, together with the cahier de doléances containing “des exceeds et viollances commises audit pais par lesdits associés…comme n’étant le tout qu’un meme fait.”82 Although the precise nature of the charges at Dieppe was not given, they presumably concerned the Compagnie de Montmorency’s trading privileges. This request was but one of several submitted to the Conseil privé in 1621 and 1622 by various interested parties, protesting actions by adversaries before another jurisdiction, particularly the Admiralties of Dieppe and Rouen. Their cumulative effect was to bring the parties before the Conseil privé, which appointed commissioners to hear the representations of both companies, before reporting to the council and interveners. In the meantime, the court forbid de Caen and his associates from sending ships to New France until a resolution could be reached.83

While the commissioners weighed each sides’ arguments, Le Baillif escalated the rhetoric linking sovereignty, security, and religion. He published an anonymous allegorical tract entitled *La Plainte de la Nouvelle France*, an ad hominem attack on de Caen in which he questioned the latter’s loyalty not only to God but also to the king.84 The following passage is representative: “un de ces passionnés ennemis du Dieu [de Caen] que tu [la France] adores…a banni le catholicisme, s’est moqué des autels, a empêché le ‘plantement des Croix,’ menacé les prêtres de ‘fers et de chaisnes’ et menacé le gouverneur ‘de la corde.’”85 Le Baillif never pursued these charges – quickly discredited as they were by various testimonials – nor did he return to New France. While it is easy to dismiss his inflammatory language, and even the poisonous relationship between Guillaume de Caen and the Récollets, this publication was but an extreme

82 LAC (Ottawa), série V6, Conseil d’état privé, c. 36, no. 5, 10 December 1621.
83 LAC (Ottawa), série V6, Conseil d’état privé, c. 37, no. 20, 11 January 1622 ; *Nouv. docs.*, 431, 438.
84 Already upon de Caen’s arrival in New France in 1621, he was in conflict with two religious, Paul Huet and Guillaume Poullain, who had accompanied him on the voyage. In what seems an ironic action in retrospect, Champlain sent Le Baillif to settle the matter, along with the more serious one of the sharing of trade between the two companies. See *Works*, 5: 40-1.
example of the jockeying that occurred among parties, each with their own vision, interests, and agenda, over the direction and governance of New France.\(^8\)

The Récollets’ intervention in the legal dispute among Montmorency and the two companies redirected the conversation from trade to legitimate subjecthood in New France. Catholic bona fides and commitment to the evangelizing missions had never been make-or-break conditions before 1620. Indeed, the New France enterprise had been mixed from the beginning, involving both Protestants and Catholics, and a program of conversion had not begun until 1615 with the arrival of the Récollets. The Compagnie de Montmorency was, therefore, following a well-established trend when it was formed under one Protestant, Guillaume de Caen, and one Catholic, Ezéchiel de Caen.\(^8\) The events of 1621 offered the Récollets an opportunity to argue that the mixed enterprise of previous years was no longer tenable and that Protestants should be excluded. Among those who took up this position was the provincial of the Récollets of Saint-Denis, the province to which the missionaries in New France belonged. He requested the king to impose a ban on “ceux de la religion pretendue reformée d’y aller, soit pour trafficquer ou y demeurer, veu le trouble qui a já esté desmené par telles gens.”\(^8\) The provincial framed the problem and solution in terms of subjecthood, as had the assembly’s petition: the disorders had been caused by Protestants and therefore the advancement of the king’s objectives, as well as the maintenance of his sovereignty, required a change in who constituted a legitimate traveler to and inhabitant of New France.\(^8\) While such concerns stemmed, for many, from genuine bafflement as to how a mission devoted to the Catholicization of a population could proceed under a Protestant – a figure reformers regarded as in equal need of instruction himself – this struggle was at its heart about who would direct the development of the colony. A ban on Protestants would not only put the enterprise fully under Catholic control but also would reduce, in the short

\(^{86}\) For testimonials to the animosity between de Caen and the Récollets, see a list of letters for and against de Caen dating from 1621 in BnF, dép. de ms., fonds français, vol. 16738, “Extraits des Registres du Conseil d’Etat,” 27 August 1634; Trudel, HNF, 2: 283, n. 53. For positive assessments of Georges Le Baillif’s actions, see Le Clercq, Premier établissement de la foi, 1: 178-9; “Le Baillif, Georges,” DCB, http://www.biographi.ca (Accessed 3 May 2010). For a more critical view, see Trudel, HNF, 2: 283-7. For the argument that Le Baillif was ultimately successful in his representations (despite failing to achieve the Récollets’ chief request, the ban on Protestant participation in the New France enterprise), see Fischer, Champlain’s Dream, 377-8.

\(^{87}\) Indeed, Trudel goes so far as to suggest that this shared oversight was a wise (and prophetic) move, for it would protect the association in the event that Protestants were banned from the colony, a measure long advocated for by some Catholics. See HNF, 2: 274-5.

\(^{88}\) Nous. docs., 437.

\(^{89}\) On the definition of subjecthood as one of the primary preoccupations of sovereign powers overseas, see Benton, A Search for Sovereignty, 37; Herzog, Defining Nations, chap. 3.
term at least, the size of the company footprint. Such a move would increase ecclesiastical, and specifically Récollet, authority.\textsuperscript{90}

The association between Catholicism and subjethood shaped the construction of other parties’ positions in their efforts to advance their own claims. The CRSM, for one, adopted the Récollets’ rhetoric in professions of their own commitment to a Catholic colony in New France: “pour oster tout soubcon que l’on pourroit donner audict sieur admiral et aussi pour donner et à Sa Majesté et au publicque tout contentement pour ce subiect, ilz n’entendent envoyer [aucun] pour habiter audit pais qu’il ne fasse profession de la religion catholicque, apostolique et romaine.”\textsuperscript{91} Although the company’s mixed composition may have thrown their own religious bona fides into question, the associates were not acting from a defensive position here. (Indeed, there is no record of such attacks during the conflict.) They were, instead, taking advantage of the Récollets’ hostility and the order’s prestige in the colony and at court to position their enterprise as the one best suited to facilitate Catholic interests and objectives in New France. The Recollets’ vision of New France as an evangelizing mission under their control both emerged from and fed into preoccupations in France. By constructing their position in accordance with the king’s goals of stability and a strong Catholic identity for the Crown, they influenced the contours of the struggle for precedence among competing interests in New France.

VII. Parties Entrench Their Positions, 1622-1626: Part I

Far from resolving differences, the royal council’s decision on the future of the two companies prompted adversaries merely to shift the terrain on which they fought, underscoring the uncertainty and contestation associated with empire building. The careful construction of positions and the incorporation of (borrowed) rhetoric designed to appeal to the preoccupations of king, counselors, and magistrates suggest that such forums mattered; yet, decrees themselves carried little weight among parties. In a structure of power in which judicial authority, although emanating from the king, was divided among myriad jurisdictions, legitimacy was highly contingent.

i. A merged company under the king


\textsuperscript{91} Nouv. docs., 436; emphasis added. There is no record of de Caen’s response to the Récollets’ lobbying efforts. For a defense of his position made under similar circumstances in 1624, see below, 150-1.
In a sentence of April 1622, the royal council appeared to resolve the (trading) dispute in a manner more or less beneficial to all parties, from Montmorency to the CRSM. It ruled that “la compagnie desdits De Caen et ses associez seule, qui doresnavant ce nommera la Compagnie de Montmorency, pourra traiter et negocier, faire trafficq et commerce en la Nouvelle-France suivant le pouvoir donné audit sieur admiral…et aux charges et conditions portées par les articles accordez à ladite compagnie.” The company would, however, be open to public subscription for one year, like the Compagnie des Indes orientales. It was required to compensate the CRSM for “des frais et despences par eux faictes en l’habitation de Quebecq et des trois années qui leur restes [sic] de leur contract” to the amount of 10,000 livres, due in three months’ time. The former company was also to be reimbursed for the merchandise at the habitation as well as for all “barques, canotz, agrées, ustancilles et apparaultz” found there. These terms were similar to those under which the habitation had earlier passed from de Monts to the CRSM. In light of this compensation and the sharing of trade the previous year, the Compagnie de Montmorency saw its privileges extended from eleven to fifteen years. The decree, however, offered an alternative to these arrangements: “le tout si mieux n’ayme ladite ancienne compagnie s’associer avecq ladite Compagnie de Montmorency, aux charges portées par lesdits articles arrestez audit Conseil.” As we saw in the case of the Compagnie des Indes orientales, the merger of two enterprises was a fairly common solution to conflicts over trade. In the event, the CRSM opted for the latter route, prompting supplementary articles for the companies’ union that same day. Under this arrangement, the old company entered for five-twelfths, with the balance – the majority of shares – in the new company’s hands. The storehouse and habitation were to become the property of the combined company, on condition that the de Caens and their associates construct the same number of buildings; similarly, “des vaisseaux, barques et ustancilles apartenans en propre l’une et l’autre des societez…entrer[ont] pareillement en

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92 *Nouv. docs.*, 438.
93 *Ibid.*, 439. On de Monts’ transaction with the CRSM, see chap. 2 above, 75-6.
94 *Nouv. docs.*, 440.
95 The original intention of the king and his council appears to have been to allow the old associates to enter individually rather than en bloc. See *Works*, 5: 83-4, also 61. Assuming that the annual capital was equal to the amount required for each voyage, 60,000 livres, the former CRSM associates together invested 25,000 livres and de Caen and his associates 35,000 livres. De Monts’ share in the 5/12, for example, was 1/12, or approximately 2,083 livres. Montmorency, as viceroy, received 6/20 of the 7/12. For the shares taken out by various associates, see *Nouv. docs.*, 466-7; Trudel, *HNF*, 2: 291. Dolu invested an amount of 7,000 livres or one-fifth in the 7/12 block of shares. See LAC (Ottawa), Collection Margry, vol. 9269, fo. 190-91v.
commung.” The first voyage under the united company, which was to retain the name of the viceroy, was set for the spring of 1623.96

While the decree appears at first glance to have been a typical resolution to a relatively minor trade dispute, it completely reconfigured the relationships among the company, viceroy, and king, a reflection perhaps of the changing political situation in France. On the one hand, the king aimed to “conserver mon cousin le Duc de Montmorency aux droits et pouvoirs que ie luy ay cy-devant accordez en la Nouvelle Frace [sic].”97 On the other, the decree contained an important clause that imposed definite limits on that power: the company’s associates “ne pourront estre deposseddez, troublez ny empeschez audit traffic, ny permission accordée à autres pour quelque cause et occasion que ce soit, quelque changement de vice-roy et lieutenat de Sa Majesté qui puisse arriver.”98 Historians of New France generally give this provision little or no attention, tending as they do to see the companies as obstructions to a linear and uncomplicated process of colonization. Yet, this clause redrew lines of authority by according the company its own status independent of a particular viceroy. For the first time in the history of New France, the company with trading privileges leapfrogged over the viceroy and was now subject to the good pleasure of the king.99 This change in status likely in part reflected the firmer hand the king now had on politics at court, in contrast to the great political instability during the lawsuit among the CRSM, Thémines and Condé in 1616.100 Having reached his majority in 1617, the opening of the next decade saw Louis XIII assume full authority in the kingdom. The establishment of two jurisdictions, the titleholders of which both reported directly to the king, accorded the latter leverage. Indeed, similar to the role of multiple jurisdictions in France when

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96 Novv. docs., 442-3. Until the merged company’s first voyage, any profits and merchandise would belong only to its original owner.
97 Works, 5: 83.
98 Novv. docs., 440; emphasis added. Even though the option to join the Compagnie de Caen was presented in the decree as a complete alternative to what had come before – the 10,000 livres in compensation, the settlement of any of the CRSM’s assets still in Quebec, the extension of trading privileges from eleven to fifteen years, and the clause protecting the company from any changes in colonial administration – the latter two conditions appear to have carried over to the new arrangement.
99 On the practice of “bypassing intermediate authorities” to advance overseas claims, see Benton, A Search for Sovereignty, 57, n. 48. Neither Biggar nor Trudel discuss this clause in their recounting of the new company’s terms.
100 Another factor may have been the CRSM’s request in March 1621 that they be accorded exclusive trading privileges for twelve years, beginning in 1622, “soubz la seulle auctorité de Sa Majesté, direction du Conseil, et non d’autre.” See Novv. docs., 437. The fact that judges were not required to explain their sentences or draw upon precedents makes it difficult to determine the reasons for a particular decision. See Carrier, “Virtuosité procédurière,” 34; Kagan, Lawsuits and Litigants in Castile, 27. On the dispute of 1616 and what it revealed about the company’s uncertain status, see chap. 2 above, 84-6.
the Crown was strong, the involvement of two authorities in the government of New France strengthened the Crown’s own authority. For the Compagnie de Montmorency, in the short term at least, the clause appeared to legitimate its claims vis-à-vis the viceroy and afford it some stability. In the longer term, it reinforced the uncertainty and contingency of privileges in the French Atlantic.  

ii. The new compagnie de Montmorency divided within

The ostensible resolution to the conflict between the viceroy and the CRSM stands in stark contrast to the continued struggle within the Compagnie de Montmorency over supremacy in the fur trade of New France. The contents of the suits changed but the battles lines between old and new company, the strategies, and the issue at their heart remained the same. Two simultaneous disputes in 1626 reveal the dynamics among traders to New France and the colony’s place relative to other overseas possessions and trade routes. The associates’ use of other parties’ rivalries for their own purposes highlights France’s status as a divided and multiple entity, with a correspondingly diverse set of interests.

The first dispute, which began after the 1621 season, was really a prolongation of the one over trading privileges, which the decree of April 1622 had supposedly resolved. It began shortly after the two companies’ ships returned to France in the fall of 1621. The major point of contention concerned 1700 beaver skins that de Caen had brought back from Quebec in exchange for provisions for the CRSM’s overwinterers and for merchandise to trade. On one side, de Caen claimed that Porée, Legendre and associates needed to settle with him for the provisions; on the other, the CRSM argued that the 1700 skins had been “pris de force.”

When the royal council delivered the decree of 1st April 1622, this case was before the Admiralty of Rouen; the council sent the parties to arbitration. One month later, a lieutenant of Montmorency sent the case before the Conseil privé, where it largely remained for the next two

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101 When the viceroy passed from Montmorency to the duc de Ventadour in 1625, the Compagnie de Montmorency held onto its privileges and role in the colony. It lost its privileges, however, two years later when Cardinal Richelieu turned his attention to the overseas colony as part of his broader program of consolidation of maritime authority. On Ventadour’s tenure, see below, 151-4. On Richelieu’s role in New France, see chap. 4 below.

102 For the ways in which parties commonly prolonged judicial cases after a ruling by the royal council, see Carrier, “Virtuosité procédurière,” 98.

103 Works, 5: 48; LAC (Ottawa), V6, Conseil privé, c. 47, no. 12, 10 May 1624 ; c. 58, no. 10, 13 March 1626 ; LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 87b-88a, fo. 244, 9 July 1626.
years.\textsuperscript{104} When the commissioner assigned to the case, the Sieur de Nesmond, pronounced upon the two parties’ claims, he judged their profits from the season to be 19,239 livres for de Caen and 15,012 livres for the CRSM.\textsuperscript{105} The latter contested these results, requesting that the council “reme[tte] les parties en tel état qu’elles étaient auparavant.”\textsuperscript{106} The final extant decree, issued in November 1626, “faisant droit au principal [the 1700 skins in dispute],” allowed de Caen to keep the skins without any payment; the council dropped the other claims, resulting in de Caen’s receiving about 4,000 livres less than Nesmond had accorded him in April. It is not completely clear whether this ruling ended the case or whether it continued, perhaps in some other form.\textsuperscript{107}

The second suit among the associates in 1626, undoubtedly fueled in part by the first, was more directly a struggle over the leadership and management of the commercial enterprise. In mid-January 1626, the associates of the Compagnie de Montmorency gathered in the residence of the duc de Ventadour to work out a new business arrangement: “ladite compagnie ayant mis à l’encheres les embarquements de la Nouvelle France pour être le plus offrant subrogé au traficq et traite dudit pays aux droits de ladite compagnie ledit de Caen en serait demeure adjudicataire.”\textsuperscript{108} By notarial act, the associates agreed to turn over responsibility for outfitting vessels, securing crew and prospective inhabitants, conducting trade, and maintaining the habitation to Guillaume de Caen in return for 36% of the profits each year, due six weeks after the return of the ships; de Caen was to keep the balance for himself. In other words, all associates would still be bound to pay their share of the 60,000 livres needed for each voyage – which would be reimbursed “suivant et au desir dudit traicte” – but they would no longer be actively engaged in the enterprise. De Caen was to assume full responsibility and the attendant risks in exchange for most of the profits.\textsuperscript{109}

\textsuperscript{104} Novv. docs., 443; act of 3 May 1622 in LAC (Ottawa), V6, Conseil privé, c. 47, no. 12, 10 May 1624. For the various jurisdictions involved in the suit, see LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 87b-88a, fo. 244, 9 July 1626. On the average number of jurisdictions normally involved (two to three), see Carrier, “Virtuosité procédurière,” 33.\textsuperscript{105} LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 86, fo. 374, 26 March 1626; LAC (Ottawa), V6, Conseil privé, c. 59, no. 13, 3 April 1626. The commissioner relied solely on de Caen’s accounts as the former associates of the CRSM had failed to produce their own accounts. On the practice of forclusion, by which a decision was made with the available documents and without alerting the other party, see Carrier, “Virtuosité procédurière,” 49.\textsuperscript{106} LAC (Ottawa), V6, Conseil privé, c. 59, no. 30, 28 April 1626. For the various counter-requests made by the two sides, see LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 87b-88a, fo. 244, 9 July 1626.\textsuperscript{107} LAC (Ottawa), V6, Conseil privé, c. 61, no. 1, 19 November 1626.\textsuperscript{108} LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 86, fo. 66, 7 March 1626.\textsuperscript{109} LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 87a, fo. 41, 4 April 1626. This new business arrangement has been misunderstood more often than not in the New France historiography. Trudel suggests that the retreat from active participation in the association applied only to the former CRSM associates; however, documents show that
This new arrangement marked the first of its kind in New France, reinforcing the connections between the New France enterprise and international experimentations with the company form in this period. Although both the Compagnie de Montmorency’s old configuration and its new one resembled the société en commandite, the agreement with de Caen was most explicit in separating the “sleeping partners” from the active one. All of the associates other than de Caen played the role of investors, providing a fixed share of the capital and receiving profits in proportion. Unlike the earlier organization, however, the associates raised the capital annually and settled the accounts at the end of each season, a practice reminiscent of the more numerous annual fishing voyages to Newfoundland. Reconfigurations were far from unusual among the large commercial enterprises of England, the United Provinces, and France. Indeed, the most common change in the balance of responsibilities among associates was the establishment of one or more compagnies particulières or subsidiaries. Comprised of some of the parent company’s associates, who agreed to invest more money in return for certain privileges, the subsidiary – which later became instrumental in New France during the Compagnie de la Nouvelle France’s tenure – usually stemmed from financial difficulties or a desire to spread the burden of the company’s responsibilities. Although de Caen assumed a greater risk in exchange for a greater share of the profits just like associates in subsidiaries, his stewardship of his fellow associates’ funds substantially distinguished the arrangement from other forms. Given the continued bickering and distrust among the Compagnie de Montmorency’s associates, such a configuration could well exacerbate rather than mitigate tensions.

Hardly had the ink on the contract dried before the arrangement itself became the new object of contention in the continued jockeying over the enterprise’s operations. The immediate subject at issue was a caution or guaranty Dolu made on de Caen’s behalf towards Ventadour the other associates were also to pay their share of the outfitting costs in return for 36% - later 40% - of the profits. See Trudel, HNF, 2: 301; Archives nationales (Paris), MC, vol. CI, étude CV, no. 267, 16 January 1626 and 4 April 1626. Fischer argues that Ventadour and Champlain attempted to “buy out” the CRSM associates and, upon their refusal, sent the matter to the royal council. He relies, however, only on Champlain’s writings; taken with various notarial documents and decrees, the situation appears to have been substantially different. See Fischer, Champlain’s Dream, 394-5.

10 Streichenberger, Sociétés Anonymes de France et d’Angleterre, 27.
11 On the subsidiary’s role during the CNF’s tenure, see chap. 5 below, 214-23.
12 On the practice of creating subsidiaries, see Davies, The Royal African Company, 29-30. The provision which required the return of capital within six weeks of the ships’ return may have been created in part to address the strong distrust among associates.
(for 10, 500 livres) and de Monts, Legendre, Porée and associates, all formerly of the CRSM (for 22, 960 livres). The other associates had not requested such assurance for the remaining 26, 583 livres in outfitting costs. 113 Although all parties to the earlier contract agreed upon the guaranty, the former CRSM associates contested the act, bringing the parties before the Admiralty of France. 114 Some of the other company associates, represented by Ezechiel de Caen, entered as a third party to clarify that the guaranty was in the name of Dolu only, as “il a plus d’interest en ladite compagnie que tous les autres,” and to protest against a delay in the upcoming season’s voyage, which would “ruine[r] entièrement la traite et le service du roi et les colonies qui sont au lieu de Quebec et autres lieux circonvois [sic] qui sont en danger de mourir de fin [sic].” 115 The matter of Dolu’s guaranty soon expanded into a dispute over the arrangement of 14 January itself. Porée and his associates appeared before the Conseil privé “pour raison de la validite ou invalidite dun pretendu traicte fait entre eux [de Caen and the associates].” 116 What followed were requests and counter-requests before different jurisdictions. On one side, the CRSM associates offered their own counterbid before the royal council, pledging to give 40% of the profits to the other partners: “requete des antiens associes de la Compagnie de Ventadour à ce que nouvelle adjudication leur soit faite de l’embarquement et les subrogeans par les associes aux droits de traite qu’ils ont suivant les clauses apposes en l’adjudication premiere.” 117 On the other, de Caen pursued the CRSM’s representative, Mathieu Deusterlo, for outstanding contributions to the annual outfitting costs before the Admiralty of France. 118


114 LAC (Ottawa), série Z1D, Amirauté de France, vol. 7, fo. 36, 19 January 1626. While the exact reason for the refusal is not evident, Porée et al may have deemed Dolu too close to de Caen; after all, the two had acted in concert in the earlier dispute over trading rights. Other common grounds on which to refuse a guaranty included concern about the guarantor’s solvency, which was very difficult to ascertain during this period, and the right of those of a certain status to bring suits before a privileged jurisdiction. Pothier, A Treatise on obligations, 278; conversation with Dr. Michel Morin, 7 April 2010.

115 LAC (Ottawa), série Z1D, Amirauté de France, vol. 7, fo. 36, 19 January 1626. It is not clear exactly how much Dolu had invested in the company. In a notarial act of 16 January, he ceded 6/20 of 7/12 to de Caen; but it may also be remembered that he had entered the company in November 1622 for 1/5 of 7/12. See LAC (Ottawa), MC, vol. Cl, étude CV, no. 267, “Transaction entre Jean-Jacques Dolu et Guillaume de Caen,” 16 January 1626.

116 LAC (Ottawa), V6, Conseil privé, c. 57, no. 5, 10 February 1626. The 14 January contract is another example of a notarial act that was designed to prevent a lawsuit actually precipitating litigation before the courts. See Carrier, “Virtuosité procédurière,” 66.

117 The request is described in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 86, fo. 406, 26 March 1626.

118 LAC (Ottawa), série Z1D, Amirauté de France, vol. 7, fo. 50-51v, 7 February 1626; vol. 7, fo. 55-6, 24 March 1626; request of 28 March 1626 described in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 87a, fo. 41, 4 April 146
In the end, the two sides each gained and lost something in this replay of the dispute that had originated in 1620 with the announcement of a new viceroy and company. In a decree of March 1626, the royal council awarded the management of the enterprise to de Caen on three conditions: that he raise the members’ share of the profits to 40%, in light of Porée et al’s counterbid; appoint a Catholic as *général de la flotte*; and produce “bonne et suffisante caution dans le jour” before any ships could leave Dieppe under the new head of the fleet, his brother-in-law Raymond de la Ralde. Failure to meet any of these would result in the “subrog[ation] d’eds anciens associes en l’adjudication faite audit de Caen.” In the event, by the following week de Caen had submitted two guaranties, one from each of his uncles, Ezechiel de Caen and Salomon Langlois, as well as certification of these by the lieutenant-general of the admiralty at the Table de Marbre du Palais à Paris (the court of appeal), the Sieur de Saint-Martin. All three pledged “ensemblement et solidairement” to furnish the sums owed to Ventadour and Porée and his associates in the event that de Caen failed to pay. As for Porée and company, they arguably lost more than they gained: not only did de Caen remain in charge of the fur trade, but also they were required to pay their outstanding debts to the other associates. As far as the extant evidence suggests, the settlements of 26 March and 4 April 1626 ended this particular matter.

The two lawsuits of 1626 reinforce the role of French courts as forums in which to continue struggles over competing claims overseas. The strategies employed by the two companies required a familiarity with the intricacies of judicial procedure in order to manipulate...
it for their own ends. Since the majority were experienced merchants, the associates on both sides would have already had considerable exposure to the justice system. They, like their French and European contemporaries, used delaying tactics, ranging from failing to appear when called before the court to submitting new documents – which then had to be delivered to the opposing party – to outfox their opponents, cost them money, and force them to a compromise in their favor. For example, the former CRSM associates appeared almost exclusively before the royal council, which did at times rule in their favor, and deliberately ignored the sentences from the Admiralty of France. The latter court repeatedly ordered Deusterlo, as the CRSM’s representative, to pay outfitting costs to de Caen, going so far as to permit the use of force. It seems likely that Deusterlo was withholding the sum in the hopes of obtaining a favorable resolution to the contract dispute or forcing de Caen to capitulate. Throughout the litigation, both parties made ample use of the skills of procureurs and lawyers to navigate the complexities of the justice system and the law. These two professions were indispensable to remaining within “les limites de la légalité” all the while turning the vagaries of the system to each party’s advantage.

The doggedness with which each side attempted to thwart its opponents underscores the high stakes involved: control over the New France enterprise. The CRSM associates’ real intention in disputing Dolu’s guaranty was to remove de Caen from the trade altogether. The detrimental effects of protracted lawsuits on commercial affairs were well known and encouraged merchants to seek an end to their disputes as quickly as possible. As newfound partners in what was already an ambitious and risky venture, the associates might have been expected to choose arbitration, a method that promised a much higher chance of coming to an amicable and timely settlement. The rewards, however, were, like the risks, high. Unlike the more frequent and mundane contractual disputes among merchants, this venture offered exclusive trading privileges and potentially lucrative returns. The experience of both parties in

124 Normally, a party received three orders to respond to a request before a seizure of property or imprisonment was made. See Carrier, “Virtuosité procédurière,” 92.
New France over the years had shown them to be aggressive and ambitious in pursuing their interests: de Caen was set on forcibly asserting his rights in the St. Lawrence River in the summer of 1621; the Malouin and Rouennais associates managed multiple lawsuits against their would-be partners in the late 1610s, with some lasting for almost twenty years. Where the latter refused to admit the Rochelais into their company in spite of an arbitrated settlement, the two companies of 1621 chose to pursue their differences from within the same association.

The aggressive maneuvering over control of trade forces us to reconsider the place of New France relative to other colonies in light of contemporary perceptions. The colony is often portrayed as a marginal and undesirable destination, the poor cousin to the East and West Indies. While the returns were lower, the fur trade, alone and in combination with the fishery, sparked fierce competition among merchants in key Atlantic ports.\textsuperscript{127} They were not just a random selection of merchants, but among the most prominent in each town. Only those who had already achieved a certain level of wealth, status, and expertise ventured into the world of overseas trade and, more specifically, the New France enterprise. Far from venturing idly into the transatlantic trade, these ambitious traders drew on the full extent of their networks, experience and knowledge of the metropolitan judicial, political and commercial structures to pursue their interests in the colony.

The cultivation of personal connections and the exploitation of rivalries among competing jurisdictions highlight the contingency of the exercise of authority in a multi-nodal polity like France. While Porée and his consorts went before the royal council to have the treaty of 14 January annulled, de Caen pursued them at the Admiralty of France for breach of contract and failure to pay their share of outfitting costs. Indeed, even when the case had been ordered before the royal council, the admiralty continued to deliver and execute its own sentences, all of which confirmed de Caen’s position.\textsuperscript{128} The latter had at least one well-placed ally at the Admiralty of France: the Sieur de Saint-Martin, who became one of his securities. He may also

\textsuperscript{127} Elizabeth Mancke suggests that colonies in early America did not attract the fierce competition among various interests that the commercial ventures of the West Indies and the fishery did. This observation underscores a key distinction between English and French colonizing ventures in North America: the centrality of the fur trade in New France, and the privileges associated with it, created a high degree of competition among traders. See “Empire and State,” in \textit{The British Atlantic World, 1500-1800}, David Armitage and Michael J. Braddick, eds., \textit{2nd ed.} (New York: Palgrave Macmillan, 2009) 208-9.

\textsuperscript{128} Among those decrees that sent the case to the council are LAC (Ottawa), V6, Conseil privé, c. 57, no. 5, 10 February 1626; LAC (Ottawa), série Z1D, Amirauté de France, vol. 7, fo. 59-v. Among the sentences made by the admiralty despite such orders, see LAC (Ottawa), série Z1D, Amirauté de France, vol. 7, fo. 52v-3v, 20 February 1626; vol. 7, fo. 55-6, 24 March 1626.
have benefitted from continued ties to Montmorency himself, perhaps through Dolu. At a time when one’s status often trumped the merits of a case, such favor could be invaluable. At the same time, such ties may have made him wary of the royal council. Indeed, one increasingly influential member was Cardinal Richelieu, a man who was in the process of consolidating his maritime authority primarily at the expense of his rival, Admiral Montmorency. Although the royal council ultimately ruled in favor of de Caen as adjudicataire, the struggle between these two men may have played a role in the progression of the suit, as it did in a later suit among rival companies in New France and in other areas of overseas expansion. Parties projected their personal and institutional interests into overseas spaces, creating a transatlantic web of competing claims.

VIII. Parties Entrench Their Positions, 1622-1626: Part II

The terrain on which parties articulated and defended their competing claims following the decree of April 1622 was shaped in large part by the confluence of sovereign and religious interests in New France. These came together in the evangelizing mission, moving it to center stage. The establishment of a new viceroy in 1625 embodied this confluence and encouraged the fashioning of claims around sovereign and religious interests and subjecthood. The commingling of the stabilizing program of the French monarchy and the disciplinary program of the Church was thus a transatlantic phenomenon and a key factor in both state building and empire formation.

i. A Catholic evangelizing mission under a Protestant head?

Following the confirmation of the Compagnie de Montmorency’s trading rights under de Caen in 1622, the ways in which the latter’s position was supported and justified showed that advancing the evangelizing mission had become closely tied to advancing sovereign interests in New France. In 1624, de Caen defended his position before the Admiralty of France in these terms: “le pays de la Nouvelle France [est] en si bon état par son ordre, industrie, et diligence et


130 On Richelieu’s attempts to wrest control of navigation and overseas commerce from Montmorency, see Gervais Carpin, Le Réseau du Canada: Étude du mode migratoire de la France vers la Nouvelle-France (1628-1662) (Paris: Presses de l’Université de Paris-Sorbonne, 2001) 53-5. On the role New France played in this struggle over maritime power, see chap. 4 below, 179-82.
par la quantité des nations de sauvages qui y habordent [sic] auparavant inconnus aux français, que le grand fleuve Saint Laurent par la traite qui se fait avec lesdits sauvages le pays étant bien ménagé et les sauvages entretenus en amitié.” Almost a year earlier, Champlain wrote to Dolu of “la bonne amitié et correspondance des Sauvages avec ledit de Caen, dont il leur en pouvoit revenir de grand advantage.” To a certain extent, Champlain’s focus on de Caen’s relationship with the region’s native inhabitants is to be expected, given the lieutenant’s decades-long efforts to foster alliances with them for the purposes of exploration, trade, conversion, and occupation; his comments and complaints about traders’ behavior, however, typically concerned colonization and the construction and defense of the Quebec habitation, not their relationship to their native partners. More significant is de Caen’s reference to the wellbeing of these peoples as evidence of his good management of the colony. Indeed, company associates rarely made explicit mention of their trading partners in the extant sources, despite each venture’s utter dependence on this relationship for success. While on a superficial level these remarks merely testify to the continuing friction between the Récollets and de Caen, on a more profound level they signal a reorientation towards the evangelizing mission in the service of both Church and Crown.

The complementary nature of ecclesiastical and royal interests in New France can be seen in the Crown’s and the Church’s relationship to native people. The king, for one, aimed to extend his imperium over much of North America through the incorporation of native peoples. The Church, for its part, wished to bring them into God’s dominion through conversion to Catholicism. The roots of this cooperation are found in the intellectual foundations of the French monarchy itself. Imbued with a strong Catholic ideology, successive French monarchs saw it as their duty to spread the faith throughout the world. The focus on the evangelizing mission, then, conformed ideologically and practically to each institution’s interests and promised to be mutually beneficial. The above comments by Champlain and de Caen point to the ways in which

131 LAC (Ottawa), série Z1D, Amirauté de France, vol. 10, fo. 122, 23 March 1624; emphasis added.
133 See, for example, Works, 5: 199, 236-7, 256-7, 268. Champlain’s focus on developing a close relationship with France’s native allies and bringing them under the authority of the French sovereign included support for the election of Miristou as chief of the Montagnais and encouragement for the establishment of a Montagnais settlement near Quebec in 1622. See Works, 5: 61-5; Fischer, Champlain’s Dream, 382.
the convergence of ecclesiastical and royal objectives overseas shaped the discourse of competing claims in the 1620s as de Caen and his rivals invoked sovereign and religious authority to win favor from the king, patrons, and the courts.

ii. The duc de Ventadour: Catholic dévot, viceroy of New France

The establishment of a new viceroy in the colony in 1625 brought sovereign claims and Catholic reform objectives together at the highest level in New France, expanding the venture’s evangelizing mission and strengthening the position of missionaries in the colonial structure of authority. At the beginning of that year, Montmorenci resigned in favor of his nephew, Henri de Lévis, duc de Ventadour, lieutenant governor of Languedoc. Part of the characteristic shuffling within extended kinship networks, this change in viceroys, like the previous one, connected New France to an institution in France, this time the Church. A very devout Catholic, Ventadour could be said to have embodied the Catholic Reformation. He was active in dévot circles, founding the Compagnie du Saint Sacrement, a secret lay congregation, in the late 1620s. Like other organizations of its kind, it sponsored various evangelizing projects, both within and outside France, and was composed of a mix of lay and religious. One of the projects in which several of its members, including Ventadour, became involved was the establishment of Ville-Marie (later Montreal) through the Société de Notre-Dame de Montréal. To more fully express his faith, the duke entered the priesthood less than twenty years later. Long before this, Ventadour’s commitment to the ideals of the Catholic reform movement shaped his approach to the viceroyalty of New France.

Ventadour’s assumption and prosecution of the viceroyalty illuminates the ways in which ecclesiastical and royal objectives became interwoven overseas as in France, albeit in a different manner. Encouraged to take up the position by Jesuit Philibert Noyrot, the duke arranged and paid for the transportation of six Jesuits to Quebec and their maintenance in the colony shortly

135 Montmorenci’s decision may have been due to a combination of factors, including his already fairly demanding position of admiral, the frequent quarrels between the former CRSM and de Caen and his associates, the feud between de Caen and the Récollets, and possibly pressure from Cardinal Richelieu, now chief minister of Louis XIII. Champlain, for his part, attributed the resignation partly to the company’s internal divisions. See Works, 5: 139. On Richelieu’s possible role in the resignation, see Trudel, HNF, 2: 296.
137 His wife, Marie-Liesse de Luxembourg-Pinei, had entered the Church in 1626.
thereafter. In a similar manner to his arrival, Ventadour marked his departure – which occurred only three years later – with another initiative to strengthen the Jesuit presence in the colony: “une maison de Jesuites” would be established “sous le nom dudit seigneur duc, dans laquelle seront entretenus six pretres à perpetuité pour l’augmentation du service du Dieu et instruction des sauvages esdits lieux.” Ventadour’s initiatives and connections are suggestive of the ways in which the evangelizing mission advanced sovereign claims and vice versa. On the one hand, missionaries helped to extend sovereign claims in North America through their conversion activities, which led them to take up residence within native communities, and lay congregations and religious orders provided much of the infrastructure and social supports in the early habitations; on the other hand, the integration of ecclesiastics into the government of the colony – from Le Baillif as Champlain’s advisor to Ventadour as viceroy – ensured that the evangelizing mission helped to shape the development of the colony and served to justify the Crown’s claims. The mutuality of interests between the two institutions influenced the way in which each articulated and consolidated its claims in the 1620s.

iii. An end to mixed enterprise?

For both Crown and Church, one key component of the establishment of their authority in New France was control over definitions of subjecthood. The debate over this issue reached its greatest intensity during Ventadour’s viceroyalty. From disputes on the ground between Catholics and Protestants to a second articulation of the Récollet program for New France, such actions represented a struggle over the construction of sovereignty in the colony. When Ventadour assumed the viceroyalty, he forbade de Caen and his fellow Protestants from saying prayers and singing psalms publicly on the St. Lawrence River. Both the practices and vocal

138 Ventadour and Noyrot shared a teacher, Jean de La Bretesche; upon the latter’s death, Noyrot became Ventadour’s spiritual director. See Works, 5: 139-40; Codignola, “Competing Networks,” 547-8 and n. 29; Trudel, HNF, 2: 298.

This voyage marked the first time that Jesuits participated in the mission, having been previously active only in Acadia. Finding that there was far too much work for their number, the Récollets welcomed this reinforcement and the two orders worked in concert for the next four years. Deslandres highlights this rare example of cooperation as one of the defining characteristics of the evangelizing mission during this decade. See Croire et faire croire, 275-6. For examples of the more common rivalries among and within orders, see Codignola, “Competing Networks,” 551, 570-1.

139 Indeed, Ventadour made this a condition of his resignation. LAC (Ottawa), MC, vol. L, étude LI, no. 86. He also attached similar conditions to a proposed sale of the viceroyalty in 1625. See LAC (Ottawa), MC, vol. I, étude VI, no. 431.

complaints against them continued. For example, Jesuit Father La Nouë, reported on one occasion that “depuis que Emery [de Caen, cousin of Guillaume de Caen and a Catholic] estoit party dudit lieu que ceux de l’équipage ne s’estoient pas souciez des deffences qu’il auoit faites à son depart, de ne chanter des pseaumes, ils ne laisserent de continuer, de sorte que tous les sauvages les pouuoint entendre de terre.”\footnote{Works, 5: 206-7; also 150. Disputes arose periodically over the location of respective religious services on board ship. Before 1625, the practice was to have Protestant services in de Caen’s cabin in the stern, while Catholics said Mass in the bow. See Ibid., 5: 85-6.} The message here was clear: such behavior compromised the evangelizing mission, the primary objective of the enterprise to some. While these quarrels may seem petty, they went to the core of French claims in New France: who was a legitimate subject? From a Catholic standpoint, two groups in the colony were in need of reform, natives and Protestants. If the evangelizing mission was at the enterprise’s center, then the latter group had to go. While Ventadour’s status as a dévot did not automatically mean that Protestants would be excluded – de Caen did, after all, become the adjudicataire of trade in 1626 – his actions as viceroy did contribute to the increase in the prominence, resources, and power of the missionaries in the struggle for control over the enterprise and its direction.

It was in this context that a Récollet presented another program to the king linking royal sovereignty, the evangelizing mission, and subjecthood in New France. In 1626, Joseph Le Caron, who had been among the first Récollets to come to Quebec in 1615 and had participated in drafting the program of 1616, published \textit{Au Roy sur la Nouvelle France}. More similar to the \textit{mémoire} of ten years earlier than to Le Baillif’s screed, this “petit livret” outlined the current situation in the colony before making recommendations.\footnote{Le Caron did, however, exaggerate for effect at times, most notably by attributing various supposedly deleterious practices to de Caen that had in fact preceded his arrival. For a discussion of the various exaggerations and misrepresentations, see Trudel, \textit{HNF}, 2: 304-6.} Le Caron called on the king to “fai[re] mettre l’ordre, ou regne le desordre, soubs le manteau de vostre authorité.” The source of this disorder was the company, whose commercial preoccupations eclipsed the priorities of the

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\footnote{Because of the religious overtones to the Récollets’ feud with de Caen and the prominent role of the Church in the history of Quebec, Le Caron’s publication has raised considerable debate among scholars, largely over whose position – de Caen’s or the missionaries’ – was more justified. On the secular, even anti-clerical side, Marcel Trudel portrays the pamphlet as a polemic with gross misrepresentations. On the religious side, Lucien Campeau, himself a Jesuit, contends that Le Caron was well informed of the situation in New France and offered a cogent analysis. In Campeau’s opinion, Trudel “a dressé un plaidoyer sévère contre Le Caron, alors qu’il est rempli de bénignité et d’indulgence pour De Caen.” Campeau, \textit{Monumenta Novae Franciae}, 2: 99-102, quotation 99; Trudel, \textit{HNF}, 2: 302-6; “Joseph Le Caron,” in \textit{Dictionnaire biographique des Récollets}, 564-5.}
\end{footnotesize}
enterprise, the colonizing and evangelizing missions. The current situation, the Récollet argued, was contrary to “l’intention que le Roy et son Conseil ont d’y faire planter la Religion Catholique, Apostolique et Romaine,” as well as the exploration, peopling, and cultivation of New France. Among other offenses, de Caen abused his power “en son nom du titré de General, et soubs pretexte du service du Roy” by seizing ships all along the coast. Le Caron’s proposed solution would strengthen both royal and ecclesiastical authority. First, the viceroy must henceforth be required to reside in New France. If his other duties prevented him from moving overseas, “le Roy, s’il luy plaist, le doit recompenser, et luy encharger de commettre tel office à quelque vertueux, sage, patient et prudent Seigneur, qui luy promist d’aller en ces lieux vivre et mourir, et y faire pour la gloire de Dieu tout ce que l’occasion et la conscience le pourroient inviter d’y faire.” Second, Catholics should be freely allowed to travel to New France and trade: “tous ceux qui par l’entremise de Catholiques Apostoliques et Romains voudroient equipper vaisseaux pour aller traicter en la nouvelle France, ils le pourroient faire.” Not an explicit ban on Protestants, this provision focused on the opening up of trade and travel to French men and women outside the company. Like Champlain’s proposal of 1618, these remedies concentrated on reducing the power of the company relative to the other competing authorities in the colony.

Le Caron presented royal and ecclesiastical interests in the colony as more or less identical and, in this, he simultaneously drew on and shaped sovereign claims. If the current situation served to “frustre[r] l’intetion du Roy et de son Conseil,” the king’s intervention in favor of the evangelizing mission would consolidate royal claims. As in the mémoire of 1621, Le Caron employed the dichotomy of order and disorder to draw a line between himself and his

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143 The commitments in the company’s contract were a sham, according to Le Caron: nothing more than “du bruit pour faire croire que l’on travaille bien à bon escient pour faire de ce pais, un pais de benediction.” See the dedicatory preface, Au Roy sur la Nouvelle France (1626); Campeau, Monumenta Novae Franciae, 2: 99-100.
144 Au Roy sur la Nouvelle France, 3, 8 (quotations in order of appearance).
145 Given the high rate of absenteeism among officials in metropolitan France, obliging the viceroy to reside in New France constituted an extravagant request; the accommodation that followed may signal that it was nothing more than rhetoric. See Au Roy sur la Nouvelle France, 22.
146 Ibid, 22-3. For the argument that historians have misinterpreted the intentions of contemporaries with regard to the presence of Protestants in New France, due to ignorance of the “climat juridique français,” specifically the stipulations of the Edict of Nantes, see Campeau, Monumenta Novae Franciae, 2: 99-102. While the application of the Edict overseas should certainly be borne in mind, it is also important to recognize that some did call for the explicit ban of Protestants from New France. Moreover, prior to the charter of the Compagnie de la Nouvelle France in 1627, no commission had specified “naturels François catholiques,” indicating that this charter marked a change in approach on the Crown’s part.
147 On Champlain’s 1618 proposal, see chap. 2 above, 90-4.
148 Au Roy sur la Nouvelle France, 10.
fellow Récollets, on the one hand, and de Caen’s company, on the other. De Caen’s legitimacy as a representative of the sovereign was in doubt. In articulating the intentions of the king and his council in terms compatible with his and his order’s objectives, Le Caron asserted his own role as protector of royal interests.

Le Caron’s pamphlet was one of several representations – by Jesuit Father Noyrot and Champlain, among others – to the king that year calling for a strengthening of sovereign authority in the colony.\textsuperscript{149} The complaints – mixed enterprise, the company’s control over inhabitants, Protestant leadership, and unfulfilled obligations – and the remedies proposed in 1626 were not new, but the commingling of royal and religious interests over the last half-decade shaped the discourse around the construction of sovereignty, tying it to the evangelizing mission. Just as the Crown’s efforts to reestablish order and the Church’s program of instruction among clergy and parishioners complemented each other in France, so the extension of sovereign claims and the conversion of native peoples converged in New France in both the government of the colony and in the construction of parties’ competing claims.

IX. Conclusion

In the context of competing claims and a fluid structure of authority in New France, the acquisition of privileges was perhaps the easy part. As the decade of the 1620s demonstrates, maintaining and advancing one’s position required the use of various strategies, depending on the audience, on both sides of the Atlantic. In New France, parties made selective use of metropolitan law and institutions. While these could establish legitimacy, they were also frequently flouted when they did not serve a party’s interests. De Caen’s seizure of Pont-Gravé’s vessel in 1621 was a typical display of personal authority and an outright rejection of the compromise ordered by the royal council. The myriad interests in the colony – ranging from the companies to the viceroy’s lieutenant to the missionaries – each fashioned themselves as representatives of the sovereign at various times to strengthen their own claims. Champlain and the Récollets, for example, did this by positioning themselves rhetorically on the side of law and order. The CRSM associates, for their part, borrowed the language of missionaries in the colony.

\textsuperscript{149} Deslandres, “Samuel de Champlain and Religion,” 201; Jaenen, “The Protestant Presence in New France,” 32. For a discussion of several other letters written by Jesuits on the same subject, see Fischer, \textit{Champlain’s Dream}, 395-7 and n. 35.
– a constituency whose standing and influence were growing – in order to garner support from the king and his counselors.

Actions in New France were often but the first stage in the struggle to establish, assert, and challenge claims. What followed were representations to the king and long-drawn-out lawsuits before several jurisdictions. While Champlain, Le Bailliff, Le Caron, and Noyrot obtained hearings before the king, the associates took their disagreements to the courts. Armed with extensive knowledge of the intricacies of judicial procedure and the law, de Caen and his rivals of the former CRSM exploited interjurisdictional tensions and delayed proceedings, all in an effort to force the other to capitulate rather than reach a resolution. What distinguished the 1620s from the previous decade was the intervention of other groups in these disputes. The growing weight accorded the evangelizing mission changed the dynamics in the colony. Galvanized by the energy of the Catholic reform movement in France, dévots and religious articulated a program for New France. In their attempts to garner support, they made religion a central issue in the struggle for control, alongside administration and trade. Through the lobbying and maneuvering at court and in the courts by all parties, whether as plaintiffs, defendants or interveners, sovereignty in New France was constantly constructed, contested, and reasserted in this period.
Chapter Four
‘Faire de grandes compagnies’: the establishment of the Compagnie de la Nouvelle France in Richelieu’s Age of Companies

In April 1628, a fleet of eight ships carrying 400 people, along with provisions and tools to clear land and build shelter, left Dieppe for New France under the command of the new Compagnie de la Nouvelle France (CNF) or Cent Associés. And thus at last began, according to the traditional narrative, sustained colonization and development of the fledgling colony.¹ The story of its origins, however, is fundamentally transatlantic. Part of the consolidation of maritime authority in France, the establishment of the CNF becomes a lens through which we see the close connections between state formation at home and empire building abroad. Those with a stake in New France – ranging from the admiral of France to viceroys and lieutenants-general and from ministers behind companies to their subscribers – viewed their colonial affairs in the same terms as their metropolitan ones. Patron-client networks and political and patrimonial calculations informed activities in both spheres. The sea was a strategically important and contested space, fuelling rivalries within France, between the Crown and the admiralty, between the admiral and ministers, and among subjects with claims overseas, all vying for wealth and status in this expanded domain.

I. What did the articles of the CNF say?

The administration and jurisdiction of the Compagnie de la Nouvelle France emerged from a combination of the knowledge and experience of previous enterprises in New France and new forms of association. Like previous lieutenants and viceroys of the colony, the company was granted “en toute propriété, justice et seigneurie” the fort and habitation of Quebec; its total jurisdiction, however, extended much further, from Florida to the Arctic Circle, including “dedans les terres et le long des rivières qui y passent, et se déchargent dans le fleuve appelé Saint-Laurent, autrement la grande riviere de Canada, et dans tous les autres fleuves qui les portent à la mer, terres, mines, minières…ports et havres, fleuves, rivières, étangs, iles, islots et généralement toute l’étendue du dit pays….” While “peuplade” had been a stated obligation of all previous companies in New France, the CNF undertook a precise and ambitious objective: to

¹ Trudel, *HNF*, vol. 3: *La seigneurie des Cent-Associés, 1627-1663.*
“faire passer au dit pays de la Nouvelle France, deux à trois cens hommes de tous métiers dès l’année prochaine 1628, et pendant les années suivantes en augmenter le nombre jusqu’à quatre mille de l’un et de l’autre sexe, dans quinze ans prochainement venans.”2 The company was charged with providing for these newcomers for the first three years, at the end of which it was to give them cleared land for their subsistence. In return for these considerable obligations, the king awarded the associates “pour toujours, le trafic de tous cuirs, peaux et pelletterie de la dite Nouvelle France.”3 Previous New France companies had enjoyed similar privileges for a specified number of years; in this case, it was for an unlimited time. As under the Compagnie de Montmorency, French colonists under the CNF were allowed to trade with native peoples on condition that they sell their furs for a fixed price to company clerks. In contrast to the fur trade, “tout autre commerce, soit terrestre ou naval, qui se pourra faire, tirer, traiter et trafiquer…en l’étendue du dit pays,” would last for only fifteen years. Among the other privileges granted to the company were tax exemptions on goods necessary to outfit voyages and on merchandise coming into the kingdom from New France, accession to master of all artisans who practiced in New France for six years, protection from derogation of noble and ecclesiastical subscribers, ennoblement of twelve common associates, and a gift of four iron culverins or heavy cannons. While these privileges had no strings attached, a second gift of “deux vaisseaux de guerre de deux à trois cents tonneaux, armés et équipés, prêts à faire voile” was conditional upon the associates’ sending over at least fifteen hundred colonists during the first ten years.4

The company’s organization, set out in its own articles of 7 May 1627, departed from previous New France associations in its scale, terms, and structure. There were to be one hundred associates, each furnishing 3,000 livres, for a capital of 300,000 l. An association “sans aucune solidité,” members were not liable for any more than their share in the costs and debts of the enterprise, nor could they be forced to contribute above the 3,000 l. These shares were transferable and divisible, although only one of the shareholders could vote. No dividend was to be distributed among the associates for the first three years; thereafter, one-third only would be

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2 “Acte pour l’établissement de la Compagnie des cent Associés pour le commerce du Canada, contenant les articles accordés à la dite Compagnie par M. le Cardinal de Richelieu, le 29 avril, 1627” in EO, 4, 3 (quotations in order of appearance).
3 Ibid, 4. Gervais Carpin argues convincingly that these obligations appeared more onerous than they actually were: the company was, in fact, given considerable latitude in being required, for example, to “faire passer” rather than “établir” 4,000 people. See Le Réseau du Canada: Étude du mode migratoire de la France vers la Nouvelle-France (1628-1662) (Paris: Presses de l’Université de Paris-Sorbonne, 2001) 81, 84.
4 “Acte pour l’établissement de la Compagnie des cent Associés,” 1-7, quotation 5.
allocated. Twelve directors charged with managing the company’s affairs were to be elected from among the associates for a term of two years. One-third were to be merchants and half were to come from Paris. They were to make all decisions on behalf of the other associates, except when officers were to be appointed or grants of land of over 200 arpents were to be made. An intendant of the company and of New France was to preside over the weekly directors’ meetings. The financial affairs of the company were entrusted to a receiver general, who was charged with keeping the accounts and presenting them annually to the directors and intendant. The CNF’s organization reflected the constellation of ideas current in France and other European countries about methods to reinvigorate maritime commerce and navigation as well as experimentations with the commercial company.

II. What were the contexts in which the CNF was constructed? Part 1: New ideas about political economy

The Compagnie de la Nouvelle France emerged from international and domestic struggles for control over the sea, a struggle in which new spaces overseas like New France played an important role. Trade routes, sea power, and control over subjects beyond the traditional boundaries of a state all became key elements in a state’s standing in Europe. By extension, power over these areas was increasingly coveted within France, notably by individuals in government and the admiralty. The examination of three simultaneous and interrelated developments in metropolitan France illuminates the intellectual, political, and economic undercurrents that helped shape the CNF: discussions of diagnosed problems in the French economy and proposed remedies – especially the use of commercial companies overseas – Richelieu’s consolidation of maritime authority, and experimentations with and manipulation of the company form based on foreign models. These elements together reveal the colony’s importance relative to other initiatives and its simultaneous strategic and dynastic value.

i. The French economic malaise

The first third of the seventeenth century saw great interest within and outside government in tackling the economic problems afflicting France. Numerous mémoires on the

5 “Articles et conventions de sociétés et compagnie, du 7e mai, 1627, pour l’exécution des articles accordés le 29e avril, 1627 à la compagnie du Canada,” in EO, 9-14.
remedies required reached the Crown, many anonymous, many solicited in the mid-1620s by Cardinal Richelieu himself. This latter point emphasizes the necessity of distinguishing between the discourse around, and the reality of, the economic situation. The mémoires themselves had a particular political agenda, generally concerned with expanding maritime commerce and navigation through government-backed initiatives. While the French economy had come out of the sixteenth-century Wars of Religion somewhat diminished and with a higher number of foreigners active in its trades than previously, the picture that emerges from the mémoires of a stagnant economy far behind its rivals is not completely accurate. It is important to remember that France had two parallel economies, one traditional, unconnected, and farm-based, the other dynamic, connected to international trade, and increasing throughout the seventeenth and eighteenth centuries. Moreover, the effects of the unrest were not uniform throughout the kingdom, and some areas and individuals, among them merchants, actually profited from the disorder.⁶ The problems in the French economy and the proposed remedies outlined in the mémoires, then, were as much justifications for particular courses of action as reflections of the actual situation.

The assumption behind all of these mémoires was that the current French approach to commerce, particularly maritime and foreign commerce, was utterly inadequate, leaving France far behind its rivals. The greatest obstacle to overcoming the status quo was widely considered to be the French contempt for, and suspicion of, commerce itself. Writing in 1620, Jean Le Cler remarked on the contrast between French and foreign attitudes: in England, Spain, Italy, Flanders, and Germany, “le trafficq et ceux qui l’exercent, n’y sont ilz pas en honneur et en estime, et ny jouissent ilz pas d’une infinité d’exemptions, et previleges? Asseurement.”⁷ In France, however, he opined, commerce had been allowed to fall completely to ruin. Twenty years after Le Cler, Jean Eon, a Carmelite in Nantes and author of the well known Le Commerce honorable, lamented that “[les français] consideret [le commerce] comme le partage des ames basses et l’objet de l’avarece plutost que de la générosité des hommes où le hazard a plus de part

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⁶ James B. Collins, The State in Early Modern France (Cambridge University Press, 1995) 43; David Parker, La Rochelle and the French Monarchy: Conflict and Order in Seventeenth-Century France (London: Royal Historical Society, 1980) 56-61. It is also worth noting that many of the problems cited in these mémoires continued to be articulated later in the seventeenth and into the eighteenth centuries, even as the economy grew in dynamism and strength.

⁷ BnF, dép. de ms., fonds français, vol. 18781, fo. 228, “Advis et tres humbles remonstrances au roy sur l’establissement du commerce en France,” 30 December 1620. Where possible, I will provide information on the memoirists. I have been unable to identify this Jean Le Cler.
que le prudence.”

The French, particularly nobles, did not want any part in this domain. Unlike in England, there was no tradition of one family member from each noble family entering a maritime profession.

Alongside the bad reputation of, and lack of incentives in, commerce highlighted by Le Cler and Eon, there were far more attractive areas for the investment of time and money. Nobles and bourgeois alike preferred to put their money in offices and land, both means to increase family prestige and standing. At the same time as it resulted in few nobles’ entering commerce, this practice also led to the departure of merchants once they had sufficient funds. For Claude Launay de Razilly, captain then vice-admiral in the French Admiralty and frequent advisor to Richelieu on maritime affairs, this latter problem was the most vexing: merchants “ont vendu leurs navires pour se jetter dans les offices ausquelz on a mis trop d’honneur….”

This move to a less useful life cost France dearly internationally. The practical consequence of the lack of interest in and support for maritime commercial activities, the mémoires observed, was that the bulk of French international trade rested with foreigners, particularly the Dutch. The few French ships that did take to the sea were vulnerable to pirates and rivals, due to the absence of a royal naval force. And while the French welcomed all manner of foreign trader, they themselves were subject to harsh treatment in foreign ports, particularly in Spain.

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8 Jean Eon, *Le Commerce honorable* (Paris, 1646) 44. Henri Hauser argues that the lack of success of such initiatives as the compagnies de commerce implemented in 1626-1627 led to similar comments on the state of commerce in the 1640s. See *La Pensée et l’action économiques du Cardinal de Richelieu* (Paris: Presses Universitaires de France, 1944) 126.

A Carmelite’s interest in the subject of French commerce requires some explanation. Eon, who wrote his treatise anonymously in 1646, had several powerful patrons. The prior of a Carmelite house in Nantes, he was under the patronage of the commissaire-général of the Order of Mont-Carmel, Antoine de la Porte, who in turn was related to La Meilleraye, the governor and lieutenant general of Brittany and a relative of Richelieu. Eon became an advisor to La Meilleraye. An attempt by Nantes merchants to establish a *bourse commune* in the 1640s along the lines of earlier companies attempted under Richelieu met resistance from the Parlement de Rennes as well as in an anonymous publication. La Meilleraye, a supporter of the above project, probably suggested Eon, whom he knew to be one well positioned to formulate a riposte. See Charles Dugast-Matifeux, “*Le Commerce honorable*” et son auteur (Nantes: A. Guéraud, 1857) 6-27.

9 Pierre Castagnos, *Richelieu face à la mer* (Editions Ouest-France, 1989) 119. It is important to note that contemporaries did not attribute the absence of noble engagement to all of France. In the Levant, all classes were more engaged in maritime and long-distance commerce. Rather, this reluctance was a condition of western and northern France and concerned the growing Atlantic commerce. See L.-A. Boiteux, *Richelieu, grand maître de la navigation et du commerce de France* (Paris: Ozanne, 1955) 200.


10 BnF, dép. de ms., fonds français, vol. 4826, fo. 1, n.d. See also Castagnos, *Richelieu face à la mer*, 119.

Contemporary thinking on the origins of power, prosperity and wealth

The remedies for these difficulties emerged from received wisdom on the sources of power, prosperity, and security of a state as well as from analysis of the current international situation. The fundamental nature of relations between nations, whether harmonious or antagonistic, preoccupied economic thinkers throughout the seventeenth century and affected approaches to the world beyond continental France. For those who believed that the natural order encouraged peaceful interactions, trade provided the means by which necessities could be equitably distributed. Eon was following in the tradition of Jean Bodin, the influential sixteenth-century political and economic theorist, when he asserted that “Dieu par sa providence aiant établi cet ordre dans la terre pour obliger les hommes et les provinces à vivre en union, amitié et société autant que leur condition le peut permettre.” Whereas international trade offered to these men a route to the improvement of society and government, it was to others, such as the poet and playwright Antoine de Montchrétien, a source of corruption and weakened states, whose power could only be effectively strengthened through ending all dependence on foreign countries. Trade was no less central to a state’s wellbeing and standing from this perspective. It was, however, to take place in a closed system, underpinned by a strong navy, merchant marine, and fishing fleet. One of the few theorists to include colonies in his conception of


13 Eon, Commerce honorable, 59-60. See also Emile Crucé, Le Nouveau Cynée ou discours d’état (1623); L-A. Boiteux, “Un Economiste Méconnu: Du Noyer de Saint-Martin et ses projets, 1608-1639,” Revue d’histoire des colonies, 44 (1957): 34. For Eon’s intellectual connections to Bodin, see Hauser, La Pensée et l’action économiques du Cardinal de Richelieu, 123.

14 Henry C. Clark, Compass of Society: Commerce and Absolutism in Old-Regime France (Lanham, MD: Lexington Books, 2007) 15. Clark offers a nuanced discussion of Montchrétien’s thought and that of Emile Crucé, who shared a similar conception of the relationship between states as Eon. Clark argues that, with the exception of the nature of trade, they had much in common. See 10-18.

In contrast to Eon, Montchrestien had no strong political connections, but became interested in commerce and industry through his own travels. He lived for a time in England, where he witnessed the industry of his fellow Frenchmen and became familiar with the operation of various industries. He also travelled to Holland, where he was introduced to the large commercial companies of the Dutch. Returning to France, he set up his own steelworks and a tool factory. He wrote his treatise on political economy in 1615 and dedicated it to Louis XIII and the Queen Regent. Although he obtained an audience before the monarch and regent, he did not succeed in convincing them to follow his program. Disillusioned, he later joined the Huguenots in revolt (although he was Catholic). See Théophile Funck-Brentano “Introduction,” in Traicté de l’oeconomie politique (Paris: E. Plon, Nourrit, 1889) x-xxi.
French political economy, Montchrétien saw their role as furnishers of raw materials and markets for French manufactures, an approach visible later in the policies of Richelieu and Colbert.15

Those who viewed trade as fundamentally antagonistic subscribed to ideas collectively known later as mercantilism.16 Montchrétien, Richelieu, and François du Noyer, Sieur de Saint-Martin, an economist, promoter of the Chamber of Commerce and later controller-general under Louis XIII, believed that France’s abundant resources made self-sufficiency an achievable goal; its rivals, in contrast, would continue to depend on France for various necessities. The latter two shared with Barthélemy Laffemas, controller-general of commerce under Henri IV, a preoccupation with the acquisition and circulation of specie.17 These two interests were complementary: if France managed its domestic resources and foreign trade wisely, Richelieu reasoned, “nous tirerons l’argent de ceux qui voudront avoir nos marchandises si nécessaires.”18 This favorable balance of trade for France combined with the return of French sailors from foreign countries and the use of French ships would correspondingly weaken its rivals. In a classic expression of zero-sum game, Le Cler described the abominable current situation: “…que l’on nous voit déperir…et eux tout au contraire, augmenter et s’accroître infiniment.”19 Policies based on the above principles would reverse this equation. Those who held a positive view of trade, it should be noted, also shared these ideas, which were widespread in France. While avowing the incontrovertible benefits of foreign traffic, for example, Eon advocated changing the present system to privilege French over foreign traders in a similar manner to those above. Informing policies among France’s chief rivals of England, Holland, and Spain, such ideas also reflected internationally-held beliefs about the relations between wealth and power.20

16 I am aware of the scholarly debate surrounding this term. In my use of ‘mercantilism,’ I am not trying to claim that it constitutes a complete, coherent theory of political economy; rather, I am referring to a collection of assumptions about wealth and power that were prominent in the seventeenth and eighteenth centuries.
19 There is some uncertainty as to whether Richelieu was the author of the Testament politique: he may have written some or all of it or others in his entourage may have been responsible for the mémoire.
20 Eon, Commerce honorable, 94, 96. Clark argues that Eon saw commerce as a means to foster harmony, particularly within France, and wished to increase trust among the French at the expense of what he considered the greater trust placed in foreigners. See Compass of Society, 32-3. On the policies of France’s European rivals, see,
If maritime commerce constituted the foundation of a state’s prosperity, sea power undergirded that activity. Indeed, the growing conviction among governments of the importance of sea power to reputation and standing was one characteristic of seventeenth-century political economy. England and Holland, which several memoirists considered strong at sea by necessity, became models for countries like France, those territorially-rich countries that traditionally launched offensive and defensive moves by land.\(^{21}\) Their activities around Europe and in the New World, along with Spain’s, put pressure on France to develop its own force. According to Richelieu, “l’utilité que les Espagnols…tirent des Indes…la raison d’une bonne politique ne nous permet pas d’y être faibles.”\(^{22}\) A sea force thus became necessary to compete adequately with rivals. In turning to maritime interests, France was not, however, simply reacting to others; instead, overseas expansion informed the intellectual foundations of power and reputation. The sea became the means by which a ruler’s authority was strengthened: “par la mer se trouve le plus court chemin de fortifier, enrichir et agrandir un Etat.”\(^{23}\) Command at sea was not just a commercial endeavor, nor was it enough anymore simply to maintain European possessions. As historian Elizabeth Mancke has put it, “the control of oceanic space…had become part of the construction of power in the European state system.”\(^{24}\) The most obvious example of this relationship was the effect of mastery of the seas on the standing of city-states and small countries. Memoirists made frequent reference to Venice, Genoa, England, and Holland, their small size itself proof of the power of the sea to change a state’s fortunes. It was due to maritime power that their rulers “ont tellement amplifié et dilaté leurs empires…des plus petits…s’égallent maintenant aux plus grands et puissant monarques.” The sea thus promised a

\(^{21}\) See, for example, “Mémoire de Chevalier de Razilly,” 27 November 1626 in Léon Deschamps, *Un colonisateur du temps de Richelieu, Isaac de Razilly: biographie et mémoire inédit* (Paris: Charles Delagrave, 1887) 17; “Discours pour montrer qu’il est expédient au Roi pour le bien et sûreté de son Etat d’être fort et puissant sur mer” in *Recueil de quelques discours politiques* (Paris, 1632) 250. In the mid-eighteenth century, the philosophe Montesquieu argued that Dutch and English strength at sea was partly a result of the absence of the need to build up a strong land army. See Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France, c.1500-c.1800* (New Haven: Yale University Press, 1995) 116.


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means to surpass the limitations imposed by territory and population.\textsuperscript{25} It functioned as a conduit for the spread of a people’s name and reputation, the distance travelled itself a measure of a ruler’s might and authority. France, with more resources than its smaller rivals, would see its power reach “un tel degré de grandeur et de réputation qu’elle se rendra formidable…aux Monarques les plus esloignez.”\textsuperscript{26} The assumption behind this frequent observation was that power at sea would double the strength of France, already well defended on land by a strong army, and help secure its rightful status as the first among nations.

iii. Proposed reforms to French maritime commerce and navigation

Relations among sea power, colonies, and commerce, and among wealth, power, and reputation formed the foundation of proposed remedies to France’s maritime and commercial stagnation. Memoirists suggested variously the building of a naval and merchant fleet through contributions by cities and communities, either individually or collectively, an increase in duties imposed on foreign traffic, the establishment of colonies and companies, and the ennoblement of merchants and the exemption from derogation of nobles engaged in long-distance trade.\textsuperscript{27} Since writers attributed France’s rivals’ strength, prosperity, and standing to power at sea, many of the proposed remedies derived from foreign models. Montchrétien recommended granting shipbuilders a subsidy per ton, as in England. Eon pointed to the colonies established by the Spanish, English and Dutch, which had significantly increased their riches and dominion.\textsuperscript{28} The main tool borrowed from elsewhere, however, was the commercial company. The Dutch East India Company provided for several writers an example of the wealth that France could enjoy if merchants pooled their capital and shared the risks. The Dutch not only controlled the Indies trade and thus the spice market in Europe but they also attracted foreign investors for this

\textsuperscript{25} BnF, dép. de ms., fonds nouvelles acquisitions françaises, vol. 7287, fo. 23; “Mémoire de Chevalier de Razilly,” 17.
venture, thereby reducing the resources available to potential outside competitors. Eon outlined the commercial approach of Spain, Portugal, England and Holland both within and outside Europe: “il importe de bien remarquer que tout leur Négoce se fait en Compagnie, et que si tost qu’ils découvrent quelque moyen de profiter au Négoce, ils visent incontinent à former une Compagnie, faire fond, et établir l’ordre et oeconomie qu’ils veulent observer: et par ce moyen aussi ils réussissent en tout ce qu’ils entreprennent.” If France adopted a similar step-by-step method, making companies a commonplace, it would achieve comparable success. The challenge was to overcome the proclivity of French merchants to trade on their own or in short-term associations with relatives, friends and those with identical interests. Incentives, such as ennoblement and exemption from derogation, were necessary to change the traditional patterns of French commerce.

If companies on foreign models were the vehicle for the rebuilding of French sea power and standing, royal material support and direction would be the method, according to memoirists. The Crown had both a practical and symbolic role to play in mobilizing its subjects to reinvigorate traffic. On the most mundane level, the size of the undertaking necessitated royal funds: “cest chose qui semble estre réserver a sadite Majesté comme digne de sa vaste et bonne fortune.” It was too great to be left to individuals and required one head rather than several, as in a company. Those who advocated the latter organization recommended the direct participation of the Crown in the hopes that its added weight and authority would overcome the long-standing preference of merchants to undertake their own ventures. Second, the king needed to protect merchant traffic through the deployment of well-armed royal naval ships. Beyond the practical matter of security, the king’s maritime presence would carry great symbolic power as both a

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29 The French, were, of course, not the only ones to draw on Holland as a model at this time. English thinkers engaged in a close study of the Dutch economy to isolate – and then imitate – the patterns that had led to its success. See Joyce Oldham Appleby, *Economic Thought and Ideology in Seventeenth-Century England* (Princeton: Princeton University Press, 1978) chap. 4.

30 Eon, *Commerce honorable*, 295.

31 Boiteux, *Richelieu, grand maître*, 204.

32 BnF, dép. de ms., fonds nouvelles acquisitions françaises, vol. 7287, fo. 27. See also BnF, dép. de ms., fonds français, vol. 4826, “Pour obéir au Commandement de Monseigneur le Cardinal,” fo. 54; BnF, dép. de ms., fonds français, vol. 17329, “Mémoire pour les conjonctions des mers,” fo. 514.

deterrent to enemies at sea and a model for others. On the latter point, the king’s participation would, it was hoped, persuade nobles to invest and participate in maritime affairs: “A l’exemple du Roy, de la Royne, de Monsieur, de Votre Grandeur et des princes, les ducs et maréchaux de France en feront fayre chascun ung [vaisseau], pour entrer en cette compagnie royalle.” For this writer, Isaac de Razilly, chef d’escadre, first captain in the French Admiralty, and, like his brother Claude, advisor to Richelieu, no sustained maritime program could be implemented without the engagement of the wealthy and powerful. If the king set an example, his status as the first among nobles would reassure others that such activities were perfectly in keeping with their station.

The calls for royal support and guidance in the mémoires reveal a particular understanding of the relationship between state and commerce in early modern France. At first glance, the central role accorded government seems to confirm the truism in the historiography that French commercial initiatives were highly regulated and government-led, in contrast to English and Dutch ones, which tended to have merchants at the helm. Scholars have given scant attention to investigating the degree to which this dichotomy was true and to the perceptions that lay behind the different situations. Closer examination shows that divisions were not as cut, nor was reliance on government as reflexive, as the historiography suggests. In his study of ideas of commerce in ancien régime France, Henry C. Clark argues that contemporaries considered commerce to be an unstable endeavor, prone to interruption through war, disease or the actions of local officials. While this belief was partly the result of previous government interventions to ban trade with enemy countries during wartime, it reflected, more fundamentally, the understanding that commerce lacked its own internal momentum and required a steady hand from outside to guide it. For advocates of trade and the mercantile profession, ranging from Montchrétien to Eon and from Laffemas to Du Noyer, the means to render commerce sustainable was located in the state. For those who regarded commerce and its

34 For an outline of the practical advantages, see BnF, dép. de ms., fonds français, vol. 4826, “Pour obéir au Commandement de Monseigneur le Cardinal et de Monseigneur le Mareschal d’Effiat,” fo. 54-54v. See also BnF, dép. de ms., fonds français, vol. 4826, Claude Launay de Razilly, fo. 1.
36 Many of his contemporaries were of the same opinion. See, for example, The Works of Samuel de Champlain, H.P. Biggar, ed. (Toronto: University of Toronto Press, [1922-35] 1971) 3: 147.
practitioners with contempt, including officeholders, ministers and officials, and the nobility, acceptable commerce was that mobilized and managed by the state. The absence of a conceptual separation between commercial activity and government stewardship, Clark concludes, distinguished France from “more fully commercialized polities such as Holland or England.”

Although perceptions and circumstances did differ in France, Holland, and England, commercial initiatives in the latter two countries were not entirely without government aid and intervention. Indeed, the Dutch West India Company (est. 1621) enjoyed a close relationship to the States General and public funds were crucial to this enterprise and its Asian counterpart. James I of England not infrequently intervened in the economy, adopting such measures as a ban on the export of unfinished cloth in 1614 and granting a new patent that deliberately conflicted with that of the East India Company. While a combination of government encouragement to merchants and City businessmen, direct investment by Elizabeth I, and “entrepreneurial momentum” from cooperation between merchants and gentlemen had established an independent and self-perpetuating economy in England by the seventeenth century, commerce was political and “an affair of state” throughout Europe at this time.

iv. Royal engagement in commercial and navigational reforms

The mémoires submitted to the Crown on French maritime commerce and navigation, some solicited, some voluntary, reflected and fuelled royal preoccupations on such matters in the 1620s. Soon after his return to the royal council in 1624, Cardinal Richelieu, chief minister to Louis XIII and, from October 1626, grand maître et surintendant général de la navigation et du commerce de France, developed a circle of men with firsthand knowledge of maritime affairs, including captains of naval and merchant ships, corsairs, and several Knights of Malta. The

41 For the significance and function of the grande maîtrise, see below, 178.
year 1626 was a particularly intense year for consultation, as the government prepared to appear before the Assembly of Notables, convened between December and the following February. Although the Assembly was to address a range of issues, from finances to ecclesiastical affairs, maritime commerce and the navy were a priority for the Crown. In preparation, Richelieu drew upon a wide range of information, from the mémoires above to letters from his ambassadors in other European countries on the treatment of French merchants and the organization of foreign commercial companies to reports on the state of the French war fleet. Part propaganda exercise, part quest to legitimate measures already decided upon – and, in some cases, underway – the assembly and the briefs in preparation constitute a carefully crafted effort on the part of Richelieu and his advisors to steer French maritime consolidation.42

The brief that best encapsulates the aim to make France competitive on a global scale in commerce, navigation, and colonizing enterprises was that of Isaac de Razilly, submitted to Richelieu in November 1626.43 There is perhaps no better illustration of the need to resituate the Compagnie de la Nouvelle France in the broader conversation about maritime commerce, navigation, and experiments in the company form than this mémoire. Usually presented in Canadian historiography as the precursor to the company’s establishment, Razilly’s report was actually a complete global maritime program and, in fact, devoted very little space to North America, focusing instead on Africa and Asia.44 Beginning with a call to honor merchants engaged in long-distance trade and encourage nobles to invest in vessels and merchandise, the mémoire proceeded to discuss measures to increase the royal fleet and finance overseas commercial and colonial enterprises, before finally touching successively on “les quatre partyes du monde” where France would soon gain dominion.45 In Africa, a colony established on “l’isle de Montgaddor” would be strategic: ‘c’est avoyr ung pied dans l’Affricque pour aller s’estendre plus loing.” Similarly, geopolitics in North America necessitated colonies to “borner les Angloys le plus proche qu’on pouroyt.” Asia, however, required a different approach: “il ne fault s’imaginer y planter des collonyes,” given the distance involved. France should, instead,

42 Petit, L’Assemblée des Notables, 37, 39, 40-1; Boiteux, Richelieu, grand maître, 105, 108.
43 Hauser, La pensée et l’action économique du cardinal de Richelieu, 39.
44 Gervais Carpin likewise questions the impact of Razilly’s mémoire on plans for New France. See Le Réseau du Canada: Étude du mode migratoire de la France vers la Nouvelle-France (1628-1662) (Paris: Presses de l’Université de Paris-Sorbonne, 2001) 68-70. For the more traditional view, see Trudel, HNF, 3.1: 5.
Razilly’s program departed from both other mémoires and previous Crown-sanctioned initiatives in its scale, scope, and ambition. Confined to neither one sea or territory nor to one activity, it brought all of these pieces together. Razilly, like Richelieu himself, viewed the navy, the merchant marine, overseas commercial and colonial expansion, and coastal security as intimately connected and all necessary elements in the strengthening of French maritime standing.

While Razilly provided a blueprint for a global maritime program, the Assembly of Notables focused on the creation of specific elements, notably a naval fleet and commercial and colonizing companies. The most specific proposals concerned the development of a fleet of warships to rid the Atlantic and Mediterranean of pirates and protect French commerce. Numbers fluctuated between thirty and forty-five warships: Richelieu proposed the former at a cost of 1.5 million livres annually, while the final statement from the notables to the king called for forty-five with a fund of 1.2 million livres. The second part of the equation lay in the creation of companies. The need to move from the traditional patterns of French merchant enterprise to big companies modeled on the highly successful English and Dutch ones remained a theme in the preparations, propaganda, and assembly. The “Advis à Messieurs de l’Assemblée des Notables” recommended that “en chaque ville capitale de ses [king’s] provinces, les marchands feront une compagnie pour la navigation sur le modèle d’Amsterdam.” The tendency among French merchants to work alone, Richelieu argued in his address, necessitated “comme nos voisins…faire de grandes compagnies, obliger les marchands d’y entrer, leur donner de grands privileges comme ils font.”

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46 “Mémoire de Chevalier de Razilly,” 30-2.
47 These interconnections get lost in works that focus on only one aspect of Richelieu’s push for maritime consolidation, such as James’ work on the navy. While there were no doubt priorities among these various elements, all were part of Richelieu’s thinking and projects. See The Navy and Government in Early Modern France, 49.
48 This does not mean, however, that Razilly’s report was not influential. Indeed, Petit argues that it helped to shape the opening address of Michel de Marillac, the Keeper of the Seals. See L’Assemblée des Notables, 173.
50 Paul Ardier, L’Assemblée des notables tenue à Paris ès années 1626 et 1627 (1652) 9. Ardier was the clerk of the Assembly, appointed by the king, as well as a royal counselor, secretary, treasurer, and principal clerk to the secrétaire d’état des affaires étrangères.
however, did not move beyond a general endorsement of the form, in contrast to Razilly’s mémoire. This may have been due in part to the fact that two companies on this model were already being established, but it also points to the limitations of the assembly itself.\footnote{On the two companies already underway, see below 185-90.} Although the notables approved the Crown’s maritime direction, they offered no firm commitment of funds and thus their endorsement cost them nothing. The real work of overcoming opposition to companies and royal shipbuilding programs remained, as specific initiatives still required registration in the parlements. The rhetorical consensus in the mémoires and on the floor of the assembly, then, belied the plays for power and the protection of jurisdictions that characterized the international and domestic struggles for control over the sea.

III. What were the contexts in which the CNF was constructed? Part 2: Richelieu’s consolidation of power

i. \textit{La Grande Maîtrise}

The methods by which Richelieu sought to increase royal authority over maritime commerce and navigation highlight the personal and institutional rivalries within France over the sea, trade routes, and the movement of subjects. By the mid-1620s, Admiral Montmorency had established a strong feudal hold over the admiralty, in the sense that he had men in key positions who were personally loyal to him and would bear arms for him as a vassal to a seigneur. Achieved through the presence of agents in key ports, the acquisition of governorships, the mobilization of an extensive clientele network, and the aggressive pursuit of competitors, this sort of power base threatened to undermine the Crown’s own interests and Richelieu’s personal authority and ambitions. The creation of large companies and the establishment of a new position within government extended the Crown’s reach through Richelieu’s personal authority to the kingdom’s peripheries and overseas to New France. The consolidation of royal authority and the construction of a personal empire were closely intertwined in the struggle for control over the sea.

Aside from the abstract intellectual discussion around the benefits of a strong naval force and royally-supported commercial companies, both domestic and international developments had persuaded the Crown to take a more active interest in maritime commerce and navigation by 1626. Although religious in origin, the continued Huguenot unrest in the first three decades of
the seventeenth century was about far more than confessional differences. An attempt to maintain closely guarded commercial and political independence, it concerned, at its heart, control over the sea. The center of Huguenot strength, La Rochelle, boasted well-armed ships that effectively controlled the Atlantic coast, issued licenses independent of the admiral’s lieutenants, and was home to various merchants active in overseas commerce. In effect, the port symbolized the weakness of royal naval power and control of maritime trade. Repeated conflicts with Huguenots along the Atlantic coast in the 1610s and 1620s provided concrete evidence of this vulnerability. Not only did royal forces suffer defeat on several occasions at the hands of rebellious subjects and depend on the help of foreign navies to retaliate, but also France faced the threat of invasion by a formidable English navy in support of their fellow Protestants. Cardinal Richelieu suspected that the English – who had become alarmed at French efforts to strengthen its maritime power – would not stop at the defense of La Rochelle and the outer islands, but would seize this opportunity to avail themselves of valuable commodities like salt in neighboring provinces. In July 1627, an English fleet attacked the royal defenses on the Ile de Ré, a key strategic post off the Atlantic coast. Only with great difficulty did Richelieu cobble together a force of ships from various ports to drive the English away, allowing French troops to concentrate on the siege of La Rochelle, the last Huguenot holdout. The port’s surrender in October 1628 marked the end of the Huguenots as a political and military force.53

The domestic challenge to royal commercial and naval power had its international corollary in the same decade as countries throughout Europe engaged in strengthening their naval resources to prepare for a potential renewal of maritime conflict and to protect sea-borne commerce. England had embarked on a program in 1618 to build a fleet of warships within five years. In the early 1620s, Spain introduced the Pragmatica, which banned the entry of any foreign manufactured goods not absolutely necessary for domestic and imperial trade, the Almirantazgo or Seville Admiralty for the regulation and protection of shipping, and the Flanders Armada, a traditional naval force. The Spanish offensive extended to the inspection of ships in neutral waters and support of privateering.54 The combination of an increase in force and

54 Hauser, La Pensée et l’action économiques du Cardinal de Richelieu, 54-56; Tapié, France in the Age of Louis XIII and Richelieu, 141-2; Robin Briggs, “Richelieu and Reform: Rhetoric and Political Reality” in Joseph Bergin and Laurence Brockliss, eds., Richelieu and His Age (Oxford: Clarendon Press, 1992) 86; James, Navy and
commercial restrictions proved of particular concern to France. These international and domestic developments convinced Louis XIII and Richelieu that the Crown’s long practice of entrusting to individuals activities central to France’s standing and security was no longer sufficient to protect royal interests.55

It was in this context that Richelieu began to gather maritime commercial and naval authority about his person. In the Crown’s quest to assume responsibility for maritime security, the Cardinal considered the admirality a central obstacle. Richelieu set out to achieve simultaneously the reestablishment of French commerce and the navy and the extension of his own maritime jurisdiction at the expense of the admiral through the creation of companies. On 31 March 1626, he entered a notarial contract in his name with Guillaume de Bruc, Jean-Baptiste du Val, Nicolas Le Mareschal, and Antoine Regnault de Montmort to establish the Compagnie de Morbihan for commerce “tant par mer que par terre, levant, ponant, et voyages de long cours…tant dedans que hors le royaume.”56 Unlike other maritime enterprises, this company was not subject to the authority of Admiral Montmorency, and received exemptions from paying the customary rights and obtaining licenses. Instead, it fell under the jurisdiction of the surintendant général du commerce, the Cardinal himself. A deliberate attempt to undermine the admiral’s authority, this contract put all but the regulation of the fishery under Richelieu’s purview.57 This last domain, as well as control over all new and existing manufactures, was granted in May to the Compagnie de la Nacelle de Saint-Pierre fleurdelisée. As in the first company’s contract, Richelieu, as surintendant, pledged that he “les [the associates] gardera par devant soi et leur en donnera l’autorisation nécessaire pour en faciliter l’exécution.”58 To both, the king reserved one or two ports in France for their headquarters and with them his powers of justice, administration, and taxation.

55 Boiteux, Richelieu, grand maître, 49-51; Castagnos, Richelieu face à la mer, 97.
Both companies’ jurisdictions extended overseas to New France – although neither company’s contract defined precisely the boundaries.\textsuperscript{59} The ambiguity around just what comprised the colony underscores the aspirational quality of these companies; more important than what New France constituted in reality was what it and the companies seemed to represent: a route to increased French standing, a source of prospective profits through trade, and a means by which to extend authority over subjects travelling overseas. The Compagnie de Morbihan was allowed to “jouir et posséder les terres de la Nouvelle France tant le continant qu’îles et autres lieux, que ladite compagnie pourra conquérir et peupler,” while the Compagnie de la Nacelle was instructed to establish colonies wherever suitable, including in New France, and conquer lands outside of the king’s authority. The Crown did not reserve to itself “autre droit sur lesdits terres et pays que celui de la souveraineté foi et hommage” and the gift of a gold crown with each new king.\textsuperscript{60} Both companies appear to have been explicitly accorded “la pleine et entière possession, jouissance, et disposition” only of lands they discovered or conquered, rather than of land already in France’s possession.\textsuperscript{61} Designed to extend French dominion overseas, the companies – known as compagnies universelles – were a hopeful expression of French claims to and occupation of North America and the Antilles.

The vocal opposition that erupted over Richelieu’s attempts to create commercial companies and undercut the authority of the admiral highlights the fragmented nature of maritime jurisdiction in seventeenth-century France. Indeed, if the Cardinal’s target was Montmorency, his actions also challenged the maritime jurisdiction of the province of Brittany, the proposed site of the Compagnie de Morbihan. Reacting to both the attempt to undercut the provincial governor, under whose authority the admiralty customarily fell, and the exclusive commercial privileges awarded to the company, the province’s sovereign court refused to register the edict. While the provincial estates did verify it, they did so with conditions so severe as to completely undermine its intent. The universal companies appeared to be a subtle

\textsuperscript{59} Indeed, the Compagnie de Morbihan’s jurisdiction appears to have extended to the Antilles.


\textsuperscript{61} LAC (Ottawa), Collection Dupuy, vol. 318, “Contraf fait par Monsieur Le Cardinal de Richelieu comme Surintendant général du Commerce avec une compagnie de Flamens [sic] et autres associés,” 19 May 1626. A few historians have stated that the Compagnie de la Nacelle did not enjoy any monopoly in trade outside France. While this is true for the areas already under the king of France, any new lands claimed by the company were to be enjoyed by its associates alone. See articles 23 and 41 in the contract, Les Papiers de Richelieu, 1: 331, 335; Trudel, Histoire de la Nouvelle France, 3.1: 3-4; Michel Carmona, La France de Richelieu (Paris: Fayard, 1984) 186.
route to undermine one jurisdiction, the admiralty, but came up against two provincial jurisdictions’ privileges, resulting in the enterprises’ eventual abandonment.\textsuperscript{62} The complexity of jurisdictions in France helped to shape the methods by which the sea came more directly under the control of the Crown as well as the parameters of commercial and colonizing ventures overseas.

The Crown did eventually gain control of maritime affairs through a position that resembled the admiral’s in all but name. The combined ends of the reestablishment of commerce and the navy and the reduction of the admiralty received approbation from the king in October 1626. Richelieu received letters patent appointing him \textit{grand maître, chef et surintendant général de la navigation et du commerce de France}. The letters patent accorded Richelieu the traditional responsibilities of the admiral: to ensure “la seureté de noz subiectz en la mer, portz, havres, rades et grèves d’icelle et isles adjacentes” and compliance with naval ordinances, eliminate corsairs and pirates, and assemble a fleet in peacetime to protect the coasts and long-distance commerce. The position’s responsibilites also pointed to the method by which French sea power and maritime commerce would be secured: “traicter avec touttes sortes de personnes, voir et examiner les propositions qui nous ont este et seront faictes sur le sujet de l’establissement du commerce et discuter et recongnoistre le merite bien et utilité, resoudre et asseurer tous articles, traictez, contractz et conventions avec tous ceux qui se voudront lier et joindre pour former lesdictes sociétés et compagnies du commerce.”\textsuperscript{63} Historians have tended to assume that the appearance of these letters patent at a time when the demise of the Compagnie de Morbihan was becoming increasingly likely shows that the priority of both initiatives was to undercut the admiral.\textsuperscript{64} The primacy given to the establishment of commercial companies,

\begin{footnotesize}
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  \item The Estates registered the edict in January 1628. The Compagnie de Morbihan was definitively abandoned in 1628. See Carpin, \textit{Le Réseau du Canada}, 55 and n. 39, 57, 58 n. 55; Kenneth M. Dunkley, “Trading Companies and Privilege in Richelieu’s France: The Hundred Associates of Morbihan,” \textit{Proceedings of the Third Annual Meeting of the French Colonial Historical Society} (1978) 5-9. The Compagnie de la Nacelle enjoyed no more success than the Compagnie de Morbihan. It, too, encountered considerable opposition, particularly due to its strategy of recruiting foreigners, specifically Flemish, to develop industry and commerce in France. The company continued until at least March 1627, when Richelieu was preparing its edict to bring before the parlements once more. See Boiteux, \textit{Richelieu, grand maître}, 100-1; \textit{Les Papiers de Richelieu}, 2: 124-5.
  \item BnF, dept. de ms., Cinq Cents de Colbert, vol. 203, “Lettres patentes de création de la charge de Grand Maître Chef et surintendant général de la navigation et commerce de France et provision d’icelle en faveur de Monsieur le Cardinal de Richelieu en octobre 1626,” fo. 203.
  \item Carpin, \textit{Le Réseau du Canada}, 55, 71; Dunkley, “Trading Companies and Privilege,” 5, 9; Boiteux, \textit{Richelieu, grand maître}, 99-101. In his argument that naval authority was privileged above all else, James seems to ignore the perceived role of companies in the former and the emphasis on them in the letters patent. See James, \textit{The Navy and Government in Early Modern France}, 53-4.
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however, suggest that if Richelieu stopped supporting the Compagnie de Morbihan, it was not due to a softening of interest in the company form as a means to extend France’s commerce and increase its naval strength. The number of companies proposed and accepted during this period—both private and under Richelieu’s supervision—illustrate his sustained reliance on this method that was, he believed, responsible for English, Dutch, and Spanish maritime success. Richelieu’s new jurisdiction, however, was no more palatable to the Parlement de Rennes than the Compagnie de Morbihan had been. Indeed, while the body registered the letters in April 1627, they rejected the power to “faire armement de guerre,” recognizing only his powers to grant licenses for overseas voyages and to oversee coastguards. Given the difficulties of registration, it comes perhaps as no surprise that the practical implementation of the letters patent proved a considerable challenge.

The grandiose title of the position poorly masked the fact that the Cardinal had taken control of the admiralty in Montmorency’s stead. Indeed, Richelieu adopted many of the measures used by his predecessor to assert his personal privileges and administrative authority. One of the first steps he took was to send naval officials to the kingdom’s ports to establish his position and report on the state of coastal infrastructure, functions filled previously by Montmorency’s agents. In his conseil de la marine, Richelieu expanded the mandate of Montmorency’s conseil des prises, which judged prizes taken at sea, to include investigating allegations of abuse by admiralty officials and evaluating commercial proposals. Intendant Villemenon, who ensured the recognition of the admiral’s privileges by the provincial governors and seigneurs who frequently claimed judicial authority and admiralty rights, had his counterpart under Richelieu in, first, Martin de Mauvoy, and then the Marquis d’Effiat. In general, the Cardinal continued and extended the administration developed under Montmorency, rather than embarking in a new direction.

65 This interest sometimes put Richelieu and his officials in conflict with the Council of Commerce, which was resurrected in 1616 with a similar mandate. See Boiteux, Richelieu, grand maître, 117, 202.
66 Boiteux, Richelieu, grand maître, 103. The letters had been registered by the Parlement de Paris on 18 March and by the Parlement de Rouen on 16 April. The sovereign court in Bordeaux did not register them until the end of May. See Carpin, Le Réseau du Canada, 72.
68 James, The Navy and Government in Early Modern France, 57-9, 62; Boiteux, Richelieu, grand maître, 114-17.
Contrary to the argument that Richelieu created a veritable ministry of the marine, the successful exercise of his position, like the admiral’s before him, largely depended on his personal authority. He placed relatives and clients in administrative positions, including his uncle, Amador de la Porte, chef des escadres and intendant général de la marine et commerce. He eventually gained control of the Levant by buying out the général des galères, and challenged seigneurs in Sables d’Olonne, Bayonne, and elsewhere before the royal council. From the start of his tenure, he acquired governorships in key ports and provinces, among them Le Havre, Brest, Brouage, Harfleur, Calais, and Brittany, either for himself or his clients. Richelieu’s acquisition of the governorship of Brittany prompted a gift of 100,000 livres from the fiercely independent province. By becoming governor, Richelieu legitimated his control over the admiralty; Breton officials, through their gift, recognized their dependence on him as their patron and guarantor of their privileges. While he enjoyed great access to Louis XIII as chief minister, Richelieu’s effective exercise of authority resided in such networks of loyal support. This method highlights a key feature of political power in the early seventeenth century: largely feudal in nature, it rested on personal loyalty and self-interest; official functions and private emoluments went hand in hand. Richelieu’s position as grand maître allowed him simultaneously to extend royal control over key maritime positions and consolidate his patrimonial interests.

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69 For the view that Richelieu’s grande maîtrise created a sort of ministry of marine, commerce, and colonies, see Boiteux, Richelieu, grand maître, 99-100. I follow recent historiography on Richelieu that argues that, far from initiating a revolution in government practices, he worked pragmatically within existing institutions and traditional structures of authority. Maritime oversight was not transformed into a modern bureaucracy but, instead, maintained continuity with earlier methods. Among these works, see Briggs, “Richelieu and Reform,” 71-97; David Parrott, Richelieu’s Army: War, Government and Society in France, 1624-1642 (Cambridge University Press, 2001); James, The Navy and Government in Early Modern France. For the more traditional view of Richelieu as a reformer with a coherent, long-term, and wide-ranging program, see Tapié, France in the Age of Louis XIII and Richelieu; J.H. Elliott, Richelieu and Olivares (Cambridge: Cambridge University Press, 1984); Castagnos, Richelieu face à la mer. 70 Boiteux, Richelieu, grand maître, 115-16, 133, 150-1; James, The Navy and Government in Early Modern France, 65; Castagnos, Richelieu face à la mer, 68-70. 71 Boiteux, Richelieu, grand maître, 146. 72 David Parker, “Class, Clientage, Personal Rule in Absolutist France,” Seventeenth-century French Studies, 9 (1987): 206; William Beik, Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc (Cambridge: Cambridge University Press, 1989) chap. 9, esp. part 4. 

On several occasions, the Cardinal opted for courses that extended personal control even when they complicated administration. Declaring himself in favor of commissions in theory, Richelieu continued the practice of venal offices, despite their record of abuses, partly because he could place those close to him in them. A similar motive underlay his decision to continue with the system of admiralty courts rather than shifting maritime justice to the consular jurisdictions. Even though the consuls were well established and respected by merchants in contrast to the admiralty courts, the latter afforded Richelieu closer personal surveillance and power. See Boiteux, Richelieu, grand maître, 125-8.
A new form of administration for New France?

The Cardinal, like Admiral Montmorency, viewed his maritime jurisdiction as coextensive with French trading and colonizing ventures and, by extension, with New France. Both men connected state building at home to sovereignty overseas. New France was a strategic component in this process as well as a personal prize. Just as the grande maîtrise resembled the admiralty in its methods of exercising power, so the extension of Richelieu’s authority to New France drew on the practices of his predecessors.

Viewing New France in this transatlantic context transforms our understanding of the circumstances under which the Compagnie de la Nouvelle France was established and highlights important characteristics of state formation during the period. The CNF’s reputation as the first big overseas company to come to fruition has tended to obscure the fact that it was a combination of a new form of organization and traditional methods of exercising power. The historiography on New France traditionally portrays the company as a great departure from previous administrative and commercial organization in the colony. At first glance, the differences do appear quite substantial: for the first time in the history of New France, there was no title accorded an individual, giving the latter administrative power and trading privileges. Those fell, instead, to an association. The contract granted the CNF regal powers, including defense, the manufacture of cannon and ammunition, the distribution of lands, and the appointment of captains. Although some major decisions were to be made collectively, the majority of business was left to twelve elected directors, as in the two compagnies universelles and Dutch and English enterprises. Closer examination, however, reveals considerable continuity with the previous period in the structure and exercise of authority in the colony.

Despite a royal edict conferring governmental powers on the company, Richelieu was, in all but name, viceroy of New France. On 29 June, Jean de Lauson, one of the Cardinal’s creatures and recently appointed intendant of the CNF and New France, bought the viceroyalty and the attendant shares in the Compagnie de Montmorency from then-viceroy, Henri Lévis, duc de Ventadour. For these, he paid 72,000 livres, which the duke received in the form of three offices.73 A letter sent from Lauson to Richelieu the following day announcing the deed done

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73 LAC (Ottawa), MC, vol. L, étude LI, no. 86, “Vente par le duc de Ventad à Jean de Lauson de la charge de vice-roi au Canada,” 29 June 1627. The question of compensation to the Compagnie de Montmorency was less clear,
shows that he was acting on his patron’s instructions.74 Since 1625, Ventadour had exercised authority over the administration of New France through his lieutenant, Samuel de Champlain, and exercised trading privileges, delegated to the Compagnie de Montmorency. Like Henri de Montmorency and the seigneurs claiming admiralty rights, Ventadour’s position presented an obstacle to Richelieu’s aim to centralize maritime power. While this purchase may have been in the name of the company, evidence suggests that it was more likely on behalf of the Cardinal and part of the consolidation of his authority as grand maître.75 As had been the intention with the Compagnies de Morbihan and de la Nacelle, New France now fell under the Cardinal’s jurisdiction.

While the quiet way in which the viceroyalty was acquired suggests that Richelieu preferred New France to be for all intents and purposes under a company, his viceregal-like relationship to the CNF was evident in its administration. Recalling Montmorency’s tenure, he reestablished the position of intendant with the appointment of Jean de Lauson.76 As with Dolu before him, Lauson’s responsibilities included hosting the CNF’s annual general assemblies. Richelieu also appointed commanders of forts and captains of royal vessels from among the associates on the recommendation of the company.77 And, again like the viceroys, he had people report to him in both official and unofficial capacities, was an associate, and authorized company voyages.

The Cardinal’s supervisory role over the CNF was achieved through a combination of patron-client networks and administrative positions, a key characteristic of state formation during this period. The six representatives who came forward with a proposal for a company at the Cardinal’s request had close ties to him. Apart from Richelieu himself, the most prominent associates were his clients, among them Isaac and Claude de Razilly, Philippe de Longvilliers,

75 A royal decree concerning the liquidation of the CNF’s debts included a substantial sum due to the Compagnie de Montmorency to compensate for the loss of trading privileges. It listed Richelieu as having renounced his right to the viceroy’s share in the earlier company, which he had purchased from Ventadour. See LAC (Ottawa), Série E, Conseil d’État du Roi, vol. 181c, fo. 144-152, 24 July 1643; Lucien Campeau, Les finances publiques de la Nouvelle France sous les Cent-Associés, 1632-1665 (Montreal: Les Editions Bellarmin, 1975) 41; Boiteux, Richelieu, grand maître, 148, 278.
76 “Articles et conventions de société et compagnie du 7 mai 1627, pour l’exécution des articles accordés le 29 avril 1627 à la compagnie du Canada,” 13.
77 Carpin, Le Réseau du Canada, 88.
Sieur de Poincy, Sebastien Cramoisy, Gabriel Lattaignant, and Louis Houel, as well as highly placed officials in the naval and financial administrations, persuaded or pressured into supporting the project. Some of the Cardinal’s clients served as informants in their travels around France; others received commissions to conduct particular business on his behalf. Many were also engaged in more than one company established under the grand maître. This last point suggests that these men saw advantage in participating in their patron’s various projects: it increased the chances for honors and favor, and offered the possibility that unrewarding enterprises could be offset by more remunerative ones. For the Cardinal, having clients in the companies allowed him to have close surveillance of various undertakings in his official capacity.

The extension of maritime authority to New France under the Crown involved replacing one feudal-like authority with another. Just as Montmorency had established a new company upon his accession to the viceroyalty, so Richelieu replaced that same company with one of his own. While the CNF’s establishment was due to many factors, one arguably critical one was the desire to exert control over its members. The corollary to mobilizing one’s own clientele networks was blocking one’s rival’s. With strong ties to the admiralty and Montmorency, de Caen, the previous company’s head, was connected to the institution and person capable of challenging the Cardinal’s maritime plans. The cost of revoking the Compagnie de Montmorency’s privileges was high: it brought serious financial strain upon the CNF during the critical first years of its tenure. For the Crown and Richelieu personally, the incorporation of New France into royal maritime jurisdiction was well worth the burden of compensation.

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78 Isaac de Razilly was first captain of the Marine du Ponant, chef d’escadre and advisor to Richelieu on maritime affairs; Claude de Razilly was a captain and later vice-admiral in the French Admiralty; Philippe de Longvilliers, Sieur de Poincy, a Knight of Malta, served later as governor in the West Indies; Sébastien Cramoisy was a prominent printer, bookseller, and publisher of the Jesuit Relations; Gabriel Lattaignant was a former mayor of Calais; and Louis Houel was a royal counselor and controller-general of the saltworks at Brouage. Among the royal officials in the CNF were the superintendant of finances, the Marquis d’Effiat, and the intendant of the navy, Martin de Mauvoy, who was one of the Cardinal’s clients. For the full membership list, see Appendix A in Trudel, HNF, 3.1: 415-25.

79 Carpin, Le Réseau du Canada, 63-4, 73, 98; Castagnos, Richelieu face à la mer, 129-41.

80 As we have seen, de Caen’s other well-placed ally at the Admiralty of France was the Sieur de Saint-Martin, who had been a guarantor for him in the 1626 agreement concerning the Compagnie de Montmorency. See chap. 3 above, 149. In the course of a lengthy suit over compensation for the premature revocation of the Compagnie de Montmorency’s contract, the CNF accused de Caen of having only received trading privileges “par la faveur de quelques personnes qui avaient crédit près du seigneur de Montmorency.” LAC (Ottawa), Collection Margry, vol. 9269, fo. 276, 16 August 1629. On Richelieu’s desire for control over the company, see Carpin, Le Réseau du Canada, 78. On the compensation suit, see chap. 5 below, 223-31.
The manner in which Richelieu divested his rival of his power and then used similar methods in the prosecution of his new position underscores the existing tension between the Crown’s reliance on personal authority to extend and maintain its own control and the challenge such authority could pose to the king’s own interests. The latter encouraged both Montmorency and Richelieu to consolidate their maritime authority through the installation of their own clients in administrative positions and the use of patronage to foster provincial and local connections. The manner in which they extended their jurisdictions overseas to New France – becoming viceroy, creating a new commercial and colonizing company, placing clients in key positions – highlights the intimate relationship between official functions and personal aggrandizement within early modern states. Viceroy and grand maître alike fortified their personal empire and tied the colony more closely to the Crown. Eventually, Montmorency’s authority came to extend further geographically and deeper into clientele networks than either the Crown’s security or Richelieu’s personal ambitions could allow. Both state formation and empire building were intimately tied to personal and institutional rivalries over control of the sea.

IV. What were the contexts in which the CNF was constructed? Part 3: Experimentations with chartered companies

The extension of Richelieu’s personal authority and the Crown’s reach to New France through the Compagnie de la Nouvelle France is not just a story about New France nor even the French empire but fits into the larger narrative of global experimentation with new forms of association on ever-larger scales. The CNF emerged from a combination of great international interest in the company form (especially for overseas expansion), the compagnies universelles in France, and the particular circumstances in the colony itself. It thus becomes a window onto the complex interactions among foreign models, local circumstances, and state and private interests.

i. International developments regarding chartered companies

The seventeenth and eighteenth centuries constituted a global age of companies. Contemporaries, as Richelieu and the various memoirists attest, attached considerable expectations to companies, having witnessed England’s and Holland’s lucrative enterprises and growing sea power and commercial might in the East Indies since the turn of the seventeenth century. Merchants, businessmen, and governments within these countries and outside applied
the model to other industries, regions, and objectives in the hopes of achieving equally successful outcomes. While the application of the Dutch and English East India Companies to divergent circumstances created a great number of variations, the general company form cut across empires regardless of economic structure, government form, and commercial regulation.

The principal innovations of the Dutch and English East India Companies were pooled capital, incorporation, and a charter of association. These features pertained to the scale, legal status, and powers of the company, respectively. Pooled capital facilitated long-distance enterprises, like overseas trade and colonization, by spreading the risks and the burden of having substantial sums locked up in infrastructure (particularly ships, posts, and forts) among many investors.\(^8^1\) Incorporation gave the company its own legal personality distinct from individual members, allowing the company itself to sue and be sued and to own property. A charter from the Crown, or the States General in Holland, afforded the company protection from foreigners and competitors. The charter contained the company’s powers, privileges, and obligations.\(^8^2\) All companies on this model were delegated a portion of the ruler’s sovereignty. The Dutch East and West India Companies, for example, had the power to declare war, enter treaties, and keep an army and navy. Such extensive regal powers, along with considerable privileges – usually exclusive trade and often land concessions as well – made company officials “indistinguishable from public officers” and demanded that the company be for the public good as much as for private profit. The most visible manifestations of this in the English East India Company’s case were the loans, credit, and customs duties accorded the king.\(^8^3\) For all the emphasis placed in the historiography on the predominance of merchants and the capitalist impetus behind the Dutch and English companies, most such enterprises combined private and government interests. The Dutch West India Company, for one, emerged during a period of Dutch-Spanish hostilities with the objective of attacking Spanish ships and colonies. Several groups close to Parliament and the Crown in England considered a similar enterprise when the country entered war with Spain in

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While governments passed off the (heavy) responsibilities of naval protection for commercial fleets, colonization, and government, they also sought to benefit directly or indirectly from an enterprise’s activities.

If the charter gave a company a legal status independent of its members, the concepts of transferable shares and continuous capital allowed it to exist indefinitely. Subscribers purchased one or more shares. In theory, they were not responsible for more than their share. While both Dutch and English companies have the reputation of being merchant-dominated, many, including the English East India Company, included both gentlemen investors and merchants. The Dutch and English-modeled company drew a distinction between investors and managers. General assemblies brought together all shareholders at least once a year, but the company’s daily operations were in the hands of a board of directors. In the Dutch East and West India Companies, this was the Heren XVII and the Heren XIX, respectively; in French companies, the number of directors was usually twelve. The term “permanent capital” referred to a fund that remained intact after voyages were completed. Most associations of the period in all countries were based on single voyages, at the end of which members divided up the assets. The English East India Company, for one, did not establish a permanent capital until the 1650s. The concepts of both continuous capital and limited liability took time to develop in practice.

The evolution in the chartered company over time had its spatial corollary in the adaptations made to the form in other hemispheres. While the models for all companies were the profitable East India enterprises of the Dutch and English, companies active in the Atlantic Ocean tended to have different objectives and were exposed to different circumstances than their Asian counterparts. Indeed, participants in the New France enterprise may have looked east for inspiration but their situation resembled more closely that of the English plantation companies in North America. The Virginia Company, established in 1606 and granted a new charter in 1609, was a joint-stock venture with the responsibility to raise capital, transport settlers, survey and

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85 Scammell, The World Encompassed, 481; Davies, The Royal African Company, 27; Coornaert, “European Economic Institutions and the New World; the Chartered Companies,” 243; Griffiths, A Licence to Trade, 84-5; Scott, The Constitution and Finance of English, Scottish and Irish Joint-stock Companies, 1: 146.

distribute land, and provide for the colony’s administration. Its government consisted of a council and treasurer in London. An offshoot of the Virginia Company, the Somers Island Company, which became an independent enterprise in 1625, was similarly organized and charged with government and the maintenance of fortifications. Its profits derived from common land. In the same decade, similar companies, all focused on colonization, established the colonies of Massachusetts Bay (1628), Plymouth (1620), and Providence Island (1629). The 1620s were, then, a particularly dynamic period of experimentation with the company form, especially in the Atlantic. As European countries sought to establish and consolidate claims to trade routes and territories overseas, they turned to companies on the Dutch and English model as the principal organization with the capital and might up to the task.

ii. Les compagnies universelles

Although the French had already created companies on Dutch and English models – most notably the Compagnie des Indes orientales – the experimentations under Richelieu in 1626 far exceeded the parameters of these previous ones and the foreign ones that inspired them, both geographically and in the range of activities under their purview. These latter were typically confined to a specific geographic area of trade, either in Europe or overseas. Considering the tradition of individual or small-group commercial associations in France, the compagnies universelles de Morbihan and de la Nacelle as well as the contemporaneous Compagnie royale des voyages de long cours of Du Noyer marked a shift in the magnitude and ambition of ventures. Together, they show the range of experimentation in France at the time and the limitations imposed on the scale of enterprises by contemporary methods of exercising power.

The three companies embodied the widespread and interrelated perceptions among memoirists and within government that commerce needed to be reformed in all its aspects and the bigger the company chosen to do this, the better. All combined domestic and overseas commercial (and colonizing) activities in one enterprise. François du Noyer submitted his first proposal for a royal company in 1612; over the following twenty-four years, he modified the mandate, scope, and activities of the company to reflect current preoccupations. The first incarnation was a crusading company focused on reconquering “lieux saints” and seems to have

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also included the settlement of New France in partnership with Champlain.\textsuperscript{88} Four years later, Du Noyer reoriented the project around the reorganization of commerce under the long-winded title of Compagnie royale des voyages de long-cours, Levant, Midi et Ponant et autres effets et aménagements. This was but one aspect of a larger endeavor involving finances, administration, transportation, and public works. The royal company was charged with organizing voyages to “Affrique, Lasie et la Merique que nouvelle France, et en ceux…planter les premiers la Croix instrument de nostre salut avec des forts et colonies Françaises pour la seureté de son commerce et effects.”\textsuperscript{89} It was to be funded by the king, French cities, and individuals. As in the Dutch case, capital would be divided into shares and the company’s affairs managed by directors chosen from among the associates as well as from the various municipal bodies throughout the kingdom. While the company would be under the king’s protection and patronage, Du Noyer himself was to be director general, governor in places under the company’s jurisdiction, and vice-admiral general outside France.\textsuperscript{90} The difficulty of mobilizing capital and support for such a large endeavor so hindered the company’s establishment that it was still in the planning stages when Richelieu began to organize the Compagnies de Morbihan and de la Nacelle de Saint-Pierre fleurdelisée ten years later.

The Compagnies de Morbihan and de la Nacelle constituted Richelieu’s versions of the Compagnie royale, bearing a strong resemblance to the latter in inspiration, scope, objectives, and organization.\textsuperscript{91} Where Du Noyer’s company focused primarily on the overseas dimension, Richelieu’s universal companies prioritized their metropolitan operations. The Compagnie de Morbihan undertook to “travailler à bon establissement du Commerce general en touttes sortes de marchandizes manufacturées et autres choses possibles et licites…tant par mer que par terre.” All types of commerce in all regions were open to the company. As in Du Noyer’s company, the enterprise enlisted the king’s active support. It could establish stores and agents in any town in France and was given the harbor and port of Morbihan in Brittany “pour siège et demeure perpétuelle.” There, the king derogated his powers of justice, administration, appointment of

\textsuperscript{88} Boiteux, “Un Economiste méconnu,” 9; also n. 2.
\textsuperscript{89} In addition to its ambitious overseas mandate, it was to include an insurance service and a “Banque Royale et Générale” to provide credit and bottomry loans. The company would also control the registers of the \textit{Etat civil}, passports, and industrial manufactures. See BnF, dép. de ms., fonds français, vol. 17329, “Compagnie royale de voyages de long cours,” 1623, fo. 306v.
\textsuperscript{90} Boiteux, “Un Economiste méconnu,” 50-2.
\textsuperscript{91} Indeed, du Noyer went so far as to accuse Richelieu of having stolen his idea. See Boiteux, “Un Economiste méconnu,” 55.
governors and lieutenants, and taxation. The company could establish colleges, build vessels, and manufacture cannon. With a seal from the king, it could enter contracts and commissions for war and trade. Its jurisdiction extended overseas and beyond commerce to include, as mentioned above, the colonization of and exclusive privileges to any lands in New France that it might discover. Apart from this article, there is no definite indication that other Frenchmen were to be forbidden from engaging in the commerce awarded to the company. The enterprise was to be organized with a permanent capital of 1.6 million livres, of which at least 400,000 l was to be used for the construction and outfitting of vessels both for patrolling the port and for use in commercial and overseas enterprises. The capital consisted of shares purchased by one hundred associates, with no threat of derogation to nobles or ecclesiastics. The Compagnie de la Nacelle shared a mainly European area of operation with the Compagnie de Morbihan. Its mandate encompassed “commercer tant par les mers et rivières que par terre, establiy des pescheries, ensemble des fabriques de toutes sortes de vaisseaux… draperies tant de soye que de layne, tapisseries…semer le riz, planter les cannes de sucre et le raffiner, confection d’armes…du savon, fromages, beurres…des verres de cristal…vaissieux de pourcelaine.” The company received exclusive privileges for twenty-five years over all new manufactures it established. Like the Compagnie royale, it could provide loan services and open exchange offices. It proposed a vast European trade network, encompassing Norway, Denmark, Sweden, Hamburg, and Moscovy. Like the Compagnie de Morbihan, it was to be granted its own ports: one on the Atlantic, close to a river route into the interior, and a second on the Mediterranean. While the king retained his rights to lods et ventes, the ports’ inhabitants would be exempt from all other taxes and no officers of the Crown or the admiralty would be permitted to levy fees based on customary rights. The exercise of justice was to be entrusted to officers

94 Lods et ventes refers to the right of the seigneur – in this case, the king – to a one-twelfth part of the sale price of a building on his seigneury.

The Compagnie de la Nacelle undertook to “amener…quatre cent familles ou environ” from Holland, experienced in commerce, fisheries, and manufactures, to settle in these two ports. The expertise of these Dutch and Flemish would allow France to produce such goods as crystal glasses “à la façon de Hollande,” and to salt butter, cheese, fish, and meat “selon la pratique des Flandres.” The inhabitants were to enjoy all the rights of natural
appointed by the company and approved by the king, their judgments having comparable force to those of royal officers, and the company was given complete discretion over the creation of regulations and statutes necessary to keep order in the ports, including those for particular trades. Again like its Breton counterpart, its colonizing functions overseas were limited to New France and new lands in the “Indes occidentales.” There is no mention in the original contract of the size of the capital or of the management of the company, but it is likely, given its other similarities, that these terms resembled those of the Compagnie de Morbihan.

The three companies resembled their Dutch and English counterparts in their structure and in the powers and privileges granted. All had a capital fund organized around shares, made a distinction between investors and directors, and earmarked a certain portion of their capital for infrastructure, ranging from ships to fortifications. Like the foreign models on which they drew, the three companies received royal charters, in which the king delegated substantial portions of his sovereign authority. While the royal company’s proposal did not enumerate the powers delegated, the objective of building colonies and fortifications for the establishment of commerce overseas implied, at a minimum, some derogation of administrative and military authority as well as power over the distribution of land. In the case of the two universal companies, the delegation was more specific and extensive: the king reserved one or more ports in France for their headquarters, and with them his powers of justice, administration, and taxation. Like the Dutch and English companies of the Indies, these were semi-public enterprises funded by private capital, with the dual aim of strengthening French commerce and navigation and filling the pocketbooks of subscribers.

The negative reaction to these companies from more than one sector of the economy and region of the country highlights the slipperiness of exclusive privileges in the context of the multiple jurisdictions in France. In analyzing the demise of the Compagnies de la Nacelle and de Morbihan, historians have singled out their vast size, covering all trade routes, industries, and commercial activities within and outside France. The Crown, they argue, was henceforth wary of proposals for such all-encompassing enterprises. While scale may indeed have played a

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French subjects if they established themselves permanently in the kingdom, and noble status from their homeland would be recognized upon proof of title. See “Contrat de la Compagnie de la Nacelle,” Papiers de Richelieu, 1: 323, 324 (quotations in order of appearance); see also 325.

95 Castagnos, Richelieu face à la mer, 73; Thomson, “France’s Grotian moment?” 383; Carmona, La France de Richelieu, 186. For a discussion of the tradition of individualism in French commerce, see Boiteux, “Un Economiste méconnu,” 64.
role, the driving force behind the opposition was the importance of privileges to political and economic standing within the kingdom. Exclusive privileges to a trade or region threatened long-held customary rights. In places where these customs were especially associated with strong regional autonomy, such as Brittany and other pays d’état, protest against any privileges that undermined their own was swift and fierce, regardless of the size of the venture in question. The history of French commercial and colonizing enterprises to New France from the end of the sixteenth century shows ample evidence of this, including those under Jacques Cartier’s descendants, Noel and Jannaye, Chauvin, de Monts, and Champlain. All such ventures, from those confined to New France to the universal companies, represented to outside traders and parlementaires alike an attack on the autonomy and privileges of particular provinces, and constituted unwarranted interference on the part of the Crown in areas normally covered by a patchwork of rights.

Exclusive privileges conflicted with royal methods of exercising power. The Crown traditionally bestowed privileges on certain corporations, such as the right to import spices, in the case of ports such as La Rochelle and Rouen, or to retain special rights and laws, as in the case of pays d’état, in exchange for loyalty, service, and financial support. Richelieu’s personal and political power depended, as did that of his contemporaries, on the ability to award multiple privileges to various constituencies. The establishment of universal companies clearly made it difficult to accept any other company proposal. Indeed, even with only two companies, there was considerable potential for conflict, given the vast and at times imprecise nature of their respective jurisdictions. The desire to be unconstrained in the bestowal of privileges is suggested by a marginal note next to an article in the contract for the Compagnie de la Nacelle and the article’s subsequent removal. The king promised to refrain from establishing any similar company proposed by foreigners or to allow any individual ventures in the areas covered by the contract. The note, possibly written by Richelieu, deemed this condition “trop rigoureux.”

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96 On Noel and Jannaye, Chauvin, and de Monts, see chap. 1 above, 28-30, 40-2 and 60-3, respectively. On the Champlain’s Compagnie de Rouen et Saint-Malo, see chap. 2, 81-4, 87-8.
98 Thomson, “France’s Grotian moment?” 383. My reading of the contracts is that there was overlap in non-exclusive areas of trade, largely as a result of a lack of specification. For the view that they did not in fact overlap, see Carpin, Le réseau du Canada, 51.
Although it concerned foreigners, not Frenchmen, the comment points to the desire for flexibility in the areas of trading privileges and overseas enterprises, and reinforces the instability of exclusive privileges in the context of the particular structure of authority in France.

iii. From universal to regional companies?

The struggle to establish and sustain companies in 1620s France highlights the contingency and contestation associated with the processes of state formation and empire building. The conviction of memoirists and Richelieu that companies on Dutch and English models would translate into French maritime commercial and naval success belied the complexities and uncertainties behind such enterprises, including what a company was, how it could be applied in different circumstances and how it would be received by others. While the companies that did emerge in that decade and the following one, such as the CNF, bore the imprint of the foreign joint-stock enterprises, they were each a product of particular circumstances, rather than of a conscious plan on the part of Richelieu and the king.

The eventual demise of the universal companies may have prompted a reconsideration of strategy on the part of their proponents, but it did not halt the proposals for and establishment of companies for overseas ventures. While the two universal companies were still before the parlements, Richelieu entered the contract to establish the CNF. As we saw earlier in the chapter, the Cardinal awarded this new association the fort and habitation of Quebec as well as all the land between Newfoundland and Florida in April 1627. The apparent conflict over jurisdiction with the two universal companies has led some scholars to argue that the CNF emerged from the ruins of these enterprises. More than one author has stated that the Compagnie de Morbihan preceded the Compagnie de la Nacelle and was the antecedent of the Compagnie de la Nouvelle France. Recent research, however, has shown that they were all underway more or less simultaneously: associates for the Compagnie de Morbihan contracted with Richelieu in March 1626, for the Compagnie de la Nacelle in May of that year, and for the CNF the following March. While the overlap in jurisdiction may be due, as some have argued, to the Cardinal’s

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101 Carpin, Le réseau du Canada, 58; Boiteux, Richelieu, grand maître, 235.
desire to ensure that New France would definitely come under a company, such overlap was common in commissions for overseas enterprises.\textsuperscript{102} I would argue that the significance of these parallel and overlapping establishments lies elsewhere. With no single policy on commercial and colonizing enterprises, Louis XIII and Richelieu experimented, and approved initiatives for a variety of reasons: the desire to put all French commerce under a few large companies (the compagnies universelles), the necessity of dealing with specific problems in existing colonies (the CNF), the desire to encourage private enterprise that fit with royal interests (the West Indian Compagnie de Saint-Christophe, established in 1626), and, last but not least, Richelieu’s own power ambitions. Contingency, flexibility, and contestation were hallmarks of the consolidation of royal authority at home and in the colonial realm.

Regional companies under Richelieu emerged from the dual influences of the Dutch and English models and the established patterns of previous private overseas companies. The Compagnie de Saint-Christophe, the first new regional company, serves as a useful comparison with the CNF in this respect. Founded in October 1626 at the request of Pierre Belain d’Esnambac, who had recently visited the West Indian island of Saint-Christophe, and Urbain de Roiss, a Rouennais armateur, the company received permission to “faire habiter et peupler les isles de St-Christophe et la Barbade et autres” between the eleventh and eighteenth degrees of latitude, “faire instruire les habitants desdites isles en la Religion catholique, apostolique et romaine…y trafiquer et négocier des deniers [sic] et marchandises…”\textsuperscript{103} The two men and their associates received exclusive trading privileges, but no powers of administration nor explicit title to land.\textsuperscript{104} They undertook to pool a capital of 45,000 livres with which to purchase three ships.


\textsuperscript{104} On the absence of any territorial concession, see Joseph Chailley-Bert, \textit{Les compagnies de colonisation sous l’ancien régime} (Paris: A. Colin, 1898) 38. Carpin notes that one secondary source cited an earlier document dated 2 October 1626, which specified that the company was to bring settlers to the island, conduct all types of commerce, and give the king one-tenth of the profits. See Carpin, \textit{Le réseau du Canada}, 58, n. 53.
While all associates were investors, only one was delegated responsibility for outfitting, recruitment, and general administration. At the bottom of the act, Richelieu entered for 10,000 l, 8,000 l of which came in the form of a ship, and the Marquis d’Effiat and Martin de Mauvoy for 2,000 l each.  

This West Indian company, based on an unsolicited proposal, largely reflected the structure, organization, and objectives of previous overseas enterprises rather than the recent experiments with the company form. Its instructions to people the island, convert the indigenous inhabitants to Catholicism, and conduct trade resembled the commissions of de Monts, Condé, Montmorency, and Ventadour for activities in New France over the previous three decades. Unlike these viceroys and lieutenants-general, but comparable to the associations to which they delegated trading privileges, the Compagnie de Saint-Christophe had no regal powers. The association’s structure, in which there were investors and one manager, constituted a société en commandite, just like the Compagnie de Montmorency in the mainland colony. The company departed from earlier associations, however, in the composition of its membership. The subscription of well-placed officials, especially in the navy and finances, in overseas companies became common practice over the following decade, an indication of both personal ties at court and in government on the part of an enterprise’s leaders and royal support for such initiatives.

Counting some of the same dignitaries among its membership, the Compagnie de la Nouvelle France, established six months later, nevertheless emerged under very different circumstances from its West Indian counterpart. First, it followed upon at least four previous companies with trading privileges to the region, all of which were comprised primarily of merchants. Second, colonies had already been established there, at Quebec and in Acadia, albeit with small populations and functioning largely as trading centers. Third, by 1626, disputes among competing interest groups in New France, particularly between the company with trading privileges and the Récollet and Jesuit missionaries, had created considerable unrest in the habitation of Quebec. Those with well-developed networks at court, notably Samuel de Champlain and the Jesuits, made representations to the king based on their perceptions of the present state of the St. Lawrence colony and their visions for the future. Fourth, unlike the three

105 “Contrat d’association de la Compagnie de Saint-Christophe,” 31 October 1626, in Papiers de Richelieu, 1: 510, n. 2.
106 On the société en commandite, see Lévy-Bruhl, Histoire juridique des sociétés de commerce en France, 33-9.
companies begun the previous year, the CNF resulted from Richelieu’s request to six men to draw up a proposal for such an enterprise, as we saw earlier in the chapter. It may then be supposed that it was crafted with more direction than the more frequent unsolicited submissions by private individuals. Finally, the articles outlined in the acts of 29 April and 7 May 1627, like those of the Compagnies de Morbihan and de la Nacelle, drew considerably on the structure and methods of the Dutch and English India companies. These points suggest that it is too simplistic to see the company as either a scaled-down version of the ambitious Compagnie de Morbihan or solely in response to previous company experiences in New France over the previous two and a half decades. It emerged, instead, from both of these contexts.

Considering the CNF’s establishment alongside experimentations with incorporated companies in France itself and throughout Europe highlights the contingencies of all of these projects. The embrace of the joint-stock form was neither linear nor uncomplicated. Instead, it was subject to political considerations at home, the context in which proposals emerged, and the particular circumstances in a given territory. The CNF emerged from a combination of disputes in the colony, the maritime ambitions of Richelieu and the Crown, and domestic and foreign policies.

V. What were the contexts in which the CNF was constructed? Part 4: Conflict and Collaboration between Crown and Church

Just as the establishment of overseas companies depended to some degree on the political reception at home, so the objectives of such enterprises under Richelieu were not separate from but directly shaped by other areas of royal activity. The first three decades of the seventeenth century saw an epilogue to the Wars of Religion with renewed fighting between royal forces and Huguenots centered at the Atlantic port of La Rochelle. This unrest limited the Crown’s ability to engage in foreign wars at the same time and had implications for their international alliances and relations with the Church at home. At the same time, a strong Catholic revival mobilized lay and religious alike across France to evangelize and perform charitable works in the community. Part of the long tradition of collaboration between Church and State for mutual benefit, this fervor both shaped and helped to achieve royal objectives overseas, partly through companies like the CNF.

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107 On the clientele ties between the proponents and Richelieu, see Carpin, Le réseau du Canada, 97.
Two conflicts in the mid-1620s, one domestic, one international, jeopardized the Catholic image of the Crown and its relations with Catholic constituencies within and outside the Church. When Richelieu returned to the king’s council in 1624, he enjoyed the support of two Catholic groups with opposing views, the parti dévot and the bons Français. The former, whose central figure was the Queen Regent, Marie de Medici, favored strong ties with the Catholic Church and Catholic powers such as Spain, and an aggressive approach towards Huguenots within France. The bons Français advocated crafting an independent foreign policy that reflected French interests, all the while maintaining a connection with Rome. Although Richelieu tried to keep this dual support for as long as possible, his policies provoked a break with the parti dévot in 1626.

The two issues occupying France that year had strong religious overtones. The first was the Valtelline conflict, in which France decided to support its Protestant allies against Spain in a dispute over a valley pass that served France as a valuable route of communication to Italian city-states. The second matter was the continuing unrest among the Huguenots in the south and at La Rochelle. In 1625, the Huguenot Duc de Soubise captured a fleet organized by the Duc de Nevers to free Christian slaves in Barbary and took the islands of Ré and Oléron off the Atlantic coast, although the latter were retaken by French royal forces soon after, with the help of Dutch ships. While the parti dévot favored a decisive confrontation, Richelieu, aware of the king’s woefully inadequate resources, seized the opportunity to effect a treaty with the Huguenots of La Rochelle and the south. The treaty of February 1626 pardoned Soubise and the Duc de Rohan, the former’s brother and governor of Poitou, and confirmed La Rochelle’s privileges, much to the dismay of the dévot faction. Denouncing Richelieu as the “supreme pontiff of the Calvinists and the cardinal of La Rochelle,” the parti dévot withdrew its support. While the Cardinal launched his own vigorous propaganda campaign, a letter to the king the same month shows that he was concerned about the Catholic bona fides of the Crown in the face of these attacks.

Commenting on negotiations with the Assembly of Clergy on an unrelated matter, Richelieu observed that “la voix et l’approbation du clergé ne feroient pas peu, spécialement en ce temps qu’on a voulu calomnier le Roy et ses ministres d’avoir peu de zelle au bien de la religion.”

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110 “Advis sur les affaires presentes qu’à le Roy en février 1626,” in *Papiers de Richelieu*, 1: 296; emphasis added.
There was strong pressure during this period, then, to restore the reputation of the “Most Christian King” and reassert the Crown’s commitment to defend and spread Catholicism.

At the same time that aspects of royal policy caused conflict with politically active segments of the Catholic community, a wave of religious fervor among lay and religious alike provided opportunities for collaboration with the Crown in other areas. As we saw in chapter three, the first half of the seventeenth century saw the establishment of large numbers of lay congregations in France, ranging from confréries or brotherhoods in small villages and Marian Congregations in Jesuit Colleges to the Compagnie du Saint-Sacrement, and permeated virtually all social levels, the court, and government. Unlike the parti dévot, these organizations directed themselves towards the larger community rather than politics. Through conversion, instruction, and good works, they aimed to deepen the Christian faith within society. Dévots and religious extended their mission field overseas, including to New France, where the Duc de Ventadour, the former viceroy of New France and founder of the Compagnie du Saint-Sacrement in 1630, had financed the first Jesuit mission in 1625; the Société de Notre-Dame de Montréal founded Ville-Marie in 1642; and numerous female religious orders sponsored by wealthy dévotes – most notably Richelieu’s niece, the Duchesse d’Aiguillon – established hospitals and schools in the 1630s and 1640s. These transatlantic activities complemented the Crown’s objectives of strengthening order and stability at home and consolidating its claims to territories overseas. While religious considerations helped shape state formation in France, they also influenced the construction of sovereignty overseas, and were one factor among others in the mandate and objectives of the preferred vehicle for this process, the commercial and colonizing company.

VI. Did the CNF represent a “religious” or “commercial” vision?

The notion that commerce and religion are mutually exclusive is a modern one, inapplicable to the political and cultural contexts of the seventeenth-century French Atlantic.

111 For the view that the parti dévot’s failure to influence France’s foreign policy prompted in part the turn towards society, see Gutton, Dévots et société au XVIIe siècle, 12-3. For the view that the two movements were separate, see Tallon, La Compagnie du Saint-Sacrement, 21.

Indeed, as we have seen in this chapter, both commerce and religion were particular preoccupations among Frenchmen in the early seventeenth century. The Compagnie de la Nouvelle France reflected this dual interest. An examination of dévot and financier connections, patron-client networks, and traditional methods of financing Crown projects together illustrate the interconnectedness of religious, political, commercial, and patrimonial concerns. Seen from this perspective, the CNF sheds light on the intimate and complex relations among the multiple circles to which subjects belonged in early modern France.

i. The intermingling of commerce and religion in France

Contemporary commercial and religious preoccupations concerned the same circles of society. As the mémoires on navigation and maritime commerce and the addresses before the Assembly of Notables demonstrate, government officials, royal advisors, magistrates, financiers, and adventurers recognized the need to establish maritime trade routes, infrastructure, and naval forces. Companies were attractive, both for their track record among rivals and the seeming ease with which they could undertake all of these objectives. Of course, overseas trade undertaken with the king’s protection and moral and material support was not confined to commercial goals and activities. It spread the reputation of France and its monarch abroad and extended his dominion when traders discovered and claimed territory unknown to Europeans. An integral component of this reputation was religious. The “Most Christian King” and his subjects held a special place in the world as a result of their strong faith and close relationship with God.113 This belief was embodied in the dévot movement, which, like Crown-sponsored overseas commerce, did not take place in isolation. Its active members belonged to the same corporate groups and personal networks in government and at court as those involved in commerce. Richelieu and the king attempted to address both religious and commercial concerns, and, like their contemporaries, did not consider them to be dichotomous.114


114 The compatibility of religion and commerce was perhaps nowhere more evident than in the royally sponsored Ordre de la Trinité. Created sometime following the Compagnie de Morbihan, probably in 1627, the order was at
ii. The false dichotomy between commerce and religion in the CNF

The long-standing historiographical debate among scholars of New France as to whether the company was essentially commercial and political or religious presents a false dichotomy. The CNF not only had both religious and politico-commercial objectives, but also intertwined them. The historiography on the company has long emphasized the religious nature of the enterprise. Indeed, it has become something of a truism that it was a dévot-led missionary endeavor. Jesuit historian Lucien Campeau has declared categorically that it was “résolument non pas une société de commerce, mais de colonisation à visée missionnaire.” Historian Marcel Trudel shares this interpretation. In his view, the distinguishing feature of the Cent Associés was that they aimed to – in the words of the edict of 29 April 1627 – “amener les peoples qui y habitent à la connoissance du vrai Dieu,” with colonization but a means to this end. In contrast to its predecessors, its goal was not quick profits. John Bosher, a scholar of French international Protestant commercial networks, argues that the colonization of North America could simply not be sustained through the fishery and fur trade; any long-lasting enterprise, then, needed to be on some other footing. The latter emerged from the marriage of a “monarchy struggling for absolute authority [and a] Church thriving in the full vigour of the French Counter-Reformation.” This compatibility of interests meant that New France was built in the late 1620s, 1630s and 1640s on the foundation of religious orders, donations of wealthy dépots, and royal

once a crusading company, comprised of one hundred knights whose Catholicism and good character had to be proven before admission, and a commercial organization with a jurisdiction and objectives as vast and ambitious as the earlier universal companies.

It is worth noting perhaps that the attempt to harness a religious organization for the commercial objectives articulated at the Assembly of Notables was not much different from the state’s use of the same organization for strategic and navigational ends. The Knights of Malta played important roles as informants on the construction, costs, and strategies of merchant and naval ships and as commanders of expeditions. For the edict establishing the Order and the “demandes et responses” concerning its particulars, see BnF, dép. de ms., fonds français, vol. 4870, fo. 118-140, 144. See also Boiteux, Richelieu, grand maître, 237. On the Knights of Malta involved in New France on the king’s behalf, see Bosher, “The Political and Religious Origins of La Rochelle’s Primacy in Trade with New France,” 297.


116 Trudel, HNF, 3.1: 5-6, 16-7. On complaints from Jesuit and Récollet missionaries concerning conditions in New France in 1625-1626 under de Caen’s company, see JR, 4: 161-227; Joseph Le Caron, Au roy sur la Nouvelle France (1626).
officials with strong Catholic ties. The Compagnie de la Nouvelle France marked the beginning of this fruitful partnership.\textsuperscript{117}

One recent work on the company’s role in the colonization of New France vigorously challenges this long-held interpretation. In \textit{Le Réseau du Canada}, Gervais Carpin dismisses the noble cast to the enterprise, arguing that religion was but a pretext. Service to God through the conversion of native peoples was one version of a conventional formula found in many other companies’ acts and royal declarations. Here, it was designed to justify France’s overseas activities in the face of Catholic Spain. The real objective of the company, colonization, was driven not by a missionary purpose but by political and economic considerations. France needed to consolidate its claims in North America, having hitherto failed to establish a substantial population base. It was hoped that the territory would yield valuable resources to increase France’s wealth and help it compete with its European rivals.\textsuperscript{118} Too much emphasis, Carpin argues, has been placed on “les mots usuels qui disaient vouloir étendre le royaume de Dieu” and not enough on “marchandises…bon prix, profit, accroissement, enrichissement, et aussi réputation, bien et gloire des affaires du roi” in documents of the period.\textsuperscript{119} Rather than any dévots, a look at the membership lists yields a substantial number of financiers (53 out of 155 associates who could be identified or 34.2%) and clients of Richelieu (22 out of 155 or 14.2%).\textsuperscript{120} These people were motivated to enter the company for various reasons – considerations of profit, relations to power, patron-client ties, and professional and social advancement – but Catholic fervor was not among them. In this light, the proper context for understanding the company, Carpin contends, is Richelieu’s approach to politics and power, rather than the Catholic Reformation.

Carpin brings a refreshing perspective to our understanding of the Compagnie de la Nouvelle France. He effectively complicates the image of a providential mission, suggesting that religious considerations have been given disproportionate attention. This was also a company with economic interests. He remains, nevertheless, within the tradition of the over-polarized literature, in declaring that religion played no substantive role in the company. Where

\textsuperscript{117} Bosher, “The Political and Religious Origins of La Rochelle’s Primacy in Trade with New France,” 291-98, quotation 291. I would argue that this “fruitful partnership” began earlier in the 1620s. See chap. 3 above, 150-6.

\textsuperscript{118} Carpin, \textit{Le réseau du Canada}, 80-1, 115-16.

\textsuperscript{119} \textit{Ibid}, 80. These terms, it should be noted, are quoted from the letters patent of October 1626 appointing Richelieu grand maître, not from a document specifically concerned with the Compagnie de la Nouvelle France.

\textsuperscript{120} The figure 155 represents the total number of associates over the entire existence of the CNF. Carpin, \textit{Le réseau du Canada}, 94-5, 105-8.
Trudel and Campeau see a religious enterprise, Carpin sees a political and commercial one. If, as the latter argues, the religious cast to the company was a form of dissembling, what was the motivation and why was religion the chosen front? Situating the CNF in the context of other attempts to found French overseas companies suggests that his is no more satisfactory a framework than the one it replaces.

A comparison between the CNF and the universal Compagnie de Morbihan demonstrates that the religious role of the former signaled a different orientation to the enterprise than that of its more expansive counterpart. The edicts for both situated them in the context of the need to extend outward from France, but the nature of this extension was distinct for each. The edict for the universal company emphasized the value of “[le] traffic tant par Mer que par terre avec les Estrangers les plus Esloignez de leurs [states’] confins…ayant este deuement informez que la cause de la cessation du commerce en ce Royaume est arrivée non tant par la négligence de nos subjects que pour n’avoir plus de seureté pour traficquer, et qu’il ne peut y estre remedié que par l’Union de plusieurs personnes….”121 While this company aimed to address the stagnation of French commerce – the same concern articulated in the Assembly of Notables, the grand maître’s letters patent, and the mémoires – the CNF was to have other preoccupations:

comme il est de la gloire de Dieu, et du bon-heur de cet Etat, que les soins que nous prenons de travailler pour l’avancement de la Religion Catholique, Apostolique et Romaine, ne soient pas bornez dans la seule étendue de la France: mais qu’en imitant ce grand Saint, duquel nous portons et le sceptre, et le nom, nous fassions en sorte que la renommée des Français s’espande bien loin dans les terres étrangères et que leur piété se publie par la conversion des peuples ensevelis dans l’infidélité, et dans la barbarie.122

By highlighting the inextricable link between the glory of God and the fortunes of France and evoking the special mission of the French to spread Catholicism, this preamble articulated the Catholic ideology at the center of the French monarchy.

The different emphases in the opening to the edicts for the Compagnies de la Nouvelle France and de Morbihan were also visible in the body of each. Provisions of a religious nature in the CNF’s articles had no counterpart in the Compagnie de Morbihan’s. The CNF’s second article limited settlement to French Catholics: “faire passer aucun étranger ès dits lieux, ains

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The following article provided for the religious wellbeing of existing and future habitations:

En chacune habitation qui fera construite par les dits associés, afin de vaquer à la conversion des Sauvages et consolation des Français qui feront en la dite Nouvelle France, y aura trois Ecclésiastiques au moins, lesquels les dits associés seront tenus loger, fournir de vivres, ornements, et généralement les entretenir de toutes choses nécessaires, tant pour leur vie que fonction de leur ministère, pendant les dits quinze années….  

More could be sent, for both the French colony and the native missions, at the discretion of the company. The directors could, “sur les profits qu’il plaira à Dieu donner à la compagnie, employer en aumônes et oeuvres pies, jusqu’à la somme de cinq cens livres par chacun an.”

This clause did not appear in any pre-1627 contract examined in this study. Finally, nowhere in the CNF’s articles did the term “conquête” appear, in contrast to those of the Compagnies de Morbihan and de la Nacelle. The completely different frame given to the CNF’s establishment, along with the presence of religious-themed articles, suggests that the Crown did not perceive it in the same light as the universal companies of 1626.

The difference in emphasis likely stems from a combination of political, religious and social factors. As mentioned above, Richelieu was anxious about the monarchy’s Catholic reputation after his falling-out with the parti dévot the previous year. It is possible that the CNF’s evangelizing mission was part of a political move aimed at placating a disgruntled, fervently Catholic court faction over the conflict with Spain, the alliance with Protestant countries, and the treaty with the Huguenots at La Rochelle. In addition, circumstances in

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123 This article’s ambiguity has caused some debate among scholars. Although foreigners were categorically excluded, it is possible that Protestants could travel to New France but not live there. See Carpin, Le réseau du Canada, 82-3; Trudel, HNF, 3.1: 13.


125 Ibid, 12. It was, however, included in the 1634 edict establishing Du Noyer’s royal company, an indication perhaps that it was drawing on the example of the CNF, just as the edict reflected the universal companies in other areas. See BnF, dép. de ms., fonds français, vol. 18592, “Edit du Roy pour l’établissement de sa compagnie royale des voyages de long cours, Levant, Midy, et ponent, et autres effects,” 1634, fo. 6.

126 In addition to these differences, the frequency of commercial terms varies considerably between the two universal companies and the CNF. Terms such as “commerce,” “négoce,” “marchandises,” and “profit” are used only four times in the edict of 29 April 1627 and seven times in the company’s articles and conventions of 7 May, but appear thirty-six times in the July 1626 edict of the Compagnie de Morbihan and forty-two times in the Compagnie de la Nacelle’s contract in May of that year.

127 This view has also been put forward by Hubert Deschamps in Les Méthodes et les doctrines coloniales de la France, du XVIe siècle à nos jours (Paris: Armand Colin, 1953) 28. Boucher has suggested that a similar consideration was at play when the Compagnie des Iles de l’Amérique was established in 1635, the year France
New France played a role. As we saw in chapter three, the Jesuit and Récollet missionaries had, in the midst of competing claims, assumed an important social and political role in the colony and had strong connections at court through which to lobby for their vision of New France. These transatlantic developments may have encouraged collaboration among royal officials and ecclesiastics in an enterprise for their mutual interest.

iii. The ties that bind: royal, financial, dévot, and ecclesiastical circles

While the debate over the religious or commercial and political motivations of the CNF presupposes that they were mutually exclusive, familial, political, and social ties cut across these supposed divides. The large, influential, and tightly connected group of financiers forged links among the dévot movement, the overseas commercial and colonizing companies, and the Crown. The latter traditionally relied heavily on financial and religious communities for monetary and material support in pursuit of various objectives; commercial and colonizing companies were no different. These connections came together in the CNF, making the latter a window onto the forging of colonial and commercial policy.

The prominence of financiers in the CNF points to the latter’s incorporation into the structure of authority in France. The number of financiers and other government officials in the company has traditionally been used as evidence of the Crown’s failure to attract merchants to the enterprise. With the latter making up only just over one-third of subscribers, the argument goes, Richelieu was forced to seek associates from within government administration.128 This interpretation, however, ignores the central role of financiers in the fiscal and financial administration of France and their extensive political connections. The financier’s primary function was to provide money to the king, perennially short of revenue, whenever he needed it, most often in times of war and at short notice.129 Those who were in the best position to offer this service were receivers and treasurers general. With ready access to liquid funds, they could easily reinvest a portion of what they collected, in the form of advances and loans to the Crown.

formally entered the Thirty Years’ War against Spain. See “French Proprietary Colonies in the Greater Caribbean,” 171.
or general farms. The seventeenth-century French financial system thus depended to a considerable degree on the good credit of this group of intermediaries.

Financiers’ significant control over the king’s revenue led naturally to participation in economic activities, ranging from agriculture to manufacturing and commerce, especially when the Crown was involved. The substantial amounts of capital demanded by the large commercial and colonizing companies favored by Richelieu required investors who could afford to have liquid funds locked up for some time. Financiers also brought valuable knowledge and connections. Familiar with investments and the management of money, they were well connected personally and professionally not only to high-ranking officials in government but also to prominent people in related areas. At the same time that their unique position afforded them the opportunity to participate, it made them subject to pressure from their superiors and patrons to join such ventures. It is likely that at least some of the financiers who made up just over one-third of the Compagnie de la Nouvelle France entered under obligation. While these men may have subscribed to please a patron such as Richelieu or to keep or improve their government positions, there were inarguably others who viewed their participation simply as another dimension of their role as furnishers of funds to the Crown.

If financiers played a central role in underwriting royal projects, the Church as both an institution and a network of individuals helped to shape such endeavors by providing organizational support. As with the financiers, the Crown relied heavily on the Church for financial aid. The Assembly of Clergy met once every ten years to vote to pay a specified sum to the Crown, among other business. Apart from this don gratuit, paid in acknowledgement of the clergy’s continued enjoyment of privileges and exemption from taxes, the king took advantage of

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131 Dessert, Argent, pouvoir, et société au Grand Siècle, 207, 379, 389; Dent, Crisis in Finance, chap. 5. Indeed, Razilly explicitly acknowledged – and recommended exploiting – this situation in his mémoire: those in government, notably D’Effiat, as controleur général de finance, “ayant ung bon fondament pour fayrre risquer aux partisans, trésoriers et financyers; quy ont affayyrre et relèvent de sa charge il luy sera plus facile de trouver nombre de personne quy hasarderont sur mer quantitée d’argent avecq proffict et honneur.” He also recommended drawing on the revenue of the Church to cover colonization costs. See “Mémoire de Chevalier de Razilly,” 26.

132 On the various reasons a financier might feel compelled to subscribe to the CNF, see Carpin, Le réseau du Canada, 105-8.
the clergy’s exemplary credit. The particular pressures, such as war, could prompt the Crown to seek further subsidies. The Church thus played an important role in maintaining the solvency of the French Crown, a role shared by other corporate groups such as the communautés de ville and pays d’état.

Aside from support through formal institutional channels, personal ties helped the Crown draw on religious groups’ skills as organizers and mobilizers of people and resources. As a former bishop and now a cardinal, Richelieu was very familiar with and connected to ecclesiastical networks, maintaining his own vast web of clients. For example, the Jesuit Philippe Noyrot, the spiritual director of the duc de Ventadour, influenced Richelieu’s response to the situation in New France, eventually leading to the establishment of the CNF. Apart from the Cardinal’s ties, the focus on colonization in the company’s edict of 1627 – specifically the obligation to bring 4,000 people to New France in fifteen years – coupled with the professed mandate to convert native peoples, encouraged collaboration among the company, religious orders, and lay societies. The practice of granting seigneuries to religious communities with the condition of populating the land suggests that the company saw these groups as an advantageous way to delegate their obligations. By the mid-1630s, the Jesuits, Ursulines, Sulpicians, and Hospitallers together had control over 800,000 arpents or about 10% of the land. These orders provided invaluable aid through their dissemination of information about the colony, their connections to wealthy donors, and their recruitment efforts, first of their own members, then of engagés for their own establishments, and of colonists more generally. They also contributed

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133 From 1561, for example, the government used the clergy as an intermediary to borrow from individuals through the rentes de l’Hotel de Ville de Paris. The clergy was responsible for paying an annuity on each loan. See John McManners, Church and Society in Eighteenth Century France (Oxford: Clarendon Press, 1998) 1: 142-3, 160.
134 During the conflict with La Rochelle in 1627-1628, Richelieu tried to obtain the Pope’s permission to fund the royal forces with ecclesiastical resources. Instead, the Pope agreed to a fixed sum of three million livres, an amount that would fund the army for only about one and a half months. After some resistance, the Assembly of Clergy furnished these funds for the campaign. Richard Bonney, The King’s Debts: Finance and Politics in France 1598-1661 (Oxford: Clarendon Press, 1981) 147-8.
136 Trudel, HNF, 3.1: 6. One of Richelieu’s closest advisors, Père Joseph, was instrumental in mobilizing religious and dévots in various enterprises consonant with the Cardinal’s preoccupations as chief minister, ranging from congregations for the conversion of Protestants to the establishment of overseas missions. See Frostin, “Vogue canadienne et milieu métropolitain de soutien à la mission lointaine au XVIIe siècle,” 421.
137 Not all of this land, it should be noted, was granted by the CNF. See Trudel, HNF, 3.2: 105-6, 3.1: 154-8. In the fall of 1640, the company ceded the island of Montreal to the Société de Notre-Dame de Montréal. See chap. 6 below, 259.
to the colony’s infrastructure through the establishment of hospitals and schools. By mobilizing religious and financial circles, Richelieu changed the composition of the enterprise from the merchants of previous companies to those with whom the Crown had a well established relationship. From the Cardinal’s perspective both financiers and religious communities offered distinct advantages: he was familiar with and connected to each, both brought considerable organizational networks to bear, and both were long-standing and reliable providers of funds to finance and execute various royal projects.

The complex web weaving together dévot, financial, company, and governmental circles evident in the Compagnie de la Nouvelle France underscores the impossibility – and, indeed, the wrong-headedness – of trying to separate out these strands. Three members of the CNF illustrate the variety and multiplicity of these ties. Sébastien Cramoisy was the famous printer of the Jesuit Relations, king’s printer from 1633, the official bookseller of Richelieu when the latter was bishop of Luçon, and the holder of various lucrative print monopolies, including the minting of money, received through his marriage to the granddaughter of the Général des Monnaies. He counted the Cardinal, the Duchesse d’Aiguillon, and Chancellor Séguiier, whose wife was an influential dévote, among his patrons. The grandson and nephew of Catholic Leaguers, he participated in several lay congregations, particularly those concerned with overseas missions. He entered the Compagnie de la Nouvelle France as the thirty-seventh subscriber, became its procureur in 1633, and left the enterprise ten years later. Another creature of Richelieu, Jean de Lauson, royal counselor, master of requests, and president of the Grand Conseil in 1630, participated in these networks in another configuration. He was intendant of both New France and the company, the purchaser of a share for his son Jean around 1643, an active member of the Compagnie du Saint-Sacrement, and the cousin of two treasurers general. In contrast to these two men, Thomas Bonneau was himself a financier, one of the most influential of his time. He belonged to a complicated network of these professionals, joined through blood and marriage alliances and radiating out from Tours, one of the hubs of dévot activity. Coming from an “ultra Catholic” financial family, Bonneau was the uncle of Madame de Miramion, an influential dévote later in the century, and of F. Paullu, first bishop of China. He was a cousin of the

apostolic vicar of Tours, and was connected through marriage to the pious Gault family, which included two bishops of Marseille.\(^{141}\) Bonneau subscribed to the CNF in his own name and that of his brother, Jacques, in 1628. Many of the financiers with whom he had professional or familial ties also became associates, in some cases through him.\(^{142}\) While these examples cannot show how or whether one activity affected another, they do underscore the many milieus in which people lived and worked. Indeed, they suggest the possibility that lay congregations in support of missions overseas and commercial and colonizing companies attracted many of the same people, motivated variously by economic, political, patrimonial and religious considerations.\(^{143}\)

VII. Conclusion

In February 1635, eight years after the establishment of the Compagnie de la Nouvelle France, Richelieu founded the Compagnie des Îles de l’Amérique, an expanded version of the earlier Compagnie de Saint-Christophe. The associates were granted the possession of the islands between the tenth and thirtieth degrees of latitude with trading privileges for a period of twenty years, protection from derogation for noble and ecclesiastical subscribers, power to distribute land and name magistrates and governors, and promotion to the position of master in France to any artisan who worked in the Antilles for six years. Their obligations included the transport of 4,000 French Catholics to the islands, the establishment of the faith, and the development of colonies for commerce. The company was to be managed by directors, who would meet weekly under the supervision of an official of the navy and dependent of Richelieu, and a general assembly would be held annually.\(^{144}\) The resemblances to the CNF are unmistakable. The Compagnie de la Nouvelle France’s creation marked the first time that a


\(^{143}\) François Fouquet, a client of Richelieu, is another example of these interconnections. A member of the CNF since 1635, he later replaced Lauson as intendant in duties if not in name. He was also an active member of the Compagnies des Îles de l’Amérique and du Sénégal Cap-Vert et Gambie. Other members of the Fouquet family took out shares in the enterprises as well and, in one case, bequeathed their share to the Jesuits. See Daniel Dessert, Fouquet (Paris: Fayard, 1987) 129-30 and n. 20 and chap. 6 below, 272-3.

French company in America was accorded regal powers, enjoyed direct royal protection and the use of royal vessels, and attracted high-ranking government officials. By 1635, it appears that it had itself become a model for French overseas enterprises. This point was reached as a result of influences from both sides of the Atlantic. What seems at first to have been a great transformation in the governance of New France with the advent of the company had, in fact, important continuities with previous arrangements. Richelieu borrowed from the tradition of viceroys in New France, in the administrative positions created and in delegating power in his absence to lieutenants. These precedents in New France helped extend his consolidation of maritime authority overseas, with the company itself part of his personal empire. Patron-client networks, both in France and overseas, linked public and private preoccupations. As traditional participants in royal projects and connected personally to the upper echelons of government, financiers and religious communities – lay and clerical alike – played prominent roles in the New France enterprise during the CNF’s tenure, albeit in quite different forms. The presence of these two groups reflects the direct involvement of the Crown, moved not only by royal and personal ambitions and struggles over competing claims in New France, but also by the pervasive belief among advisors and officials that the economic malaise in France was due to inadequate maritime infrastructure. Convinced that companies were the answer to diagnosed problems, Richelieu and his clients drew on the same source of inspiration for the CNF’s organization – Dutch and English enterprises – as for the aborted universal companies. Only in this context is it possible to understand what the CNF was: a complex, transatlantic phenomenon, shaped at once by the incorporation of the company form into existing practices, including the awarding of privileges and the exercise of power through personal networks, and past colonizing and commercial experiences in New France. The story of the company’s establishment thus highlights the interconnections of state formation and empire building and the contingency and contestation associated with these processes.
In the act of its foundation, the Compagnie de la Nouvelle France’s (CNF) designated purposes – “pour peupler la Nouvelle France” and “[de] faire tout négoce et commerce permis” – belied the constellation of shapes it later assumed. Indeed, over the course of its long tenure, the CNF wore many hats – as a joint-stock trading company, holding company, seigneur, and semi-sovereign – resulting in layers of sovereignty and trading privileges stretching from the southern tip of Acadia to the northwestern reaches of the St. Lawrence. Ranging from lieutenant-generals appointed by the company to subsidiary companies comprised of its members, the different permutations and combinations of trading and seigneurial concessions and delegations of authority over the first twenty years of the CNF’s existence reflected experimentations with, and the flexibility of, the company form in the context of the particular circumstances in New France. Just as concessions created a patchwork of legal, political, and personal relationships among the CNF, its subsidiaries and lieutenants, and the Crown, so disputes over the company’s liability, individually and collectively, created layers of responsibility. The legal parameters of the CNF, in the prosecution of both its sovereign responsibilities and company business, were flexible, ambiguous, and contingent.

I. Neither wholly a Company nor a Crown colony

The combination of regal powers and privileges granted to the Compagnie de la Nouvelle France rendered it seigneur and semi-sovereign of New France. These two roles became intertwined in the delegation of authority and concessions of land and trading privileges, principally in areas at a distance from the center of the company’s operations at Quebec. While the company’s nomination for lieutenant-general had to be ratified by the king and Richelieu, it enjoyed unrestricted power to distribute land. This situation created a patchwork of ties of responsibility, loyalty, and privilege to the company, the de facto viceroy Richelieu, and the king.

1 “Acte pour l’établissement de la Compagnie des cent Associés pour le commerce du Canada… le 29 Avril, 1627” and “Articles et conventions de société et compagnie du 7 mai 1627,” in EO, 2, 9.
How sovereign was the Compagnie de la Nouvelle France compared to its foreign counterparts? Virtually all companies of the period, through the delegation of particular aspects of a ruler’s authority, exercised sovereignty in the latter’s name. The degree depended on the objectives of the enterprise, with some companies in the same country, such as the Dutch East and West India Companies, enjoying quite different relationships to the state. Delegated authority ranged along a spectrum from the “veritable states within a state” that were the Dutch and English East India Companies to the state-initiated and directed companies of Sweden and Denmark.² The powers granted to the CNF in the act of April 1627 put it somewhere between these two poles. Granted the habitation of Quebec and territory from Florida to the Arctic Circle “en toute propriété, justice et seigneurie,” the company could distribute lands, honors, and titles, build fortifications and habitations, provide for its defense through the manufacture of arms and munitions, and dispense “haute, moyenne et basse justice.”³ The limits to its powers concerned the domain of government in the colony. Officials, including governors and lieutenants-general of present and future habitations, officers of royal justice, and captains of forts, were to be “nommés et présentés par les dits associés” to the king, who would then confer a commission.⁴ Finally, like all other companies, the CNF was required to acknowledge the suzerainty of the king, in this case with the presentation of a gold crown on the accession of each new sovereign.⁵

In comparison to early seventeenth-century English companies with the professed goals of settlement, evangelization, and commerce, the CNF had more limited sovereign action. Under its second charter of 1609, the Virginia Company could name and remove governors, officers, and ministers, make and enact laws on land and sea, and the governor could impose martial law

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⁴ “Acte pour l’établissement de la Compagnie des cent Associés”, 4, also 6. This practice was also a feature of the later Compagnie des Iles de l’Amérique (CIA), although the king reserved to himself the power to appoint a governor general for all of the islands. See Georges Servant, Les Compagnies de Saint-Christophe et des Iles de l’Amérique (1626-1653) (Paris: Editions Champion, 1914) 30-1.

⁵ “Sovereignty” refers to the supreme authority exercised by a ruler and reflects their complete independence from external control. “Suzerainty” refers to the condition by which a territory enjoys domestic sovereignty but is ultimately answerable to an outside authority. From Canadian Dictionary of the English Language: An Encyclopedic Reference (Toronto: ITP Nelson, 1997).
in the event of rebellion. The king thus delegated full powers of government to the company, retaining only suzerainty over the territory. The major distinction between the powers of the two companies lay in the creation of law, a power enjoyed by the Virginia Company but not by the CNF. As a body through which New France was managed, the CNF was more than a seigneur but less than a state.

The Compagnie de la Nouvelle France’s partial sovereign status is well illustrated by the ambiguity in its relationship with Richelieu. As we saw in the last chapter, the Cardinal was a company shareholder, its patron and protector, with many of his clients assuming a prominent role in its management, and the distributor of overseas licenses and commissions as grand maître, chef et surintendant de la navigation et du commerce de France. It was in the latter capacity that he was called upon in the CNF’s articles of association to name Jean de Lauson intendant of New France and the company. Commanders and captains of the company’s ships were to be commissioned by the king to serve “en l’absence de mon dit Seigneur le Grand-maître….” If the oversight of these positions revealed Richelieu’s assumption of the Admiralty of France, his appointment of Champlain as his lieutenant in New France showed him to be the colony’s viceroy in practice. In Richelieu’s prosecution of the position, the grande maîtrise subsumed both these titles. His jurisdiction extended to “le commandement des pais, isles et terres qui sont conquis outre mer…mesme en la Nouvelle France, pour lequel pais soubz l’othorité de Sa Majesté et la nostre il s’est formé une nouvelle compagnie…il est besoing d’establir un chef et lieutenant de Sa Majesté ou cappitaine pour y commander….” Sometimes between June 1627, when the duc de Ventadour sold his viceroyalty to Lauson, and April 1628, when the king sent Champlain news of the new company, the latter received a commission to “command[er] en la Nouvelle France, en l’absence de nostre tres-cher et bien-amé cousin le Cardinal de Richelieu,”

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6 The Virginia Company directors chose directly members of council and the treasury, who then had to go before the Chancellor of England, the Lord High Treasurer or Lord Chamberlain of the King’s Household to take an oath. See the 1609 charter in “An Appendix to the First Part of the History of Virginia: Containing A Collection of such ancient Charters or Letters Patent, as relate to that Period of Time, and are still extant in our publick…” in William Stith, The history of the first discovery and settlement of Virginia (Virginia: London, 1753) 8-22.

7 “Articles et conventions de société et compagnie du 7 mai 1627,” 10.

8 Contemporaries in fact considered him to be viceroy of New France: “…vostre éminence à la charge de vice-roi dans ce nouveau monde…. “ See BnF, Fonds du ministère des Affaires étrangères, Mémoires et documents, Amérique, vol. 4, Isaac de Razilly to Richelieu, 25 July 1634.

9 Letters patent to La Tour as governor and lieutenant-general of Acadia, 8 February 1631, in A. Couillard Desprès, Charles de Saint-Etienne de La Tour, gouverneur, lieutenant-général en Acadie, et son temps, 1593-1666 (Arthabaska : L’imprimerie d’Arthabaska, ltd., 1930) 191.
as he had under all preceding viceroys.\textsuperscript{10} It was not until March 1629 that the CNF presented Champlain with its own commission, having “[lui] nommer et presenter à sa Maïesté conformement au pouvoir qu’il luy a pleů nous en donner.” What is notable here is that Champlain was to serve “sous le nom de la Compagnie” as Richelieu’s substitute.\textsuperscript{11} This dual commission demonstrates that government in the colony, at least during the CNF’s early years, was an amalgam of previous arrangements – viceroy, lieutenant, and trading company – and a proprietary company with administrative responsibilities. Champlain was both the Cardinal’s personal representative and charged with doing all that was possible for “[l’]utilité de ladite Compagnie.”\textsuperscript{12} While this arrangement reflects the close ties between Richelieu and the CNF, it also attenuated the company’s administrative prerogatives in creating two lines of authority and, by extension, the possibility of bypassing one in favor of the other.

The terms under which the Compagnie de la Nouvelle France operated created a complex web of intra-imperial authority in New France. The company exercised varying degrees of influence when it came to the selection of governors and commanders of habitations. While Champlain acted as Richelieu’s lieutenant as well as commander of Quebec under the company, first in 1628-1629 and then again in 1632 following the restitution of Quebec by the English, his successors were named under a different procedure and were representatives of the king rather than the grand maître.\textsuperscript{13} From the appointment of Jean de Lauson in 1651 and perhaps before, governors of that habitation were selected by the king from a list of three names put forward by the company.\textsuperscript{14} In a general assembly in January of that year, the associates chose three of their members, Pierre Robineau de Bécancour, Guillaume Guillemot Duplessis-Kerbodot, and Jean de Lauson, to be presented as candidates to the king. Lauson was then chosen governor and

\textsuperscript{12} \textit{Works}, 6: 152. While Coornaert states that under Louis XIV viceroys, governors, and lieutenant-governors replaced “company personnel,” the relationship between companies and the Crown was much murkier – and its beginnings several decades earlier – than this suggests. See “European Economic Institutions and the New World,” 262.
\textsuperscript{13} Lanctôt refers to Champlain as “gouverneur” but he was never given that title, although David Hackett Fischer suggests that he had hoped to receive it. See Gustave Lanctôt, \textit{L’administration de la Nouvelle-France} (Montreal : Editions du jour, 1971) 21; David Hackett Fischer, \textit{Champlain’s Dream: The Visionary Adventurer who made a New World in Canada} (Toronto: Alfred A. Knopf Canada, 2008) 440-1.
\textsuperscript{14} Charles Huault de Montmagny’s original commission of 1636 is no longer extant; only his reappointment in 1645 remains. See \textit{Mém. des comm.}, 397-9; Trudel, \textit{HNF}, 3.1: 142; Vachon, “The Administration of New France,” xv; Lanctôt, \textit{L’administration de la Nouvelle-France}, 22.
lieutenant-general “dans toute l’étendue du fleuve Saint-Laurent en la Nouvelle France” from Miscou in the Gulf of St. Lawrence to as far into the interior as possible. Apart from administrative, defensive, and judicial responsibilities, each governor was directed to “tenir à la main à l’exécution desdits arrêts et règlements du Conseil, faits pour l’établissement et conduite de la Compagnie de la Nouvelle France,” a clause the company saw as a guarantee that its prerogatives would be respected. Like Champlain, subsequent governors were to see to the welfare of the company as well as to that of the habitants. The other two St. Lawrence River habitations established during the CNF’s tenure did not come directly under the government of the company. The governor of Trois-Rivières received his nomination from the governor of Quebec; in Montreal, which the CNF granted under seigneurial tenure to the Société de Notre-Dame in 1642, the société chose that settlement’s commander. While the former reflects the primacy of the Quebec habitation over all others, the latter illuminates the common practice of granting governmental powers to the bearer of a seigneurial concession from the company.

The company’s unrestricted power to grant land concessions and its limited power to delegate authority, subject to Richelieu’s and the king’s approval, were continually intertwined in Acadia. Its tenure marked the first time since the founding of Quebec that Acadia and the St. Lawrence fell under the same organization. As we have seen, the government of New France under viceroys, from the prince de Condé to the duc de Ventadour, had centered on the habitation of Quebec. The attention of the Crown, too, focused on this region, as shown by the noticeable omission of any reference to Acadia – and the one remaining French habitation there, Fort Lomeron near Cap de Sable under Charles Saint-Etienne de La Tour – in the CNF’s act of establishment. To manage its obligations to provision, people, and govern this eastern region, the company granted trading privileges and land, and delegated authority to individuals, many of whom had previous ties to New France and an interest in the company. These concessions were then ratified in a commission from the king. The first of these delegations was to La Tour, a

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15 Mém. des comm., 399-401, quotation 400. For the CNF assembly at which the three were nominated, see LAC (Ottawa), Deuxième Série, vol. 1, “Provision de gouverneur de la Nouvelle France pour le sieur de Lauzon,” 2 January 1651.
16 Mém. des comm., 398.
17 Trudel, HNF, 3.1, Appendix B, 447-8.
long-time resident of Acadia and possibly an associate of the CNF. In February 1631, Richelieu “du consentement de lad. nouvelle compagnie” nominated La Tour to the post of “lieutenant general de Sa Majesté aud. pais de l’Acadie, fort Louys & port de la tour [at Cap de Sable], et lieux qui en despendent en la Nouvelle France”; the king then issued letters patent to this effect. In response, La Tour pledged to “estre fidel au Roy à mon Seigneur le Cardinal et à la compagnie de la nouvelle france garder les ordonnances et notamment l’édict de la dicte compagnie de la nouvelle france et les articles de société d’icelle,” underscoring the trio of authorities to which he owed his commission. La Tour had been in Acadia since 1607 when he arrived with his father Claude. He subsequently served under the Sieur de Poutrincourt, seigneur of Port Royal, and received his title in Acadia upon the latter’s death. After the capture of Port Royal and Quebec by the English in 1629, La Tour’s habitation at the southern tip of Acadia was all that remained of French possessions in northeastern North America. The CNF, which had lent support to La Tour’s habitations since its establishment, formally ceded the lands on which they stood and the surrounding area to the lieutenant-general in 1635. In a series of acts, La Tour received Fort St-Louis at Port de la Tour, Fort Sainte-Marie on the Saint John River, and rivière des Mines on the Minas Basin “en toute propriété, justice et seigneurie et tout ainsiqu’il a pleu au Roy donner et concéder ledit pays de la Nouvelle France à nostre dite compagnie, les tenir en fief mouvant & relevant du fort de Quebecq….” Like all other commissions for lieutenants-general and the grants of land from the CNF that usually preceded or followed, La Tour’s were in recognition of services rendered to both king and company.

19 Letters patent to La Tour as governor and lieutenant-general of Acadia, 8 February 1631, 192. For La Tour’s request for a royal commission, see Couillard Després, Charles de Saint-Etienne de La Tour, 149-52. The only reference to La Tour as a company associate is found in his commission from Richelieu. See Trudel, HNF, 3.1, Appendix A, 428.

20 Couillard Després, Charles de Saint-Etienne de La Tour, 149.


22 Couillard Després, Charles de Saint-Etienne de La Tour, 252; Mém. des comm., 388-90. La Tour later received Vieux-Logis on the southern tip of Acadia, near Fort St-Louis at Port de la Tour, in 1636. See Carpin, Le Réseau du Canada, 232, 240-1.

23 In a concession to Nicolas Denys in 1653, the CNF promised to name him governor and lieutenant-general, provided that he met his obligations as seigneur; he became governor the following year. See LAC (Ottawa), C11D, “Concession à N. Denys,” 3 December 1653; Mém. des comm., 401-7.
The various permutations and combinations of delegated authority and concessions – as well as trading privileges – created a patchwork of legal, political, and personal relationships with the CNF, Richelieu, and the king. The complexity that resulted is visible in the commission and subsequent seigneurial concession to Isaac de Razilly in 1632. In March, Richelieu, on behalf of the king, commissioned his long-time advisor on maritime affairs and associate of the CNF to receive Port Royal from the English, according to the terms of the treaty made between the two countries, and “[la] mettr[e] en possession…[de] la dite Compagnie de la Nouvelle France.” Sometime shortly thereafter, Razilly was appointed “lieutenant general pour le Roy en toute lesteendue de la nouvelle france le tout soubz la charge de Monseigneur le cardinal duc de Richelieu.” Two months following the first commission, the company granted Razilly the Sainte-Croix River, its islands and surrounding area in return for “foi et hommage,” a golden link of chainmail with each change in ownership, and a year’s revenue from the seigneurial dues Razilly would collect. These three delegations made the lieutenant-general a vassal under both the sovereign authority of the king, via Richelieu, and the seigneurial authority of the company, with different degrees of responsibility to each.

The sweeping jurisdiction accorded Razilly as lieutenant-general and seigneur resulted in a further layering of authority, ownership, and privileges, as other titleholders came forward to defend their jurisdictions. Shortly after Razilly’s commission was granted, Charles de La Tour sought confirmation of his own authority. In an agreement of February 1633 between La Tour and the CNF, the “gouverneur et lieutenant general pour Sa Majesté en la coste de l’Acadie” undertook to maintain and populate the two habitations at Cap de Sable and on the Saint John River “a la descharge de…la compagnie” in return for the right to half the furs traded in all of Acadia for six years. The second half would go to Razilly on behalf of the CNF. Although Razilly was lieutenant-general of all of New France, there is no evidence that La Tour was actually subject to his orders. There were, then, two lieutenants-general in Acadia: La Tour with no formal concession of his habitations but responsibility to people them, the expenses for which were to be met with half the profits from the fur trade; and Razilly with the concession of Sainte-Croix, a fledgling habitation at La Hève with no title, and obligations to colonize but no special

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24 Coll. ms., 85-6, quotation 86. For the king’s commission, see 110.
25 LAC (Ottawa), Amirauté de La Rochelle, B 5654, pc. 156, 12 August 1635. Razilly’s governor’s commission is no longer extant.
26 Couillard Després, Charles de Saint-Etienne de La Tour, 206. Razilly received the furs for the CNF rather than for his private person. See Carpin, Le Réseau du Canada, 246.
trading privileges from the company. The variety and individuality of arrangements between the company and each titleholder testifies to the close ties between the lieutenant-generalship, though under the ultimate authority of Louis XIII and Richelieu, and the company’s other prerogatives and obligations as seigneur of New France.

II. The CNF as parent company

If the CNF acted as semi-sovereign in the delegation of authority to individual lieutenants-general, it became a holding company in the exercise of its trading privileges and, to a lesser degree, in its seigneurial obligations. The 1630s saw the creation of several regional subsidiaries under the company. These enterprises took various forms, depending on the CNF’s finances, subscriber interest, and geography. The experimentation with different types of subsidiaries, from partnerships among a handful of associates to smaller versions of the CNF itself, created further layers of participation in the enterprise, as associates took on a variety of roles in these smaller outfits.

The variety and complexity that characterized the creation and organization of the several subsidiaries in both Acadia and the St. Lawrence has tended to be cast aside in favor of sweeping generalizations in the historiography. The literature falls into two groups, one focusing on the colonizing, the other on the commercial, concerns of the company. Among the first group, historian Lucien Campeau challenges, without citing, the argument that the company shirked its colonizing obligations by delegating seigneurial rights and responsibilities to subsidiary companies and individuals; for evidence against this view, he points to the high numbers of people engaged by the company during its tenure. Apart from the difficulty of proving this point either way, it ignores a more fruitful avenue of inquiry, into how and why the CNF, like so many of its contemporaries, went about delegating parts of its mandate. Among the second group, which provides a commercial explanation, David Hackett Fischer has recently argued that the subsidiaries signaled that the CNF was “flourishing”; by contrast, Marcel Trudel attributes them to financial expediency, the company “ayant perdu tous ses fonds dès les premières

27 Carpin, Le Réseau du Canada, 240; Couillard Després, Charles de Saint-Etienne de La Tour, 203-4; Le Blant, “La Compagnie de la Nouvelle-France et la restitution de l’Acadie,” 82-3. When the Compagnie pour la côte d’Acadie was established by Razilly and his brother Claude in 1634, it received trading privileges from the CNF. See below, 218-19. For La Tour’s request to have his and Razilly’s respective concessions registered, see Couillard Després, Charles de Saint-Etienne de La Tour, 250-1.
Financial losses or not, the real significance of the subsidiaries, argues historian Pierre Boulle, is their place in a larger pattern of “plunder from within” that characterized early modern French commercial companies. These interpretations, true in some respects, are far too sweeping. While both the impetus for subsidiaries and the state of the CNF’s finances in the first decade and a half of its existence suggest that “flourishing” is too strong, the relative weight of financial considerations in the creation of subsidiaries varied with geography. Other factors included the distance from the company’s main site of operations in Quebec, the colonizing interests among certain titleholders, and the need to delegate authority in some areas of its vast jurisdiction, the company “[étant] chargée d’autres [habitations] qui sont à faire en autres lieux de ladite Nouvelle-France.”

A better understanding of the subsidiaries can be reached by joining the two dimensions of the CNF together: heavy colonizing responsibilities and exclusive fur trading privileges led to the delegation of both in various combinations. This strategy needs to be put in the context of contemporary overseas expansion. Indeed, the use of subsidiaries tout court reveals more about the logistics of the time and the options open to any large overseas company in the fulfillment of its mandate than it does about the CNF itself. Subsidiaries were among a litany of strategies used by early modern organizations, ranging from corporations to the Crown itself, to remain solvent, maintain their credit, and share costs. Like tax farms, they could provide a sum upfront or annually to the company and bear one or more of the trading, provisioning and peopling costs in exchange for profits from commerce. Subsidiaries also illustrated the continuing practice of private funding of overseas enterprise – royal protection and ministerial participation notwithstanding. Where the CNF departed from its contemporaries, perhaps, was in the number of subsidiaries, their geographical spread, and the resultant sliding scale of privileges and obligations from the St. Lawrence to Acadia.

The nature of the subsidiaries created under the CNF, their organization, scale, and extent, varied according to area and the needs and interests of the parent company. In 1632, the CNF was recovering from heavy financial losses due variously to: the capture of its ships by the

English; shipwrecked, delayed or aborted voyages during the previous four years; and the continued English occupation of Port Royal and Quebec despite the peace treaty of 1629 between the two powers. Total losses amounted to over 300,000 livres or the association’s entire capital. In addition, the company lost its exclusive trading privileges for 1632 to Guillaume de Caen of the former Compagnie de Montmorency in compensation for the revocation of privileges as well as for losses suffered at the hands of the English. The associates were simultaneously involved as defendants in two suits with de Caen, both of which sentenced them to substantial indemnities. The deliberations from a company assembly in November of that year summed up the situation: “le fonds de la Compagnie était tellement alteré, qu’il était impossible aux Directeurs d’icelle, sans emprunt, ou sans nouvelle contribution” to make the necessary arrangements for the following year’s sail. It was in this context, as Trudel argued above, that the CNF established the first compagnie particulière du Saint Laurent. The subsidiary was to be composed of any CNF associates who wished to join, with a capital of 100,000 livres to be used for the conduct of the fur trade in the St. Lawrence and its tributaries, starting from Miscou on the Baie de Chaleur. Its privileges would last for five years, beginning in 1633. In all, about two-thirds or sixty-odd associates of the compagnie générale entered individually, while the CNF collectively subscribed for a third of the total capital. The compagnie particulière undertook to transport munitions and supplies for the habitation at no cost and to give men passage for twenty livres. Its obligations were to stop there: “sans que ladite compagnie particulière soit obligée en aucune façon à l’entretien de la colonie.” This clause notwithstanding, it committed to a rente annuelle of 10,000 livres to be paid to the CNF to go towards maintenance costs. For the compagnie générale, the characteristics of a subsidiary

33 Trudel, HNF, 3.1: 56-7; Carpin, Le Réseau du Canada, 120-1, 126, 128-9.
34 1632 was not the first year in which de Caen’s quest for compensation disrupted the CNF’s trade. In 1628, four clerks were sent to trade for him but were captured by the English; in 1629, three ships were allowed to voyage to New France in advance of the CNF to trade in his name and, in 1631, he was again allowed to trade at Quebec. See BnF, dépt. de ms., fonds français, vol. 16738, fo. 9-15; Carpin, Le Réseau du Canada, 131-3. For more on the suits between de Caen and the CNF, see below, 223-31.
36 BnF, dept. de ms., Collection Clairambault, vol. 381, “Extrait des délibérations de la Compagnie de la Nouvelle France sur l’établissement d’une compagnie particulière,” 15 November 1632. There is no extant list of participating associates. See Trudel, HNF, 3.1: 118.
were threefold: it was composed of associates; they would receive a return in proportion to their contribution to the outfitting costs; and it was to help the CNF achieve its mandate.\textsuperscript{37}

The compagnie particulière du Saint Laurent and its successor created along the same lines enjoyed a qualitatively different relationship with the CNF than their counterparts established in the same decade in Acadia, Cape Breton, and Miscou.\textsuperscript{38} First, both St. Lawrence companies received very particular cessions. They were, essentially, a means to finance each year’s voyage. Commercial in scope, they did not assume responsibility for “[l’]exécution des articles accordés à la compagnie de la Nouvelle France par le Roi et mondit Seigneur le Cardinal” in the company’s place. This feature set these two apart not only from the other regional subsidiaries, but also from the later Communauté des Habitants at Quebec and the preceding commercial company under viceroy Montmorency.\textsuperscript{39} Second, they were very closely tied to the compagnie générale, with the latter itself a contributor to the first, as we have seen, and with over half the associates in each.\textsuperscript{40} Third, subscriptions to the second subsidiary, established in 1638 for four years, were virtually mandatory: “tous les associés de la compagnie générale seraient priés de contribuer du moins chacun 1,000 l pour chacune part qu’ils ont en ladite compagnie générale”; those who did not would be required to contribute 200 l per year for every share “pour l’entretien de ladite colonie.” Although the year 1638 followed a series of fairly successful trading years – during which the compagnie générale bought all the furs from its subsidiary – the tone in the few extant CNF deliberations shows that the company still faced serious financial pressure, leaving it without the funds to meet annual outfitting costs.\textsuperscript{41} The

\textsuperscript{37} BnF, dept. de ms., fonds français, vol. 16738, 9 January 1638.

\textsuperscript{38} The second compagnie particulière du Saint-Laurent was established in 1638 and continued for four years. See BnF, dept. de ms., fonds français, vol. 16738, 27 January 1638.

\textsuperscript{39} BnF, dept. de ms., Collection Clairambault, vol. 381, “Extrait des délibérations de la Compagnie de la Nouvelle France sur l’établissement d’une compagnie particulière,” 15 November 1632. Trudel argues that the motivation for this clause stemmed from the CNF’s desire to keep colonization under its own control. Trudel, \textit{HNF}, 3.1: 119. For the Communauté des Habitants, see below, chap. 6, 249-56. The Compagnie de Montmorency had been responsible for sending sixty colonists per year but the colony’s administrative responsibilities had fallen primarily to Champlain as lieutenant. See above, chap. 3, 123-4.

\textsuperscript{40} Little information remains concerning the second subsidiary’s structure and its obligations to the CNF. See Trudel, \textit{HNF}, 3.1: 145-6.

\textsuperscript{41} BnF, dept. de ms., fonds français, vol. 16738, 27 January 1638. The CNF had already tried to borrow 80,000 l from its associates for the voyage of 1638, but few had come forward. See BnF, dept. de ms., fonds français, vol. 16738, 9 January 1638. To satisfy its capital needs, the compagnie particulière’s directors were permitted to borrow sums which would then have to be paid back with interest by the associates who were slow to pay. See \textit{Ibid}, 11 January 1638. On the company’s debts by 1642, see LAC (Ottawa), C11A, correspondance générale (hereafter corresp. gén.), “Etat général des dettes passives de la Compagnie de la Nouvelle France” 195-209v. On the problem of associates trading on their private account, see Robert Le Blant, “Le commerce compliqué des fourrures canadiennes au début du XVIIe siècle,” \textit{RHAF} 16 (1962): 63-5.
particular cast to the subsidiaries in the St. Lawrence was due in large part to the CNF’s decision to manage directly this portion of its vast domain.

While the establishment of subsidiary companies in other regions was connected in part to the CNF’s financial situation, the more extensive obligations, and in some cases privileges, suggest that different considerations were at play than in the St. Lawrence Valley. At once seigneurial and commercial, like the CNF itself, two of these subsidiaries began as territorial concessions to individuals, while one was a company from the start. In 1633, the compagnie générale ceded Cape Breton to one of its associates, Pierre Desportes, along with exclusive trading privileges. His responsibilities included maintaining Fort Ste-Anne, established in 1629, and distributing land under seigneurial tenure. To this end, he entered an association, known as the Compagnie parisienne du Cap-Breton, with two merchants, Jean Belleteste and Nicolas Libert, and the royal navy captain who founded Fort Ste-Anne, Charles Daniel. While they made some land concessions in exchange for a portion of crop yields, much of their attention went into manning the fort and the conduct of the fur trade. This company lasted two years, whereupon the associates divided up the company’s assets and Desportes continued on his own, through his agent and fellow CNF associate, Jean Tuffet. This marked the end of CNF subsidiaries in Cape Breton. As the island was first and foremost a seigneurial concession to an individual, subsequent arrangements resembled those under lieutenants-general de Monts and Condé in the previous decades, ranging from direct participation in trade with partners to the delegation of privileges to others.42

The concession of two habitations in Acadia to Claude de Razilly demonstrates that colonizing objectives drove the establishment of these regional subsidiaries. In January 1634, the CNF granted the naval captain Port Royal and La Hève so that the two “soient conservés et entretenus et que la colonie des Francais soit augmentée autant que faire se pourra….” In exchange, Razilly received trading privileges for ten years, to be shared with La Tour for the first six, in accordance with the agreement reached between the latter and the company one year earlier, and thereafter with the CNF “ou autres étant en ses droits.”43 Granted in recognition of his brother Isaac de Razilly’s colonial efforts, this concession also provided impetus to the

formation of a company initially of three associates, the two brothers Razilly and Jean Condonnier, bourgeois de Paris, acting for Philippe de Longvilliers de Poincy, future governor in the Antilles.44 A year later, the association expanded due, in part at least, to a need for further funds: “sans lassistance… ils auraient été constraint de remettre à la dite Compagnie de la Nouvelle France les dites habitations et perdre la dépense…” The first new associate was Cardinal Richelieu, a cousin of the Razillys, followed two weeks later by Jean Legrand, royal counselor and president of the Chambre des comptes in Dijon, and Louis Motin, controller of the salt storehouse at Mont-Saint-Vincent.45 The main feature that distinguished this subsidiary – known as the Compagnie pour la côte d’Acadie – from the Compagnie du Cap-Breton was the inclusion of the territorial concession in the company’s assets. Although part of the purpose of the latter association was to increase the population of the island, Desportes remained the sole seigneur. A share in the Acadian company, by contrast, included “la propriété des terres, habitations, forts, batimens, droits, traites, et choses accordées par la dite Compagnie de la Nouvelle France.” The associates, rather than Razilly alone, collectively owned the habitations and surrounding lands.46

Like the subscribers to the Compagnie pour la côte d’Acadie, those of the Compagnie de Miscou enjoyed both commercial and seigneurial rights in return for their investment. Founded sometime before January 1636, the Compagnie de Miscou’s jurisdiction ran “depuis Caufeau [sic] jusques à Guaspe [sic] ou le cap des Roziers et dans les terres le plus avant que l’on

44 Carpin, Le Réseau du Canada, 246-7 and n. 85, quotation 247.
45 No doubt the tone here also reflects the deference deserving of a man in Richelieu’s position. See BnF, dept. de ms., fonds nouvelles acquisitions françaises (hereafter n.a.f.), vol. 9281, “Association du Cardinal de Richelieu avec Claude de Razilly et Jean Condonnier pour les affaires de l’Acadie,” 16 January 1635. For the Legrand and Motin agreement, see Ibid, 25 janvier 1635; Carpin, Le Réseau du Canada, 248.
46 BnF, dept. de ms., n.a.f., vol. 9281, 16 January 1635; emphasis added. It is worth noting that the process of “sub-infeudation” or the leasing of a part of a seigneur to a tenant who then owes fealty to the seigneur, is another instance of off-loading responsibilities and benefits to subsidiaries. In New France, the CNF made religious orders and individuals subordinate landlords with some responsibility – in theory, at least – for populating the colony and administering land. As we saw in chapter four, by the mid-1630s, religious orders administered about 10% of the land in New France. See chap. 4 above, 203-4. On seigneurial tenure in New France, see Louise Dechêne, Habitants et marchands de Montréal au XVIIe Siècle (Paris: Les Editions Plons, 1974); Fernand Ouellet, “The Formation of a New Society in the St. Lawrence Valley: From Classless Society to Class Conflict,” in Jacques A. Barbier, ed. and trans., Economy, Class and Nation in Quebec: Interpretive Essays (Toronto: Copp Clark Pitman, 1991) 5-39; R. Cole Harris, The Seigneurial System in Early Canada: A Geographical Study, 2nd ed. (Montreal/Kingston: McGill-Queen’s University Press, 1984); Allan Greer, Peasant, Lord, and Merchant: Rural Society in Three Quebec Parishes, 1740-1840 (Toronto: University of Toronto Press, 1985).
It enjoyed control over both the habitation of Miscou on the Baie de Chaleur and the fur trade of the region. In return, it sent provisions and men, and provided an annual pension to the Jesuits living there. The associates, all members of the CNF, included Desportes, François Fouquet, Jacques Berruyer de Manselmont, Antoine Cheffault, and Jean Rozée, the last three of whom acted as preposés or agents for the subsidiary.\(^{48}\) Few records remain of the company’s activities, but evidence suggests that it was the largest such association beyond the St. Lawrence, with at least thirteen members.\(^{49}\) All three regional subsidiaries were formed in the service of the habitations ceded to one of their members or to the company as a whole. While less is known about the evolution of the Compagnie de Miscou, those for Acadia and Cape Breton expanded only gradually from a couple of associates and do not appear to have issued a general call within the CNF for more members, unlike the compagnies particulières du Saint Laurent.\(^{50}\) The development of these companies, then, was more ad hoc and informal than that of their Quebeçois counterparts, a further testament to their differences in urgency and emphasis.

Different types of commercial and seigneurial agreements with the compagnie générale aside, the subsidiaries in the St. Lawrence, Acadia, Cape Breton, and the Gulf shared important characteristics relating to composition and organization, illuminating strategies used by early modern companies to accomplish their mandates. All of them were comprised of associates of the CNF.\(^{51}\) The creation of subsidiaries by company members was common practice among the CNF’s contemporaries. Associates of the Virginia Company, for example, formed several subsidiaries in the 1620s for various purposes, from a glassworks to fur trading and from fishing to the transportation of “maids to be made wives.”\(^{52}\) While most subscribers to the CNF’s subsidiaries already had ties to the compagnie générale at the time of investment, some only became associates shortly before or upon entering a regional association. Among the latter were

\(^{48}\) Fouquet was a royal counselor and a client of Richelieu. He served as the Cardinal’s representative in several companies at this time. See chap. 6 below, 272-3.
\(^{49}\) LAC (Ottawa), MC, vol. CI, étude XC, no. 208, 25 April 1645.
\(^{50}\) On the solicitation of new members for the Compagnie d’Acadie, see Carpin, \textit{Le Réseau du Canada}, 248-9.
\(^{51}\) Not all members of the subsidiaries were associates, however. Motin and Legrand of the Cie. d’Acadie, for example, were not.
Jean Belleteste and Nicolas Libert, associates in the Compagnie du Cap-Breton, and Claude de Razilly and Philippe de Longvilliers de Poincy, both of the Compagnie pour la côte d’Acadie. There was no correlation between taking out a subscription on account of belonging to a subsidiary and dedication to the CNF: Razilly spent considerable amounts of capital and effort on his affairs in New France; Poincy, on the other hand, does not appear to have been actively involved beyond his initial investment.\(^53\) Although this practice of associate-led subsidiaries allowed the CNF to retain a connection to and, theoretically at least, some control over, these associations, there is no evidence that the company had an explicit members-only policy, except in the case of the compagnies particulières du Saint Laurent.\(^54\) Indeed, in light of other navigational and overseas activities, it seems as likely that individual associates with the means and interest took the initiative, cognizant of the company’s considerable financial and colonizing obligations.\(^55\)

The participation of many associates in several of these companies points to their attractiveness as an investment. Claude de Razilly and Pierre Robineau subscribed to two, Desportes to at least three, and Jacques Berruyer, Jean Rozée, and Antoine Cheffault were simultaneously in charge of affairs for two subsidiaries as well as for the compagnie générale.\(^56\)

While some associates may have profited on their own account from this involvement as Boulle suggests, on balance they experienced more losses than gains. Some subsidiaries, such as the Compagnie pour la côte d’Acadie and the second compagnie particulière du Saint Laurent, required fresh infusions of capital one year after their establishment. In 1642, Claude de Razilly sold his shares in the former company for 14,000 l to his cousin, Charles Menou d’Aulnay, at a loss of over 50,000 l; that same year, the CNF still owed the first compagnie particulière 62,727 l in principal and interest. In the years following the end of the second St. Lawrence subsidiary,

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\(^54\) Carpin, *Le Réseau du Canada*, 137, 234.

\(^55\) After all, CNF members formed partnerships and associations for the purchase of furs from the compagnie générale. In 1634, for example, Desportes, Robert Godefroy, Pierre Robineau and others “se seroient…associés pour traicter de tous lesdits castors provenans de ladite traicte,” which they in turn sold to master hatters. LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 133b, fo. 265, 16 September 1636. In 1652 and then again in 1659-1660, two associations involving Norman associates contracted with the Communauté des Habitants to provide merchandise in exchange for furs. See BnF, dép. de ms., Collection Margry, vol. 9269, fo. 352, “Articles accordés entre René Robineau…Et le Sieur Toussaint Guenet... ” 18 October 1659; Carpin, *Le Réseau du Canada*, 181-2.

\(^56\) The multiple memberships make it difficult at times to know in what capacity an associate was acting. Indeed, on more than one occasion, Cheffault entered contracts on the same day for two different entities. His multiple roles included director of the CNF, of the cie. particulière du Saint Laurent, and of the cie. de Miscou. Jean Tuffet also frequently entered contracts for different enterprises. See Le Blant, “La première Compagnie de Miscou,” 366.
the compagnie générale delayed payment to those associates in order to raise the funds required for the annual voyage.\textsuperscript{57} The burden of the CNF’s obligations and the attendant risks, then, still fell on the associates. Profits and losses to individual associates aside, the subsidiaries had the effect of maintaining the company’s exclusive trading privileges, a situation in contrast to that of its predecessors.

If the concession of trade to members was common among early modern companies, the creation of subsidiary joint-stock companies was much rarer.\textsuperscript{58} Of the five affiliates, four were smaller versions of the CNF, with a similar organization; only one, the Compagnie du Cap-Breton, was a more traditional partnership.\textsuperscript{59} The four modeled on the parent company were capital-centered ventures in which associates pooled their funds, business was conducted under the name of the association not the individual members, and management of the company’s affairs fell to directors. Where the CNF selected twelve directors, the subsidiaries usually chose three.\textsuperscript{60} Of the extant records, those of the Compagnie pour la côte d’Acadie are the most detailed regarding the conditions of operation. One share was equal to 17,000 livres; by the end of January 1635, the association had been divided into six.\textsuperscript{61}

The agreement among Claude de Razilly, Jean Condonnier and Cardinal Richelieu stipulated that individual associates could not be called upon to increase their contributions but could do so voluntarily. Razilly, responsible for the outfitting costs for the coming season, was permitted to borrow funds “aux risques et fortunes de mer ou y obliger le fonds de la dite société seulement.” The following November, he would report to the directors in Paris. While associates could attend this meeting, they would

\textsuperscript{57} BnF, dept. de ms., n.a.f., vol. 9281, 16 January 1635; BnF, dept. de ms., fonds français, vol. 16738, 11 January 1638; Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 228; Lucien Campeau, \textit{Les finances publiques de la Nouvelle France sous les Cent-Associés, 1632-1665} (Montreal: Les Editions Bellarmin, 1975) 38; LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 177a, fo. 530; vol. 181c, fo. 144-52; 188c, fo. 118. Given that d’Aulnay was Razilly’s cousin, the low price for the shares may have been part of a shuffling of dynastic interests.

The risks that associates ran are well illustrated by the case of the two subsidiaries in the St. Lawrence: while the first posted decent profits – encouraging associates to enter the second – the latter encountered considerable difficulties and prompted the CNF to change strategies.

\textsuperscript{58} K.G. Davies, \textit{The Royal African Company} (London: Longmans, 1957) 30.

\textsuperscript{59} In the Compagnie du Cap-Breton, all associates were active armateurs and each was responsible for subsidizing the transportation and provisioning costs of the laborers and inhabitants they sent over. See Carpin, \textit{Le Réseau du Canada}, 234-5.

\textsuperscript{60} “Articles et conventions de société et compagnie du 7 mai 1627,” 10; Le Blant, “La première Compagnie de Misco, 1635-45,” 363; Scott, \textit{Constitution and Finance}, 1: 151. On the differences between the English and Dutch joint-stock, the French société anonyme and the sociéte en commandite, see chap. 3 above, 118-21 and n. 20.

\textsuperscript{61} With the awarding of a share to d’Aulnay for his service to the company in 1641, the number of shares increased to seven. See BnF, dept. de ms., n.a.f., vol. 9281, 27 February 1641.
have no deliberative voice. Finally, the first three years’ profits would be put back into the company’s capital, also a provision of the CNF itself.62

The first and last of the Compagnie pour la côte d’Acadie’s articles highlight the uncertainties around the concept of “capital” in early modern enterprises. The expectation behind these types of association was that the capital would be self-sustaining, buoyed by annual profits.63 A cornerstone and major innovation of the joint-stock company, continuous capital developed only fitfully over the century, leading companies to use a combination of both temporary and permanent capital. The Virginia Company’s subsidiary for the sale of tobacco in England and the English East India Company, joint-stocks on paper, functioned in practice as distinct-capital ventures, with new funds for each voyage.64 The second St. Lawrence subsidiary appears to have operated in this way, if only by necessity. With an initial capital of some 100,000 l – barely enough for one season’s voyage – it required new contributions the following year to raise the required 110,000 l. In the 1640s, individual associates who contributed to each season’s voyage expected the return of their contribution in the fall, a feature of distinct capital voyages; the king, however, decided to hold back the returns to finance the next season’s preparations, turning these investments into a form of continuous capital.65 The blending of joint-stock and distinct capital ventures reflects not only the nascent form of the first but also the same creative flexibility that led big companies with vast mandates like the CNF’s to establish various configurations, from smaller versions of itself to trading partnerships and seigneuries.

III. Legal Status and Liability

At the same time that the suppleness of experimental forms could help spread the risks, the lack of fixedness in obligations and the legal ambiguities of a new form of organization raised questions about the liability of the Compagnie de la Nouvelle France, both collectively and individually, within and without. Two lengthy legal proceedings in the 1630s and 1640s put

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62 BnF, dept. de ms., n.a.f., vol. 9281, 16 January 1635.
63 Alone among the subsidiaries in managing to do this – at least according to the extant records – was the first compagnie particulière du Saint Laurent, which enjoyed fairly profitable ventures over its five years.
64 Scott, Constitution and Finance, 1: 155-7, 160; Coornaert, “European Economic Institutions and the New World,” 256-7. The Dutch East India Company was one of only a few enterprises that had a permanent capital from the beginning. See Ibid, 1: 195.
65 LAC (Ottawa), Série E, Conseil d’État du Roi, vol. 177a, fo. 530; vol. 181c, fo. 144-52, 24 July 1643; On the second subsidiary of the St. Lawrence, see BnF, dept. de ms., fonds français, vol. 16738, 11, 18 January 1639. See below, 234-5.
this issue into sharp relief: one was a suit over compensation for de Caen and his associates of the former Compagnie de Montmorency; the other concerned the liquidation of the CNF’s debts and what constituted a just contribution from individual associates. These cases are usually presented as examples of the difficulties and obstacles faced by the company, yet their legal significance has gone largely unnoticed. Together they illuminate the evolving legal status of early companies, varying levels of Crown support and involvement, and the functioning of the judicial system.

i. The revocation of privileges and the responsibilities of successors

De Caen’s compensation suit exposed the Crown’s perception of companies and undeclared assumptions about how privileges should be revoked and reissued to another body. In January 1628, the royal council ordered the CNF to prepare ships for that season’s voyage, forbidding de Caen and his associates “de se transporter esdits lieux ni d’y envoyer aucuns navires ni marchandises de traite et autres à peine de la vie,” and instructed port officials to remove cannons and munitions from de Caen’s ships. This sentence prompted the associates of the Compagnie de Montmorency to request permission to “continuer les voyages et traite audit pays de la Nouvelle France pour le temps qui reste à expirer de leur traité.” Rejecting this plea, the council nevertheless ordered the CNF’s directors to appear before it “pour proceder à la liquidation du desdommagement” to the Compagnie de Montmorency. Having thus lent legitimacy to the case for compensation, the council set the stage for a lengthy dispute between the two parties, a dispute that did not end until 1636. On one side, de Caen and his associates wanted to trade for the remaining eight years of their contract and, failing that, receive compensation for their losses; on the other, the CNF argued that its already heavy colonizing commitments more than offset its privileges and that de Caen’s receipt of trading rights in 1620 had also entailed the premature loss of those of his predecessors. The company’s most

66 Trudel, *HNF*, 3:1: 169; Carpin, *Le Réseau du Canada*, 150-1. The exception is Campeau, who closely analyzes the statement of the company’s debts, which royal commissioners compiled in 1641-1642. While Campeau considers the arguments put forward by associates as to why they should not be deemed liable for the company’s debts and the basis for the commissioners’ ultimate decision, he does not address the broader questions that the episode raises about the law’s approach to capital-centered companies, in general, and to the nascent concept of limited liability, in particular. See *Les finances publiques de la Nouvelle France sous les Cent-Associés*, 36-43.  
67 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 95a, fo. 95, 26 January 1628; LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 95b, fo. 123, 15 March 1628.  
68 BnF, dept. de ms., fonds français, vol. 16738, Supplication to Richelieu, c. 1631; LAC (Ottawa), Collection Margry, vol. 9269, fo. 276-80, 16 August 1629.
persistent and forceful argument, however, concerned its legal obligations: “ilz ont contracté pour la colonie et peuplae de ladite Nouvelle France sans charge ny obligation quelconque de desdommagement envers Guillaume de Caen et ses associés.” The associates were, they argued, not liable for any compensation that might be due to their predecessors. Over the course of the suit, the company offered a range of accommodations, from granting the Compagnie de Montmorency one-third or thirty-two shares in the CNF to returning its concessions and trading privileges to the king, “en les dédommageant.”

Despite the offer of alternative solutions, compensation remained the principal issue in the suit, with decrees from the two royal councils alternating between the two parties and between the execution and suspension of the liquidation process. In a sentence of 27 August 1634, the Conseil d’état ordered the CNF to pay de Caen and associates a total of 79,900 l, which included, among other charges, 20,000 l for the loss of the eight years remaining in their contract and 24,000 l in provisions and wages that de Caen had provided to overwinterers in 1628 and 1629. The council rejected all claims to compensation for expenditures made during the first seven years of the company’s privileges and for building and habitation costs. With the court’s proposed compensation terms satisfying neither de Caen nor the company, the two reached an agreement out of court in 1636 by which the CNF agreed to pay de Caen 30,000 l; the amount due the other associates remained unchanged. By 1642, the CNF had paid only 19,501 l out of the total of 79,900 l. Indeed, in the end, the full amount agreed upon does not appear to have ever been paid.

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69 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 95b, fo. 311, 30 March 1628; emphasis added. See also LAC (Ottawa), MC, vol. I, étude XVI, no. 72, 23 February 1636.
70 BnF, dept. de ms., fonds français, vol. 16738, procès-verbal of 4 September 1631 in the decree of 27 August 1634; also Supplication to Richelieu, c. 1631.
71 See, for example, LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 95b, fo. 311, 30 March 1628; LAC (Ottawa), V6, Conseil privé, c. 91, no. 29, 19 July 1633.
The compensation suit showed that the joint-stock structure of a company created another set of logics alongside that of the exercise of sovereign authority. Where each viceroy, in the tradition of venal offices, passed on the position in return for a payment from his successor, an existing company’s privileges were revoked through the act of establishing a new one. Article VI of the CNF’s edict declared: “Et afin que les dits associés puissent jouir pleinement et paisiblement de ce qui leur sera donné et accordé, sa Majesté révoquera tous dons faits des dites terres, parts ou portions d’icelles.” The king, then, did not formally dissolve a company but rather withdrew its rights. Dons or gifts of money or privileges held a special significance in ancien régime society. Traditionally between king and subject or between nobles, they were reciprocal exchanges. The Assembly of Clergy and provincial estates, for example, gave the king a don gratuit in return for exemptions from taxes and other privileges. Having received vast territorial and trading concessions in New France, the CNF pledged loyalty to the king and undertook to extend his and God’s glory and reputation. In early modern Europe, the ability to give a don was a mark of power and, as a result, gifts were a way to maintain a hierarchy, with the king at the top. As all true gifts were voluntary, those from the king were at his pleasure. In an audience civile against de Caen’s claims, the CNF described this royal prerogative: “Il est de l’autorité de Sa Majesté de révoquer ce qu’elle juge prejudiciable à la gloire de son état et au bien de son service, comme il dépend de sa liberalité à concéder à ses sujets ce qu’il estime leur pouvoir accorder de privileges.” While this argument clearly worked in the company’s favor, it also reflected the contemporary understanding that the king had the legitimate power to withdraw any delegated privileges and authority whenever he wished.

The royal powers of bestowal and revocation turned supplications from previous privilege holders into legal challenges against successors. Whereas the viceroy entered a transaction with the new titleholder, a company had to sue for compensation. This was in part because the plaintiffs usually asked, at least initially, for the restoration of their privileges, as we have seen with de Monts, the Compagnie de Rouen et Saint Malo, and now the Compagnie de Montmorency. It also, however, points to the ambiguity in approach to companies in general.

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73 “Acte pour l’établissement de la Compagnie des cent Associés,” 4; Henri Lévy-Bruhl, Histoire juridique des sociétés de commerce en France aux XVIIe et XVIIIe siècles (Paris: Domat-Montchrestien, 1938) 261. It is worth recalling here that in the royal decree outlining the terms of the Cie. de Montmorency in 1622, the king declared that the company could not lose its privileges “pour quelque cause que ce soit.” See chap. 3 above, 140-2.

There was an assumption that a viceroy’s resignation – whether demanded by the king or not – would be followed by negotiations over reimbursement; thus in 1629, Jean de Lauson, acting for Richelieu, granted the duc de Ventadour three offices with a total value of 72,000 l when he resigned.\(^75\) Unlike a commission-cum-office, company privileges did not correspond to a determinate value. Rather, courts, usually the royal councils, received evidence from all parties to determine the legitimacy of compensation and the appropriate sum or other alternatives, such as joining the new company. Several decrees over the course of the suit between de Caen and the CNF invited both to “escri[r]e et produir[e] tout ce que bon leur semblera” on the matter, rather than making a judgment one way or the other.\(^76\) Typically, such suits continued for many years.

Although suits for compensation over trading privileges were nothing new, the case between de Caen and the Compagnie de la Nouvelle France highlights the frequently changing terms of territorial and trading concessions, in particular, and, more generally, of any undertaking with the Crown. After all, it might be expected that the CNF’s close relationship with Richelieu and the government would have protected it from any obligations to de Caen and his associates. Where, then, was the company’s supposed protector? Historian Gervais Carpin argues that the Cardinal fell down on his duty due to an inconsistent approach, a lack of follow-through in his plans to replace the Compagnie de Montmorency with the CNF, and “une possible erreur d’appréciation quant aux droits de l’ancienne compagnie.” The measures taken to reimburse de Caen, Carpin continues, were inexplicably and excessively generous: permission to send trading vessels ahead of the CNF fleet in 1629 and the awarding of exclusive trade in 1632 along with 10,000 l from the Crown for other expenses, all in addition to the 79,900 l awarded in damages. The government ought to have paid compensation upfront and stopped any further claims against the CNF; the latter, for its part, increased its own burden by fighting the suit in court for six years.\(^77\)


\(^{76}\) See, for example, LAC (Ottawa), Deuxième série, fo. 66-7, “Arrêt du conseil par lequel la Cie. de la Nouvelle France et de Caen et consors sont ordonnée de produire des pièces justificatives...” 10 May 1633. Precedents for joining two competing companies together included the Compagnie des Indes orientales and the Compagnie de Montmorency itself. See chap. 3 above, 140-2, 121-2.

\(^{77}\) Carpin, Le Réseau du Canada, 132-3 and n. 85, quotation 132.
Apart from the fact that it was in the very nature of lawsuits to drag on in early modern France, in the larger contexts of overseas enterprises and royal commissions the outcome is not nearly as mystifying as Carpin suggests. First, there were several precedents for successor companies to shoulder the burden of compensation or other recompense, including the suit between de Caen and the Compagnie de Montmorency and the CRSM. Indeed, not only was compensation considered legitimate, but there was also some consensus as to what it would be for: usually the years remaining in the previous company’s contract. Second, the bottom line of companies was never a primary concern to the Crown, as the premature end to most such enterprises attests. Third, changes in the conditions of contracts with the Crown were fairly routine. Usually due to revenue shortages, the Crown not infrequently increased the costs associated with tax farms or venal offices beyond those in the original agreement or orchestrated the downfall of senior finance officials before cancelling the Crown’s debt to them and pocketing their substantial earnings. Indeed, engaging in any undertaking with the Crown could be as risky as it was lucrative, a fact of which financiers of the period were all too well aware. Fourth, and perhaps most importantly, it may have been the king who revoked the Compagnie de Montmorency’s privileges, but this was a matter between two corporations. Carpin’s suggestion that the navy ought to have covered the costs and his use of the comparatively large settlements for the charges of admiral and viceroy as evidence show a misunderstanding of royal and government approaches to the transfer of privileges. The study of compensation suits in New France over the first half of the seventeenth century gives the strong impression that even if the navy had had the funds to compensate de Caen and his associates, it would not have occurred to officials there to do so. In much the same way that the purchase of the viceroyalty was between two individuals, any compensation for lost privileges lay with the recipient of those privileges. Although it might be supposed that the participation of royal officials and the chief minister in the CNF would afford it protection, structures of power and the intermittent royal attention

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78 This rule of thumb applied in the cases of de Monts, the Cie. de Rouen et Saint-Malo, and de Caen and the Cie. de Montmorency.
80 It is true that the transaction between Ventadour and Jean de Lauson as Richelieu’s representative in 1627 appears to have been an exception. Although it is not entirely clear whether the transaction took place on Richelieu’s personal behalf, the former viceroy did receive three offices instead of money. These offices would have been created by the king rather than by Richelieu himself.
characteristic of the period underscore the instability of privileges and the absence of any legal guarantees of conditions in letters patent.

The Compagnie de la Nouvelle France’s decision to contest vigorously de Caen’s claims in spite of the mounting court costs and interest reveals the calculations made by contemporaries in initiating or continuing a suit. What may appear to us as a lapse in judgment or intransigence had its own logic at the time.\(^{81}\) In the preceding chapters, we have seen that parties went to court to “exert pressure, avenge, deny,” but not necessarily to reach a resolution.\(^{82}\) The deep suspicion and antagonism between de Caen and the CNF associates, visible from the latter’s establishment, played a role in prolonging and expanding the lawsuit. In response to a request from the company in January 1628, the king ordered all ships going to the cod fishery to be inspected by an admiralty judge in the presence of a company representative.\(^{83}\) One month later, the CNF’s directors ordered the seizure and inspection of three Dieppois ships on their way to Newfoundland. Because the ships were owned and outfitted by Guillaume de Caen’s mother, Marie Langlois, her brother Salomon Langlois and de Caen’s brother-in-law Raymond de la Ralde, among others, the company suspected that de Caen himself was behind the venture. The ships were, consequently, searched for evidence of the intention to trade. In mid-March, the ships’ three captains received a sentence from the Parlement de Rouen releasing their ships; that same day, the CNF’s directors obtained from the Conseil d’état a suspension of all sentences in favor of Langlois and associates and an order for the parties to appear before that body. Like the compensation suit, this one featured a series of decrees and counter-decrees.\(^{84}\) Sentences in 1631 and 1632 ordered the CNF to pay 40,000 l in reparations to Langlois, the three captains, and other associates. In August 1633, the company paid 30,150 l out of a total of 64,683 l due in damages, interest, and expenses.\(^{85}\)

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\(^{81}\) Carpin observes that “l’intense défense des associés leur fut préjudiciable.” See *Le Réseau du Canada*, 132.

\(^{82}\) Carrier, “Virtuosité procédurière,” 14.

\(^{83}\) LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 95a, fo. 95, 26 January 1628.

\(^{84}\) ADSM (Rouen), Parlement de Rouen, 1 B 946, “Arrêt du Parlement de Rouen concernant l’arrêt du conseil du 7 mars 1628,” 16 March 1628. For examples of decrees and counter-decrees, see the procès-verbal de 7 March 1628 in LAC (Ottawa), V6, Conseil privé, c. 90, no. 44, “Arrêt sur la requête de Marie et Salomon Langlois, Raymond de la Ralde, David Michel et consors demandant cassation de l’arrêt du 5 mars précédent,” 1st June 1633 and ADSM (Rouen), Parlement de Rouen, 1 B 946, 16 March 1628; LAC (Ottawa), V6, Conseil privé, c. 86, no. 16, “Arrêt considérant la requête de la Cie. de la Nouvelle France contre les poursuites de Marie Langlois…” 13 August 1632 and LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 111a, fo. 166, “Arrêt ordonnant l’assignation de Langlois, de Caen…” 5 March 1633.

\(^{85}\) LAC (Ottawa), V6, Conseil privé, c. 81, “Arrêt par lequel le Conseil ordonne que les parties font leurs contestations devant le Sier de Levillemontée,” 2 May 1631; c. 86, no. 16, 13 August 1632; LAC (Ottawa), MC, vol.
Beyond the CNF’s inarguable overreaction to slim evidence of de Caen’s involvement in this voyage or of any intention to trade, *l’affaire Langlois* is significant for what it suggests about competition in New France and the process by which parties sought redress in the courts of France. One historian has argued that it points to the opposition between fishing interests and those with exclusive trading privileges, but it is no accident that it involved two powerful, aggressive titleholders already in conflict. In the first three decades of the seventeenth century, one dispute often precipitated a second or even third among rival titleholders. The ensuing lawsuits then fed into one another. In this case, the compensation suit may have preceded that over the fishing venture, but they soon became mutually reinforcing. Indeed, the CNF associates may have injudiciously pursued the latter primarily in retaliation for the compensation suit, which, on the whole, they were losing and for which they adamantly denied any responsibility. The company’s prosecution of the Langlois affair alongside the compensation suit shows that the parties involved did not view the situation as Carpin does, in arguing that the company ought to have settled earlier to save money. Indeed, the company’s actions suggest that reaching a speedy settlement and giving in to the compensation request was more damaging than paying the costs to continue the suit.

The strategies adopted by the CNF and de Caen to prolong their disputes point to fundamental characteristics of the early modern French judicial system. As did other contending parties in New France, both sought out favorable jurisdictions and exploited interjurisdictional rivalries. De Caen and Langlois used the courts in their home jurisdiction, the Admiralty of Dieppe and the Parlement de Rouen, both of which tended to uphold their positions. The CNF appeared before the Conseil d’état in 1628 to have the Langlois affair tried outside Normandy, citing a decree by which “Sa Majesté s’est réservé la cognaisance de tous les empêchements” to the execution of the company’s contract. A total of five jurisdictions heard parts of the two

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86 There appears to have been particular animosity between de Caen and certain Dieppois associates. See Le Blant, “Les débuts difficiles de la Compagnie de la Nouvelle France,” 33-4.

87 BnF, dép. de ms., Collection Margry, vol. 9269, fo. 197v, “Poursuites de de Caen au Parlement de Rouen pour empêcher l’établissement de la Cie. des Cent Associés,” 13 April 1628. For examples of favorable rulings in de
suits, generally ruling in favor of the party before it and against the most recent sentence of another court. The bulk of decrees in both cases alternated between the two royal councils. In general terms, de Caen and his associates enjoyed successful outcomes at the Conseil privé, while the CNF received greater support from the Conseil d’état.\textsuperscript{89} Another common strategy was to delay proceedings by various means, from not responding to a summons before a court to requesting a change in judge. In 1633, both the CNF and de Caen submitted names of other royal counselors to replace those commissioned to hear their dispute, claiming undue favor towards the other party. Each side used these tactics in the hopes of wearing down the other.\textsuperscript{90} Here again, courts themselves were complicit. Parlements not infrequently delayed the registration of royal edicts to assert their opposition and authority; by January 1630, the CNF’s edict of establishment had not yet been registered in all provinces.\textsuperscript{91} In both the compensation and fishing voyage suits, the courts usually accorded the request presented or invited further evidence from both sides within a specified period of time, both of which served to delay resolution. Like earlier suits over titles and trading privileges, these two allowed rival courts to play out their own power struggles and enhance their standing. Without limiting themselves to the contents of a case or a provision in a contract, both the courts and the Crown took into consideration their own interests in their approach to companies.

\textbf{ii. The debate over new contributions and the payment of debts}

The king’s order for the CNF to pay compensation to de Caen and associates was but the first in a series of demands for new contributions from subscribers, exposing the ambiguity around the liability of associates and the power of directors. During the period from 1639 to

\textsuperscript{89} See, for example, BnF, dép. de ms., Collection Margry, vol. 9269, fo. 197-97v, 13 April 1628; LAC (Ottawa), V6, Conseil privé, c. 81, 2 May 1631. The CNF did receive three unfavorable rulings from the Conseil d’état: LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 95b, fo. 123, 117a, fo. 174, “Arrêt ordonnant que le différend entre les parties soit mis hors de cour et procès,” 25 April 1634; BnF, dép. de ms., fonds français, vol. 16738, fo. 44-67, “Extrait des Registres du Conseil d’Etat,” 27 August 1634.

\textsuperscript{90} LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 101a, fo. 188, “Arrêt ordonnant que les deux parties présentent toutes les pièces justificatives…” 12 January 1630; LAC (Ottawa), V6, Conseil privé, c. 83, no. 4, “Arrêt ordonnant…que la liquidation du desdommagement à de Caen…soit exécutée,” 12 August 1631; LAC (Ottawa), Deuxième série, fo. 66-7, 10 May 1633; Carrier, “Virtuosité procédurière,” 86, 92.

\textsuperscript{91} LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 101a, fo. 188, 12 January 1630. It took the Parlement de Paris until 27 July 1657 to register the edict, due to its opposition to the clause conferring the status of master on all artisans resident in the colony for six years. See Carpin, \textit{Le Réseau du Canada}, 73, n. 77.
1645, the urgent need for the company to liquidate its substantial debts sparked multiple suits between the directors and associates. While lawsuits within an association were quite common, this protracted and convoluted dispute illuminates fundamental questions raised at the time over the experimental joint-stock organization and accountability within it.92

The suits began as a debate over the state of the company’s capital but, at their heart, they hinged on who was ultimately responsible for the enterprise’s financial health. By the end of 1638, the company was running out of options in its efforts to gather funds for the next season’s voyage. The previous December, the general assembly had granted the directors permission to borrow 120,000 l “aux risques de la mer”; by January 1638, however, the company, unable to find the money, decided to establish a new compagnie particulière. Even with this done, the next annual assembly concluded that “tous les associés contribueront de nouveau la somme de 300 l chacun pour estre employée aux despences les plus pressés.” That same assembly also put in motion the process of liquidating the CNF’s debts: “les directeurs travailleront incessament à examiner les comptes de ceulx qui ont manié les deniers de la compagnie, examiner les debtes et effectz de ladite compagnie.”93 Two weeks later, two associates and former directors, Martin Anceaume and Guillaume Martin de Vernières, appeared before the Parlement de Paris to challenge the need for the new contribution, on the one hand, and to request that the directors be ordered to repay several perpetual loans, on the other. The court granted their request: “les directeurs feront diligence dans sept mois de racheter et admortir les rentes de 3,450 l y mentionnées payer les arrérages escheus et à eschoir aultrement ledit temps passé permis de saisir les effectz qui se trouveront appartenir à ladite compagnie tant en général que particulier pour assurance dudit rachapt en vertu dudit arret.”94 Despite the timeline outlined by the court, two days later Anceaume and Vernières requested and obtained a writ, ordering the seizure of the companies’ monies and effects. The directors responded in the same way they had to de Caen’s compensation suit: they took the matter to the Conseil d’état, where they obtained a suspension of both the parlement’s decrees and the seizures as well as a summons for the two associates to

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92 See, for example, the long-running and acrimonious dispute between two factions within the Virginia Company, discussed in W. R. Craven, *The Dissolution of the Virginia Company* (N.Y.: Oxford University Press, 1932), esp. chaps. 5, 9.
93 Assembly of 7 December 1638 in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 134a, fo. 302, 22 January 1639.
94 Decree of 20 December 1638 in *Ibid*. In an *exploit de signification* to the directors of 11 January 1639, Anceaume and Vernières argued that the former would find “du fonds plus que suffisant pour faire l’embarquement” once they had examined the accounts. See *Ibid*. 

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appear before the royal council. In June of 1639, a company assembly resolved to end all
disputes with Anceau and Vernières and to proceed with the liquidation of debts, which was
to be handled by a commission of three royal counselors.95

Far from ending the differences between the CNF’s directors and its associates, the
liquidation of debts itself became a subject of dispute. In February 1640, the commissioners
declared the associates “noncomparants ni autres pour eux” at the request of the directors and
reissued an order for all associates to appear before them “pour répondre et procéder aux fins de
notre susdite ordonnance.” If they failed to show again, the commissioners would proceed
without them. Associates responded with declarations, contestations, and renunciations of their
shares.96 For their part, former directors summoned the CNF to answer for debts for the
repayment of which creditors had approached them individually, with the result that the company
“rentr[ait] dans une involution de procès.”97 Despite these challenges to the process, the king
ordered the commissioners to arrive at the sum to be paid by each associate “suivant les parts et
portions quils ont en ladite compagnie pour parvenir à lacquit et extinction desdites debtes.”98
The resultant “Etat général des debtes passives de la Compagnie de la Nouvelle France” of 1641
and 1642 concluded that the company owed a total of 410,796 livres for everything from salaries
and wages to soldiers, officers, and the governor to compensation to de Caen and the Compagnie
de Montmorency, and from loans from outside individuals and corporations, CNF members, and
the two compagnies particulières to outfitting costs owed to merchants of various ports. The
king granted the directors’ request that the liquidation of these debts proceed, ordering associates
to pay in “huit payements égaux de six mois chacun” over the next four years. Each associate
was to pay a total of 4,527 livres 8 sols.99

95 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 134a, fo. 302, 22 January 1639; Assembly of 7 June 1639 and
decree of 10 September 1639 in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 154c, fo. 1, 1st March 1640.
For the seizure of 22 December 1638 and subsequent ones, see LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol.
149b, fo. 75, 23 March 1639. Assembly of 7 June 1639 and Decree of 10 September 1639 in LAC (Ottawa), Série
E, Conseil d’Etat du Roi, vol. 154c, fo. 1, 1st March 1640.
96 BnF, dép. de ms., fonds français, vol. 16738, 27 February 1640. For the associates’ response, see, for example,
LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 160b, fo. 259 23 March 1641; vol. 167 a, fo. 291, 5 February
1642; vol. 181c, fo. 144-52, 24 July 1643.
97 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 154c, fo. 1, 1st March 1640.
98 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 149b, fo. 75, 23 March 1639.
99 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 167 a, fo. 291; vol. 195b, fo. 140. 15 October 1644. On at
least two occasions, creditors tried to force a speedier payment. See LAC (Ottawa), Série E, Conseil d’Etat du Roi,
vol. 167c, fo. 63, 69. For the “Etat général des debtes passives,” see LAC (Ottawa), C11A, corresp. gén., fo. 195-
209v, 1641-1642.
iii. The liability of associates

Following the tally of the CNF’s debts, the process of liquidation became a struggle between the directors, who tried various means to force the associates to pay, and several associates, who attempted to renounce their shares in the company. In 1642-1643, the directors continued suits “pour faire juger l’instance et ordonner la contribution pour lacquittement des débtes, quelques uns desdits associés pretendans sexempter dudit paiement dicelles se seroient advisez de renoncer à leurs droits parts et portions en ladite compagnie générale.”100 Worried that they alone would be saddled with the payment of debts, many remaining associates did likewise. The directors contested these renunciations and, in July 1643, the Conseil d’état determined that those who had paid their share of previous contributions “seront receus à renoncer si bon leur semble pour ladvenir à ladite compagnie” within the next month provided that they had not taken part in any company decisions or profited from the enterprise.101

The renunciation of shares opened up a new dimension to the process of liquidation: it became intertwined with the collection of funds for the outfitting of each season’s voyage. Short on capital due to a shrinking membership, the company had even more trouble than usual coming up with the money to sponsor each year’s sail. In a general assembly of August 1641, the associates had decided, based on the modest performance of the second compagnie particulière, not to establish a new one; rather, the outfitting of ships and conduct of the fur trade had fallen once again under the compagnie générale, with each associate contributing an additional 1500 livres towards the following season’s voyage.102 By February 1643, the directors feared that they might have to forgo that year’s sail. The king ordered, instead, that any outstanding contributions of 1500 l from the previous year be paid, that the reimbursement of 60,000 l to the compagnie particulière be delayed, and that 1642’s trade surplus be put toward outfitting costs for 1643.103 A similar problem arose the following year when some associates requested three more months to decide whether to renounce their shares, but refused in the meantime to contribute another 1500 l to outfit that season’s ships. The royal council not only ordered them to pay but also permitted the company to borrow money “à la grosse” at an interest of 30%, which would be paid by “chascun desdits interessez qui auront souffert que lon fasse lesdits

100 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 177a, fo. 530, 14 February 1643.
101 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 181c, fo. 144-52, 24 July 1643.
102 The 1500 l was to be paid in four installments of between 300 l and 500 l each. See the assembly deliberations of 20 August 1641 in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 167c, fo. 69, 20 February 1642.
103 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 177a, fo. 530, 14 February 1643.
emprunts faute de fournir leur part et portion demeurera obligé soubz lhypoteque de tous leurs biens au remboursement des somes empruntées.”

Given that the liquidation of debts and renunciation of shares proceeded alongside preparations for seasonal voyages, both the CNF’s directors and associates made multiple representations before the royal council for, respectively, condemnation of those with outstanding payments and permission to withdraw or confirmation of having done so. By the end of these proceedings, sixty-four associates remained in the company.

The CNF’s financial difficulties shed light on a key concept of the early modern company, transferable shares. It was this provision that marked a significant departure from short-term ventures. Transferable shares allowed a company to renew its membership and funds without end. In some companies, the number of shares was fixed; in others, it was the value that remained constant. In the CNF’s case, both conditions applied initially: there were to be one hundred shares at a value of 3,000 l each; at its peak, however, the company boasted 104 associates. Its articles of establishment allowed all members to “vendre et remettre la part et portion à telle seule personne qu’il avisera, lequel étant de la qualité requise, sera reconnu en la dite société.”

The renunciation of shares posed a problem for capital-centered enterprises for it compromised this principle of a self-regenerating company. The CNF directors then had to find new members themselves or accept a decrease in the pool of subscribers. Regulations around shares developed only gradually over time.

The seemingly clear definition of the associates’ liability on paper belied its unfixed nature in practice. Indeed, it has been argued that charters conferred a “clear legal position” on companies but, if this was the case with respect to privileges, it was by no means true where responsibility was concerned.

The CNF’s edict of establishment in April 1627 and the subsequent articles of association stipulated that associates were to pay “chacun pour leurs parts

104 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 188c, fo. 118, 19 March 1644; also fo. 188, n.d.
105 LAC (Ottawa), C11A, corresp. gén., “Etat de la dépense qui a été faite par la compagnie de la Nouvelle France, 1628 à 1671,” fo. 107-12; Trudel, HNF, 3.1: 169. For examples of requests for the condemnation of associates, see LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 195b, fo. 140; vol. 198a, fo. 402. For examples of requests from associates to renounce their shares, see vol. 190a, fo. 378; vol. 191b, fo. 320.
107 “Articles et conventions de sociétés et compagnie, du 7e mai, 1627, pour l’exécution des articles accordés le 29e April, 1627 à la compagnie du Canada,” 13.
108 Coornaert, “European Economic Institutions and the New World,” 247. In fact, one of Coornaert’s own examples attests to this ambiguity: as late as 1724, an English court questioned the separate legal identity of the Dutch West India Company. It was undoubtedly in England’s favor to do so, but the occurrence does suggest that it was a credible argument at the time.
et portions, sans aucune solidité.” Further, “aucun des dits associés [ne] puisse être tenu ni
contraint contribuer, sous quelque prétexte que ce soit, que jusqu’aux dites trois mille livres, si
bon ne lui semble.” 109 In other words, associates were to enjoy limited liability. One of the
principles behind this concept was that in a joint-stock company not all members had direct
control over the organization’s management and therefore could not be held legally
responsible. 110 Limited liability was in contrast to the much more common solidarité illimitée or
solidary liability, whereby each associate could be called upon to answer for the whole, their
only recourse being to seek payment from their fellow associates. This practice, dictated by
custom rather than law, applied to most French companies in the period, the bulk of which were
sociétés générales. 111 The CNF’s articles of association further provided that in the matter of
expenses and debts “[nous] obligeons le fonds de la dite compagnie seulement.” 112 This
provision encapsulates one of the fundamental distinctions between the capital-centered
association and the traditional partnership: the former, organized around the pooled capital rather
than the associates themselves, was its own “personne morale,” with a legal identity independent
from its subscribers. 113 By contrast, in the latter, in which associates were individually
responsible for the whole, each member’s personal property was liable in the undertaking.

Despite articles to the contrary, the CNF associates found themselves to be solidairement
responsible in practice. Like many of their counterparts in other joint-stock companies, they had
to contribute more than their share. 114 The first call for a new contribution came in September
1632 as a result of the 45,000 livres the company owed to Langlois and associates in damages.
Each associate was to pay 450 l. The second call, for each to pay 800 l as part of the
compensation due to de Caen and the Compagnie de Montmorency, came three years later, but
the associates protested vociferously, preventing its enforcement. 115 In 1638, when the general

109 “Articles et conventions de sociétés et compagnie, du 7e mai, 1627,” 9, 10 (quotations in order of appearance); also article 15.
111 Lévy-Bruhl, Histoire juridique des sociétés de commerce en France, 141.
112 “Articles et conventions de sociétés et compagnie, du 7e mai, 1627,” 9.
113 Despite this distinction, it was not always clear whether a company was a société de personnes or a société de
114 Davies, The Royal African Company, 30-1; Lévy-Bruhl, Histoire juridique des sociétés de commerce en France,
241. For an example of another company’s subscribers finding themselves in a similar position, see the New
England Corporation as discussed in Scott, Constitution and Finance, 2: 308.
115 CNF deliberations of 11 September 1632 in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 181c, fo. 144-52,
24 July 1643. While this document lists the amount as 400 l, Campeau puts it at 450 l. See Les finances publiques
de la Nouvelle France, 38.
assembly decided to create a second subsidiary, the associates who refused to enter or pay an additional amount to the CNF were invited to “renoncer aux parts.” This marked the first time since the company’s inception that associates were invited to withdraw if they could not or did not wish to pay the required amount. Those who remained paid a minimum of 500 l above their share that year.\textsuperscript{116} Four years later, the company witnessed a similar series of events: demand for substantial new sums, followed by renunciations of shares and protestations by associates.\textsuperscript{117}

At the heart of the matter lay the question of who could be held responsible and by whom. The additional contributions demanded were of three distinct kinds. The first two were indemnities due to unfavorable judicial sentences. Those of 1638 and 1642 to 1644 were in response to insufficient funds for the annual voyages. Lastly, the most substantial sum was to pay down the company’s debt. The implications for the liability of associates were different depending on the type of contribution. While the articles of association did specify a limit to their contributions of 3,000 l, there was no clause concerning their responsibility for losses or debts. The lack of specification meant solidary liability in practice.\textsuperscript{118} The process through which new contributions were determined also varied. The first four came from the general assembly. This body met annually or when called by the directors. Its decisions bound all associates: “les resolutions de ce qui se devra faire seront prises par ceux qui se trouveront présens en la dite assemblée, pour être suivies et avoir tel effet que si tous ensemble et d’une voix, les dits associés les avoient délibérées et arrêtées.” In this sense, the associates consented to increase their commitments.\textsuperscript{119} The second forum for the adjudication of contributions was the royal council, in consultation with the company’s directors and those counselors commissioned to liquidate the company’s debts. A royal decree demanded the payment of the figure determined by the commission.

\textsuperscript{116} BnF, dept. de ms., fonds français, vol. 16738, 27 January 1638. It is not known how many withdrew at this time, nor how much the compagnie générale raised through these arrangements. See Trudel, HNF, 3.1: 146, n. 92. By the terms of establishment, associates were allowed to withdraw after the first contribution of 1,000 l was due, if they had not yet received any benefits. See “Articles et conventions de sociétés et compagnie, du 7e mai, 1627,” article 3. For the other contributions demanded in 1638, see LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 134a, fo. 302, 22 January 1639. For some of those who renounced in 1638 – only to have later demands made on them – see LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 191b, fo. 320, 23 June 1644.

\textsuperscript{117} LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 167c, fo. 69, 20 February 1642; decree of 6 March 1642 in \textit{Ibid}, vol. 181c, fo. 144-52, 24 July 1643.

\textsuperscript{118} It is not until the 1780s that one sees clear statements in charters regarding the limited responsibility of associates. See Lévy-Brühl, \textit{Histoire juridique des sociétés de commerce en France}, 234-5, 241-8.

\textsuperscript{119} “Articles et conventions de sociétés et compagnie, du 7e mai, 1627,” article 30. On a number of occasions, general assemblies had to be rescheduled due to poor attendance. See, for example, BnF, dept. de ms., fonds français, vol. 16738, 11 January 1639.
These two types of demand reinforce the parallel tracks of the logic of the incorporated company and the logic of the exercise of the king’s authority to promote the Crown’s goals. Indeed, the two contributions were qualitatively very different: one was determined internally, the other imposed from outside. They were, however, equally contentious. A protest submitted by eight associates in 1642 along with the requested 1500 l for outfitting costs articulates their understanding of their legal obligations to the company:

attendu quilz ont fourny ce quilz estoient obligez en exécution des articles et contract de société, que néantmoins sans préjudice de leurs prétentions sagissant de faire subsister ceux qui sont habitez en la nouvelle france ilz offroient pour chascune part quilz ont en ladite compagnie générale mettre ez mains dudit Verdier la some de 1000 l à condition…quilz en seront remboursez au retour et du provenu des vaisseaux, et pour ladvenir, quilz nentendent plus contribuer pour quelque prétexte que ce soit.120

They would pay this time, despite their having already fulfilled the terms of membership, but would not do so in future; indeed, they announced their intention to renounce in the event of further demands. Much of the contention and uncertainty around the liability of associates stemmed from the manner in which decisions were made internally. Where a traditional société générale tended to require unanimity, a société de capitaux reached decisions by majority vote, with the consequence that outcomes were imposed on dissenting or absent members.121 The effect of this procedure, together with the existence of a board of directors to oversee the management of the enterprise, was to attenuate responsibility, creating space for leverage by directors and associates alike when contentious issues such as the repayment of debts surfaced.

The internal rules of the CNF aside, the history of contributions to indemnities, funds for voyages, and payment of debts reveals the royal council’s struggles with the concept of limited liability. Courts in the period generally considered companies to be collectively liable.122 The principal concern with capital-centered organizations in both France and England was that a corporate legal personality and limited liability left no one clearly accountable.123 In France, as

120 Act of 19 April 1642 in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 181c, fo. 144-52, 24 July 1643. See also Campeau, Les finances publiques de la Nouvelle France, 38.
121 In some cases, however, Lévy-Bruhl notes, the decisions may already have been made prior to a vote in the assembly. See Histoire juridique des sociétés de commerce en France, 121-3, 195-7.
123 Indeed, neither concept was fully embraced by the courts in either country until the mid-nineteenth century. See Streichenberger, Sociétés Anonymes de France et d’Angleterre, 33; Charles E. Freedeman, Joint-Stock Enterprises in France, 1807-1867 (Chapel Hill: University of North Carolina Press, 1979) 5.
the majority of sociétés were sociétés de personnes, courts tended to treat all associations as solidairement responsable. While the royal council called upon all CNF associates to pay the indemnities, the acceptance of renunciations in 1643 – albeit with certain conditions – shows a willingness to entertain arguments in favor of limited contributions. The commissioners for the liquidation of debts had to weigh the contention of many associates that the articles of establishment legitimated the renunciation of shares. The associates pointed to the third article, which stated that “[il] sera néanmoins loisible aux dits associés se retirer de la dite compagnie en perdant la dite premiere somme de mille livres qui aura été par eux fournie, pourvû qu’ils n’ayent tiré aucun profit de la dite Société…”124 The nature of an associate’s participation in the company thus became crucially important. The ability to withdraw hinged on whether one had received benefits from the association or been involved in its deliberations, particularly in regard to loans. These conditions rendered ineligible all those who had received lettres de noblesse, had participated in the compagnies particulières or had served as directors or other officials.125

In its distinction between those who participated in decisions and those who did not, the council may have been drawing on the société en commandite or silent partnership. As we saw in chapter three, the société en commandite had, in theory at least, two levels of participation and liability: active members who managed the association’s business and were responsible indefinitely and those who just provided capital and were only obligated for their shares. When the French Crown created companies on the model of the Dutch and English joint-stocks, it was this domestic organization that most closely resembled the foreign ones.126 In the liquidation of the CNF’s debts, it was possible to argue that those who had engaged the loans – the active partners – were responsible. The process revealed that from the judicial perspective, liability was unfixed, varying by degree according to circumstance and each associate’s role in the organization.

124 “Articles et conventions de sociétés et compagnie, du 7e mai, 1627, pour l’exécution des articles accordés le 29e April, 1627 à la compagnie du Canada,” 10; Campeau, Les finances publiques de la Nouvelle France, 37.
125 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 181c, fo. 144-52; Campeau, Les finances publiques de la Nouvelle France, 38.
126 For the chief characteristics of the société en commandite, see Freedeman, Joint-Stock Enterprises in France, 12-14; Streichenberger, Sociétés Anonymes de France et d’Angleterre, 27, 29-31. For the differences between theory and practice in the operation of this type of organization, see Lévy-Bruhl, Histoire juridique des sociétés de commerce en France, 33-9.
iv. The power of directors

The uncertainty over the extent of the associates’ obligations inevitably drew close attention to the power and liability of the directors. For those who protested against the debt payments, the directors had exceeded their prerogatives in demanding further contributions. Evidence presented to the Conseil d’état included relevant articles of the original charter of April 1627, among which it was stated that “les directeurs et administrateurs ne pourroient oblier lesdits associés que jusques à concurrence du fond de ladite société.”

Putting aside this particular issue for a moment, the powers of the directors as laid out in the charter were quite extensive. They were to meet weekly together with the intendant of the company “pour y être toutes matières proposées [et] résolues au plus de voix.” They had charge over the selection of artisans, soldiers and laborers, approved the annual accounts of the receiver general and clerks, and, perhaps most importantly, looked after company expenses for trade and other matters. Elected every two years by the associates, the directors, half of whom were Parisian, had to consult the membership directly on only two matters, the appointment of officers and the distribution of large tracts of land. The annual general assembly was the primary forum in which the associates could give instructions to the directors on the company’s affairs. While the directors concerned themselves with virtually all matters, their actions – including calls for new contributions – were the outcome of company deliberations. The significance of such corporate action in terms of the legal obligations of those involved was never fully articulated.

The issue of new contributions arose in the first place because of the need to finance the substantial costs of trade and the annual voyages. With capital tied up in ships and other infrastructure, the challenge for all companies was to find liquid funds for these annual expenses. One of the most common methods was the loan. From its inception, the CNF borrowed funds to help pay for its annual voyages. While the directors took out over 150,000 livres in short-term loans in the first year, they changed strategy the following year, entering long-term commitments

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127 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 181c, fo. 144-52, 24 July 1643; emphasis added. For a protest on these grounds by the heirs of one associate, see Ibid., 190a, fo. 378, 11 May 1644.
130 Coornaert, “European Economic Institutions and the New World,” 258; Scott, Constitution and Finance, 2: 253-4.
in the form of constitutions de rente or perpetual loans. Constitutions de rente were loans by which the borrower, in return for a lump sum, undertook to pay a fixed annuity in perpetuity or until a specified date at which time the principal and any interest would be due. In November 1628, the general assembly granted the directors “pouvoir d’emprunte” to a maximum of 40,000 l for the coming season’s fleet. The directors used this power to borrow a total of 24,090 l from five individuals, who lent from 1600 l to 9600 l each. All of these were “rachaptables” through a lump-sum payment of the principal and any arrears. Despite the stated intention on the part of the directors to repay the loans “au plus tard dans ung an,” the average time frame was just under thirteen years; only two were paid back by 1632. A typical example was a loan constituted on 10 April 1629. The directors undertook to pay an annuity of 500 l “à tousiours” to Jacques Heron, merchant grocer, “moiennant la somme de 8,000 l,” which they received in the presence of two notaries. Eighteen years later, in June 1647, Pierre Robineau, associate and director, repaid the loan to Heron’s son on the company’s behalf. The CNF continued to use this method of financing for subsequent voyages, even in years when its expenses were partly shouldered by the compagnie particulière. The repayment of most of these loans took place in the second half of the 1640s, an indication of the pressure on the company to liquidate its debts following the commission’s report of 1641-1642.

In the CNF’s constitution of loans, the fledgling concept of a corporate legal personality confronted the well-established concept of solidarity. Solidary liability was an essential feature

132 AN (Paris), MC, vol. C, étude CV, no. 276, 23 May 1629; Henry des Rivières Beaubien, Traité sur les lois civiles du Bas-Canada (Montreal: L. Duvernay, 1832-33) 3: 199-206. The lenders came from a variety of backgrounds: one was a Parisian bourgeois merchant, another a master locksmith, a third a sergeant and bailiff at the Châtelet de Paris, and a fourth a widow of a royal counselor in the Parlement de Rouen; the occupation of the fifth is unknown.
133 For the various constitutions de rente, see AN (Paris), MC, vol. L, étude LXX, no. 91, pcs. 98 and 100, 10 April 1629; vol. C, étude CV, no. 276, 23 May 1629; vol. I, étude X, no. 73, 7 February 1632. For the amount owed various lenders at the time of the liquidation of the company’s debts, see LAC (Ottawa), C11A, corresp. gén., “Etat général des debtes passives de la Compagnie de la Nouvelle France,” 195-209v.
135 For examples of the later constitutions de rente, see AN (Paris), MC, vol. I, étude IX, no. 368, “Constitution de rente par Claude Potel…à Jehan Bachelier...” 15 May 1632; “Constitution de rente par Claude Potel…à l’église et hospital de Sepulcre...” 15 May 1632; no. 372, “Ratification par les directeurs de la Cie. de la Nouvelle France de la constitution de rente faite par Anthoine Cheffault,” 1st March 1634. On the amounts still owing at the time of debt liquidation, see LAC (Ottawa), C11A, corresp. gén., fo. 195-209v, “Etat général des debtes passives,” 1641-1642. The transfer of responsibility for the colony’s administration – in exchange for the enjoyment of the CNF’s trading privileges – to the Communauté des Habitants in 1645 may have also been a factor in allowing the company to buy back these loans.
of business relationships in the period. Creditors required assurance that they would be paid when asked. Solidarity allowed them to seek the full payment from only one – often the wealthiest – of a group of debtors, obviating the need to pursue all parties.\footnote{Pothier, \textit{A treatise on obligations}, 153-66.} Despite the CNF’s corporate character, its directors entered all loans “\textit{en leurs propres et privez noms…l’ung pour l’autre chacun deulx seul et pour le tout sans forme de fidijussion, division ni discussion.”}\footnote{AN (Paris), MC, vol. I, étude X, no. 73, 7 February 1632. See also vol. L, étude LXX, no. 91, pc. 98, 10 April 1629; vol. C, étude CV, no. 276, 23 May 1629. In one instance, the directors presiding over the constitution de rente promised to hold the absent directors to the obligation and provide proof of their declaration to this effect within one month of the loan’s constitution. See vol. I, étude IX, no. 357.} By this common legal clause, they were personally liable for the whole sum and could not oblige the creditor to approach each director individually. The directors assumed solidary liability on a contract-by-contract basis; it was not in the company’s articles. In the same way that the courts were reluctant to locate responsibility in a corporate entity, creditors preferred to hold individuals accountable. Like other solidary debtors, the directors had recourse against each other in the event that one was called upon to pay. The report outlining the company’s debts in 1641-1642 recorded that Simon Alix, one of the directors in 1629, paid “de ses deniers” the arrears on a loan. He could then “repeter [the payment] sur ses coobligez.”\footnote{LAC (Ottawa), C11A, corresp. gén., “Etat général des debtes passives de la Compagnie de la Nouvelle France”, 196-196v. On another occasion, director Martin Tabouret reimbursed the lender and assumed the role of creditor himself: “la quittance faite le 8 mai 1643 portant cession et subrogation des droitz au profit dudit Sieur Tabouret…..” See AN (Paris), MC, vol. I, étude IX, no. 357, 5 May 1629.} Released from their obligation to the creditor, the other directors now owed Alix their portion of the sum.

The existing tension between the société de capitaux form, which allowed associates to take on different roles at various times and transfer shares, and the principle of responsabilité solidaire came to the fore when directors resigned or left the company. The resulting anxiety and conflict between former and current directors (and associates) over the company’s financial affairs reached its height in the early 1640s. The royal commission’s hearings on the liquidation of the company’s debts prompted various creditors to “faire des executions sur les biens de quelques uns des associés obligez en leurs noms pour les affaires de ladite compagnie.”\footnote{LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 167a, fo. 291.} Former directors caught in this situation summoned their current counterparts to address the creditors’ legal actions “comme estant pour le fait de ladite compagnie.”\footnote{For specific examples, see LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 154c, fo. 1.} The company tried to suspend these proceedings by bringing them all before the commissioners handling the
liquidation of its debts. In this sense, the latter process was bound up with the issue of the personal liability of the company’s managers. At heart was the issue of whether directors could remain liable after they had left their positions. After all, the original intention had been to redeem most of these loans within a year of their constitution; most borrowers instead remained liable for over a decade. On only one occasion did new directors absolve their predecessors for debts incurred. Otherwise, few safeguards existed for associates who had assumed personal responsibility for the company’s affairs. After serving his two years, a director stepped down with no formal process by which his personal obligations on the company’s behalf transferred to another individual. Unlike a société générale, which would dissolve in response to a change in the composition of its members, the CNF, as a société de capitaux, existed indefinitely and independently of its individual directors and associates. These corporate characteristics maintained an uneasy coexistence with solidary liability, an uneasiness highlighted by the CNF’s constitution of loans and liquidation of debts.

The solidary nature of the directors’ borrowing activities on behalf of the CNF complicated understandings of the liability of the membership. The directors engaged in loans in a dual capacity, in their own name and “audit nom de directeur.” Although personally responsible, they were acting on resolutions made by the company assembly. It was in this latter sense that the directors’ actions made the company in general liable: in every constitution de rente, “les directeurs ont obligé et obligent par ces presentes toute ladite compagnie.” Directors claimed to have recourse not only against their fellows but also against the company membership when they repaid a creditor. Some contracts were more specific: “specialement contre ceulx qui ont signé ladite déliberation” of the assembly that had sanctioned the loans. While this clause suggests that the directors, like the royal council, considered those who made decisions legally answerable for debts incurred, there is no evidence that they considered dissenting members any less liable. The personal benefits of widening the circle of liable associates aside,

141 AN (Paris), MC, vol. I, étude X, no. 73, 7 February 1632. In 1643 and 1644, when the company’s affairs were most uncertain, the directors requested assurance from the king that they would not be held personally responsible for the company’s debts. See LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 177a, fo. 530; vol. 188c, fo. 118. For examples of companies in which directors were accorded limited liability in contrast to the rest of the associates, see Lévy-Bruhl, Histoire juridique des sociétés de commerce en France, 245; Freedeman, Joint-Stock Enterprises in France, 5.
the directors, again like the council, appear to have applied certain characteristics of the familiar form of the société en commandite to the new one, above all different degrees of responsibility. Even though the CNF’s articles of association bound all associates to assembly decisions, the layers of liability articulated in the loan contracts and liquidation of debts provided legal loopholes for competing conceptions of individual and collective responsibility.

The liquidation process within the CNF sheds light on the role of the king as arbiter and protector of subjects and corporations, and on the functions and limits of royal decrees. The process unfolded as it did for other corporations, such as communautés de ville: the king established a commission of royal counselors to draw up a statement of debt and oversee payment. The royal regulation of the liquidation process fell under the king’s role as protector of his subjects, in this case against creditors. As the latter clamored to be paid by the CNF, the company appeared before the council to prevent rulings against it in other jurisdictions and the seizure of its effects. The CNF’s privileged status required all contestations to be made before the highest judicial body. Apart from the king and his council’s arbitrating and protective roles in the company’s affairs, they frequently strengthened assembly deliberations through force of law at the behest of the directors. A royal decree rendered decisions on matters of great import legally binding. In August 1641, following the assembly’s decision to demand 1500 l from each associate for the following season’s voyage, the directors “poursuivront un arrêt du conseil confirmatif de ladite deliberation par lequel il soit dict quà faulte de satisfaire par lesdits associés au paiement desdites sommes…ils y seront contraincts comme pour les affaires de Sa Majesté ainsy quil a esté practiqué cy devant.” A royal decree the following February to this effect meant that associates who did not pay would have their property seized. The vast majority of cases when the directors appeared before the council concerned demands for new contributions. Without a royal decree, pursuit of a defaulting subscriber would be that much

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146 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 167a, fo. 291, 5 February 1642; vol. 167c, fo. 63, 20 February 1642.
147 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 167c, fo. 63, 20 February 1642; Campeau, Les finances publiques de la Nouvelle France, 44.
more difficult. Just as trading associates in all types of partnerships had frequent recourse to the courts to resolve (or prolong) internal disputes, they also used them in anticipation of future problems.

Despite the directors’ regular use of the justice system, the CNF’s experience highlights the very real limits to royal decrees. Where the lack of force of each decree in de Caen’s compensation suit against the company pointed to the interjurisdictional rivalries within the judicial system, here that same weakness emphasizes both the difficulties of enforcement and the other considerations the council took into account besides the case itself. It was one thing for the royal council to declare in July 1643 that all those who were ennobled, took part in deliberations, or belonged to the compagnies particulières were to pay their share of the debt; it was quite another to execute. In October 1644, the directors appeared before the council with a rather bizarre tale of “grandes violences et excedz…jusques à leur porter les pistolletz bandeiz et amorcez à la gorge” against sergeants sent to obtain payment from ennobled associates in Normandy. The council responded with an order for the execution of the July 1643 decree and accepted a request for more sergeants. Whatever the full story behind this particular drama, it shows the lack of infrastructure both within the company and within the justice system to enforce the conditions for, and confirm, renunciations. In the end, neither body could force associates to pay or remain in the company; they simply dropped off the lists.

Evaluating an associate’s legal responsibility toward the CNF was not the only consideration at play for the king and his council; the relationship between king and subject helped shape outcomes as well. In May 1644, the sons of an ennobled associate, the late Luc Viel, commissaire de l’artillerie, appeared before the council to request that their renunciation be accepted, despite the CNF’s contention that they were ineligible as per the 1643 decree. In the course of their supplication, they highlighted the many services the family had rendered to His Majesty, including casualties in battle. Although the ultimate decision is not known, the emphasis on the family’s vassalage to the king suggests that they thought it would receive a

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148 See, among other decrees, 23 September 1632 in relation to the company deliberation of the 11th of the same month in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 181c, fo. 144-52, 24 July 1643; 188c, fo. 188, 19 March 1644 as a result of the 16 March deliberation; and deliberation and decree, 15 and 27 January 1638, respectively, in LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 191b, fo. 320, 23 June 1644. Notarial and private acts had no force of law until they were verified. See Carrier, “Virtuosité procédurière,” 63-4.

149 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 195b, fo. 140, 15 October 1644.

150 For examples of renunciations, see LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 191b, fo. 320, 23 June 1644. For the list of associates after 1643, see Trudel, HNF, 3.1: 435-7, 439.
receptive audience. The council certainly did waive the conditions of the July 1643 decree on other occasions. In 1645, for example, two groups of inheritors had their renunciations declared “bones [sic] et valables” despite their having fallen under one of the three categories of ineligibility. The competing interests that the council weighed when making a decision, as well as the challenges of enforcement, ultimately favored associates who wished to leave the company and forced the CNF to accept a dwindling membership.

The combination of the preoccupation of officers of justice with matters quite removed from the contents of a particular case and a new form of capital-centered commercial organization exposed the Compagnie de la Nouvelle France both collectively and individually to considerable and unexpected obligations. Of course, lengthy litigation, internal conflict, and the exploitation of overlapping jurisdictions were not singular to companies; indeed, parties engaged in such activities over all manner of issues. The absence of legal guarantees concerning liability for new contributions, debts, and indemnities to third parties in the case of the CNF does, nevertheless, underscore the ambiguous and constantly shifting nature of charters in a period in which the legal foundations of capital-centered ventures had yet to be established.

IV. Conclusion

The prosecution of the company’s sovereign responsibilities and business affairs created a web of relationships among the CNF, its subsidiaries and lieutenants-general, Richelieu, and the king. The CNF’s associates experimented with the company form in the constellation of land concessions and trading privileges, the creation of subsidiaries, and the delegation of authority to lieutenants. These delegations varied according to geography, the interest of subscribers, the company’s finances, and the Crown’s and Richelieu’s ambitions. The CNF’s lopsided status as full seigneur and semi-sovereign meant that land concessions, trading privileges, and governmental authority came together in a variety of combinations. La Tour, for one, undertook the obligation to people habitations to which he held no title, in exchange for a portion of the company’s trading privileges; Isaac de Razilly was to colonize two areas, one with title, one without, and received no trading privileges. Both these men were lieutenants-general of Acadia.

151 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 190a, fo. 378, 11 May 1644.
152 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 198a, fo. 402, 14 January 1645.
Such concessions created intertwining lines of authority, allegiance, and responsibility among king, company, and subdelegate.

The same flexibility of form that established layers of sovereignty also made the company’s and the associates’ legal responsibilities contingent and uncertain. Both the compensation suit involving de Caen and the Compagnie de Montmorency and the liquidation of the CNF’s debts reinforce the absence of guarantees when it came to a contract or commission. Rather than a blueprint easily executed, it was but one tool in the exercise of authority and assertion of claims. Although the company’s edict of establishment revoked all previous concessions, it did not protect the associates from paying compensation to their predecessors. Indeed, a pattern had emerged by which the courts settled claims between old and new companies. Similarly, a clause in the company’s articles according associates limited liability came up against the custom of solidary liability favored by justices and creditors alike. Collectively and individually, liability was unfixed in practice. This experiment with an incorporated company, then, exposes the layers of liability, sovereignty, and privileges that spanned the early seventeenth-century French Atlantic.
Chapter Six
‘À l’exécution desdits arrêts et règlements du Conseil’: Layers of Sovereignty and Liability in New France, 1627-1663 Part II

“This quotation from 1647 encapsulates the Compagnie de la Nouvelle France’s embattled position throughout its jurisdiction in the 1640s. Over the last twenty years of its existence, its influence waxed and waned according to competing interests on both sides of the Atlantic. The deaths of its two patrons, Cardinal Richelieu and Louis XIII, in 1642 thrust the company into the background for the next decade, as a new regime shifted royal priorities, and other parties sought to position themselves as the true representatives of sovereign interests. While the following decade saw a return to a more favorable climate for the company, the opening of the 1660s saw it drawn into a metropolitan conflict over control of the sea. The changing fortunes of the CNF reflected fluctuations in royal favor, shifting overseas and domestic politique, connections at court and in government, and events on the ground. The combination of these factors deeply influenced the patterns of sovereignty, authority, and trading privileges that were established, challenged and reconfigured in mid-seventeenth-century New France.

I. Competing Sovereignties, Part 1: New titleholders in the St. Lawrence

A constellation of factors contributed to the CNF’s decline in influence over the decade of the 1640s, including a new regime with different priorities and clientele networks, an increase in the number of competing authorities in New France, and lobbying by habitants backed by powerful religious interests. The death of Louis XIII in 1643 ushered in almost a decade of regency rule, this time under Anne d’Autriche, until young Louis XIV reached the age of majority. That his death followed on the heels of that of his chief minister Richelieu destabilized France, creating a power vacuum, which others rushed to fill. This regency, like all others, prompted jockeying among the nobility as many sought to consolidate their own power under a

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1 LAC (Ottawa), V6, Conseil privé, c. 263, no. 50, “Arrêt obtenu par le Cie. de la Nouvelle France…contre la veuve et les heritiers de Charles de Menou d’Aulnay,” 16 February 1652.
2 Richelieu’s nephew, the marquis de Brézé, succeeded the Cardinal as grand maître but died in 1646, at which point Queen Regent Anne of Austria took the position. Carpin, Le Réseau du Canada, 165, 168.
weakened Crown, and culminated in the civil unrest of the multiple Frondes of the 1640s and 1650s. The struggle for power in the metropole had its counterpart in New France, as other interest groups positioned themselves to assume the influential role formerly occupied by the CNF. The ensuing contests ranged in subtlety from the creation of new bodies in the colony to outright skirmishes on the ground in New France and lawsuits in the courts of France. Each of these plays for position highlights a particular dimension of the transatlantic construction of sovereignty in New France.

i. The Communauté des Habitants: a transatlantic hybrid

While this shifting climate posed many of the same challenges to the CNF as its predecessors had faced, its situation differed from previous transformations in governance in that, on the surface at least, little changed. For the first time in the history of New France, a new monarch and chief minister did not result in a change in titleholder in the colony: the company continued as the de jure titleholder for the next two decades. External pressures, financial difficulties, and competition for privileges, however, combined to render it a shadow of its former self.

A delegation from the habitants of New France to the directors of the CNF in France in 1644 led to negotiations to transfer control of the colony’s fur trade and administration to the habitants themselves. With the support of the Jesuits, the delegates of the colony’s newly-formed Communauté des Habitants, Pierre Legardeur de Repentigny, lieutenant to the governor, and Jean-Paul Godefroy, son of a CNF associate, entered an agreement with the company to this end in January 1645. According to the articles, the CNF would retain “les noms, titres, autorités, droits et pouvoirs qui lui ont été donnés par l’Edit de son établissement…en pleine propriété, possession, justice, et Seigneurie de tous les pays et étendue des terres de la Nouvelle France” as well as the right to choose the governor, lieutenant-general, and officers of justice, and grant licenses to travel to the colony. It ceded to the Communauté, or habitants collectively,

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4 This agreement was ratified by the king in March. See LAC (Ottawa), C11A, corresp. gén., fo. 7-11v, 12-13v, “Articles accordés entre les directeurs et associés en la Cie de la Nouvelle France et les députés des habitants dudit Pays,” and “Decree par lequel Sa Majesté approuve la délibération de la Cie. de la Nouvelle France,” 6 March 1645; Trudel, HNF, 3.1: 169-70.
the fur trade — “de laquelle seule provient toute l’utilité qui se retire dudit Pays” — extending west from Miscou “autant que s’etendent les bornes de ladite compagnie.” In return, the habitants undertook, among other things, to pay annual seigneurial dues in the form of “un millier pesant de Castors assortis,” maintain the colony’s ecclesiastics, governor, lieutenant-general, and soldiers, forts and habitations, and bring twenty people annually to New France. Despite professing its concern to be “le bien commun dudit Pays,” the CNF ceded not only its principal privilege but also its heaviest obligations.

The paternalist tone adopted by the CNF in the agreement, magnanimously according the habitants’ request, belied the pressure it was under from royal and ecclesiastical circles to make the cession. In a mémoire of 1663 outlining the considerable financial sacrifices made for the colony’s development, the company opined that the cession of the fur trade “était en effect la depouiller de ce qu’elle avait [de] plus precieux et du seul moyen de s’indemniser…” but was done “pour obéir à la volonté de la Reine mère du Roi.” It was, then, politically motivated and made under duress. This royal intervention in the company’s affairs came only one year after the Queen Regent appointed a viceroy of New France for the first time since 1627. The reestablishment of this position clearly conflicted with and compromised that of the CNF.

While historians of New France have long cited Anne d’Autriche’s role in the creation of the Communauté des Habitants, few have delved into its significance. The Queen Regent’s intervention and appointment of a new viceroy was part of her assertion of control through the placement of men of her choosing in influential positions in New France. Her actions here

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5 LAC (Ottawa), C11A, corresp. gén., fo. 7-11v, “Articles accordés,” 6 March 1645. The CNF promised to grant licenses only to the Communauté des Habitants (CH).
6 LAC (Ottawa), C11A, corresp. gén., fo. 7-11v, 12-13v, “Articles accordés,” and “Arrêt par lequel Sa Majesté approuve…” 6 March 1645. The CH was also responsible for the collection of debts owed to the CNF in the colony.
7 The company declared that it sacrificed its own interests for the good of the colony: “…ladite Compagnie n’en a peu donner de plus véritables marques, qu’en se privant des moyens de se rembourser à l’avenir de toutes lesdites dépenses, comme elle a fait par le déliaissement et l’abandonnement de ladite traite, au profit desdits habitants qui l’ont désirée et demandée avec très grande instance, comme le seul moyen d’accroître et d’affermir ladite Colonie.” See LAC (Ottawa), C11A, corresp. gén., fo. 223v-24, “Arrêt du Conseil approuvant la délibération de la Compagnie,” 6 March 1645.
8 LAC (Ottawa), C11A, corresp. gén., fo. 59, “Mémoire montrant les dépenses et les pertes de la Cie. de la Nouvelle France depuis 1628,” 1663.
9 The new viceroy, François-Christophe comte de Brion, duc de Damville, was the brother of the duc de Ventadour. See N.-E. Dionne, “Vice-rois et Lieutenants généraux de la Nouvelle-France,” Mémoires et comptes rendus de la Société royale du Canada, 7.1 (1901): 43.
10 Campeau, Les finances publiques de la Nouvelle France, 65-6; Trudel, HNF, 3.1.: 170-1. The one book exclusively on the CH does not even mention Anne d’Autriche’s role. See Christophe Horguelin, La Prétendue République: Pouvoir et société au Canada, 1645-1675 (Sillery, Québec: Les éditions du Septentrion, 1997).
highlight a well-established pattern of transatlantic governance by which new monarchs, ministers, and viceroys replaced privilege holders with their own clients or, at least, those without entrenched interests.

Just as the Communauté des Habitants had both metropolitan and colonial impetuses, its organization boasted transatlantic roots. Its particular form emerged at once from a traditional French institution and in response to specific circumstances in New France. Putting aside the political pressure to cede its privileges to the Communauté des Habitants, the CNF had other reasons to acquiesce. It continued to face substantial financial challenges following the liquidation of its debts in the early 1640s: with a dwindling membership, it still had to assemble funds to cover the annual outfitting costs, usually about 120,000 l. The second compagnie particulière having ended at a loss, some favored a longer-term solution to the lack of funds.\(^{11}\) In this sense, the habitants’ proposal was timely, if not welcome. In some respects, the delegation of administration and trade to the Communauté des Habitants resembled other grants by subinfeudation. The Communauté became a subordinate landlord, owing fealty and annual dues to the CNF as seigneur. Its sublease included some responsibility for peopling and administering the land in exchange for the exercise of the company’s trading privileges. In other respects, the Communauté des Habitants resembled a subsidiary trading company, in keeping with the long history of commercial associations in New France and the more recent history of the CNF’s compagnies particulières. Like its predecessors, it was to enjoy exclusive privileges to the fur trade, the profits from which were to cover all expenses; its members, the habitants, were to receive dividends; and twelve elected directors were to manage its affairs. Here, however, the similarities ended: the Communauté had no pooled capital divided into shares; its members were not (necessarily) associates of the CNF; their eligibility derived from their status as residents of New France rather than a contribution to the capital fund; and the body bore full responsibility for the colony’s administration and maintenance costs.\(^{12}\) The organization’s functioning, then, would not follow exclusively the logic of either a trading company or a subinfeudated land grant.

\(^{11}\) Campeau, *Les finances publiques de la Nouvelle France*, 66.

\(^{12}\) Horguelin, *La Prétendue République*, 33. The habitants were to receive dividends in accordance with their placement in one of three classes: “principaux” or nobles, “médiocres,” and “gens du commun.” See Trudel, *HNF*, 3.1: 176-7; Campeau, *Les finances publiques de la Nouvelle France*, 65; Carpin, *Le Réseau du Canada*, 172. Evaluating the latest proposal for the organization of the Communauté des Habitants’ trade in 1658, Governor D’Argenson recommended that the habitants be organized according to shares contributed rather than class: “scavoir de combien chacun y veut entrer et s’ils excedoyent les règles.” BnF, dép. de ms., Collection Margry, vol. 9269, fo. 325, 1658.
If the Communauté’s focus on trade brings to mind a commercial company, its inclusion of all habitants recalls the communities of inhabitants in towns throughout France. While historians of New France have drawn comparisons between the subsidiary trading companies and the Communauté des Habitants, they have all but ignored this strong transatlantic connection. Indeed, as Christophe Horguelin observes, “on s’est très peu demandé pourquoi le modèle communautaire avait été retenu.” By studying the Communauté des Habitants almost exclusively within a colonial context, the historiography has provided only a partial explanation of this organization. The fact that a group ostensibly for the common good ended up benefiting a handful of prominent families provides to some, such as Campeau, simply more evidence of the fatal flaws of the New France enterprise and the greed of those directing trade: “Cette clique familiale dominera les affaires de la Nouvelle France jusqu’après 1650 et les laissera dans un état déplorable.” The censorious tone in many accounts gives the impression that this small coterie unaccountably dominated the Communauté. Horguelin, alone among historians of the Communauté des Habitants, considers the parallels with the communities in France. He argues that the traditional organization used to group together inhabitants of a town was a perfect vehicle for the aspirations of a number of families in New France. Like prominent members of French towns, they could direct the community’s business and channel the benefits to themselves. Indeed, these families held the majority of directorships and filled the community’s paid positions, the salaries of which accounted for half the revenue from trade. In sum, they were able to “privatiser les profits tout en collectivisant les dettes.” While Horguelin does provide much needed context and perspective on this issue of self-interest, his narrow focus on favoritism and conspiracy within the Communauté obscures larger questions about what the use of this familiar institution can tell us about how New France fit into the larger kingdom of France.

What did a communauté d’habitants in France look like? It was a traditional corporate group uniting all “chefs des feux” of a town or village, thus excluding sons living under their father’s roof, women (with the exception of widows), and servants. The communauté took charge of goods or property collectively owned, such as common pasture, maintained local order,

14 Horguelin, _La Prétendue République_, 33.
15 Campeau, _Les finances publiques de la Nouvelle France_, quotation 71-2, also 75-6.
16 Horguelin, _La Prétendue République_, 33-6.
managed the collection of the various taxes owed to the Crown, and was responsible for the community’s relationship with the seigneur. In these functions, it played an indispensable local role and relieved the Crown of the responsibility for local government. When an issue needed to be addressed, the syndic elected by the habitants called an assembly; at the end of deliberations, the most prominent habitants signed the record. These latter tended to dominate a town’s communauté. In the port of Saint-Malo, for example, where the wealthiest inhabitants were merchants, the community concerned itself primarily with the protection of its commercial privileges and the diminution of those of other ports. As we have seen, its syndic lobbied frequently at court to overturn the exclusive trading privileges to New France granted to the viceroy and, through him, to other merchants. The communauté thus served as an effective lobby group for the dominant interests in a given town or village.

The selective adoption of key elements of a familiar institution gave the Communauté des Habitants an established relationship to the Crown, in the sense that it was an incorporated community. Like its metropolitan counterparts, the Communauté des Habitants took charge of administration, collected outstanding debts, and took responsibility for common property, in this case the fur trade. A recognizable form, the Communauté facilitated communication with the Crown. The habitants petitioned the king on several occasions, ranging from a request to replace their deceased chief clerk to one asking that the body be included under a more general decree granting protection from creditors to all communautés de ville in France. The traditional organization thus gave the habitants of New France a recognized means to assert and defend claims at court. The main difference between the Communauté des Habitants and its metropolitan counterparts lay in the nature of its property and source of revenue. Where the

17 Roland Mousnier, *Les institutions de la France sous la monarchie absolue, 1598-1789* (Paris: Presses universitaires de France, 1980) 1: 428-31. The *corps de ville* was distinct from the communauté d’habitants. The former was a form of municipal government. In La Rochelle, for example, the corps de ville consisted of 100 peers who then chose twenty-four échevins or municipal councilors. It met twice weekly, was responsible for municipal regulations and the verification of the city treasurer’s accounts, and could commission reports on particular matters. See Etienne Trocmé, “La Rochelle protestante,” in Marcel Delafosse, ed., *Histoire de La Rochelle* (Toulouse: Privat, 1985) 103-4.


latter controlled pasture, saltmarshes, and fuel, and owned vineyards, houses, and woodland, the former managed the fur trade and provided for the habitations. It was, in this sense, an original form of local government. The Communauté des Habitants had to acquire and outfit ships, trade with its native partners, and sell the furs in France in exchange for merchandise and provisions. The scale and logistics of this transatlantic commerce demanded particular knowledge, which was largely lacking among the notable-dominated Communauté. While the CNF had merchants well versed in international commerce in charge of its operations and could rely on its own members for much-needed loans, the Communauté des Habitants, lacking connections to a mercantile network in France, was at the mercy of lenders in La Rochelle and other ports who charged high rates of interest and took advantage of the inexperience of its members. This latter point highlights an essential feature of the Communauté des Habitants: it was not wholly a communauté de ville, a trading company, or a seigneurial tenant. Its in-between status reflects the adaptation of metropolitan institutions to the colonial environment and the particular dynamics of the fur trade.

ii. Reforms to administration in New France: winners and losers

The transfer of control over colonial administration to a body based in New France arguably weakened the CNF’s influence in the colony, making it more difficult to defend its claims. To establish its authority as the new governing body, the Communauté des Habitants put obstacles in the way of the company’s agents. Other groups, including the Jesuit missionaries and the recently arrived members of the Société de Notre-Dame de Montréal, assumed prominent roles in the colony’s government, with the support of the Queen Regent in France. The introduction of new parties and the CNF’s marginalization highlight the contestation inherent in empire building.

21 Mousnier, Les institutions de la France, 1: 431.
22 The CNF associates lent collectively and individually to the CH at no interest; others – not least the community’s own members – charged the high rates associated with a prêt à la grosse aventure. Pierre Legardeur, for example, loaned about 34,314 l to the CH at 25% interest. In 1646, the Communauté owed him 42,892 l. Twenty years later, it had managed to pay only roughly two-thirds of it back. See BnF, dép. de ms., Collection Margry, vol. 9269, fo. 318-19v, “Estat au vray des charges et dispenses, debtes actives et passives de la Communauté des habitans de la Nouvelle France,” 1652; Campeau, Les finances publiques de la Nouvelle France, 63-5, 75.
23 On the nature of this hybridity, see Horguelin, La Prétendue République, 133-4. There were also instances of inhabitants of other American colonies taking on the responsibilities of administration and trade, each delegation under its own particular arrangements. See Percival Griffiths, A Licence to Trade: The History of English Chartered Companies (London: E. Benn, 1974) 184-5, 191; Trudel, HNF, 3.1: 179; Georges Servant, Les Compagnies de Saint-Christophe et des Iles de l’Amérique (1626-1653) (Paris: Editions Champion, 1914) 46.
The establishment of the Communauté des Habitants removed primary decision-making power from the metropole and placed it in the hands of a few groups in New France, a point not generally acknowledged in the historiography. The governor retained ultimate authority over all colonial affairs as under the CNF’s direct administration, but it was up to the Communauté des Habitants to make decisions on economic matters and the maintenance of fortifications and habitations, to choose when and how dividends from the fur trade would be distributed among the habitants, and to manage the community’s assets in such a way as to ensure financial solvency and provide for the colony’s sustenance; under the CNF to 1645, the directors and associates dealt with these matters at weekly meetings and general assemblies in Paris.24 The Communauté des Habitants’ directors, who met in the colony, appointed a clerk to manage the French end of the community’s business and a head of the fleet for the annual voyage, and granted power of attorney as needed to enter contracts with merchants.25 The CNF had a not dissimilar arrangement but in the converse: it had a chief clerk in New France, the directors met regularly in Paris, and associates in Rouen and La Rochelle handled the company’s operations in those ports. With a shift in balance of power towards those across the Atlantic, the fulcrum of the enterprise shifted westward.

The combination of a New France base of operations and few networks of support at court exposed the CNF to challenges from the Communauté des Habitants, a body anxious to assert its newfound privileges and powers. The cession of trade and administration to the habitants created a second authority in the colony, albeit it under the CNF. As in previous periods when the viceroy delegated administrative authority to a lieutenant and trading privileges to a company, the shared authority prompted both parties to jockey for position. In a dispute that recalled those between Champlain and the Compagnie de Rouen et Saint-Malo (CRSM) in the late 1610s, the Communauté des Habitants’ head of the fleet, Pierre Legardeur, Sieur de Repentigny, refused to accept the CNF’s chief clerk, Olivier Le Tardif, on board his vessel in the spring of 1646.26 Le Tardif had in hand a commission from the latter’s directors “lui donnant

25 Jean-Paul Godefroy and Pierre Legardeur were heads of the fleet; the chief clerk in France was first Noel Juchereau, Sieur des Chastelets and then his nephew, Sieur de la Ferté. For examples, see LAC (Ottawa), Série E, Conseil d’État du Roi, vol. 234a, fo. 255, 3 March 1649; LAC (Ottawa), C11A, corresp. gén., fo. 255-65v, “Convention entre la Communauté des Habitants et ses créanciers,” 1st April 1651.
26 On two occasions, representatives of the CRSM tried to demote Champlain from the position of lieutenant and commander of Québec and prevent his boarding a ship to overwinter there. See chap. 2 above, 89-90.
pouvoir d’agir pour recouvrement de toutes les debtes [sic] et autres droits appartenant à ladite compagnie.”

Armed with letters and commissions for the colony’s officials, Le Tardif was to be a passenger on the Communauté des Habitants’ ships according to the terms of the treaty of March 1645. When Repentigny demanded that he hand over the letters, Le Tardif refused, protesting that “il était chargé par Messieurs les directeurs de la compagnie de la Nouvelle-France.” In other words, he was a servant to the company, not to the habitants. Refused passage, Le Tardif and the CNF sought redress in the admiralty court at La Rochelle; in the meantime, they were forced to find another ship to take him to New France. On one level, this incident was a typical flexing of muscle by a privilege holder. Like the CRSM’s attempts to subordinate Champlain, the Communauté des Habitants was testing its power against the larger CNF. On another level, however, this was a rather dramatic – and humiliating – turn of events for a company once strongly supported by Richelieu and Louis XIII. According to the 1645 treaty, there ought not to have been any ambiguity about the relationship between these two bodies: the CNF, as seigneur of New France, ceded powers and privileges to the Communauté des Habitants; the latter could not dispose of these without the former’s permission and owed a rente seigneuriale each year. Indeed, “[Repentigny/the Communauté des Habitants] relève et est vassal de ladite compagnie et ne possède rien dans le pays que par son bénéfice.”

This hierarchical relationship was in contrast to the murkiness of the line between Champlain’s and the CRSM’s respective jurisdictions. Despite these distinctions, Champlain was able to obtain written confirmation of his commission from the king himself, while the CNF had a very difficult time enforcing its rights as seigneur, owing in part to its loss of influence at court and on the ground in New France.

Apart from benefitting a select number of habitants, the CNF’s diminishing visibility on both sides of the Atlantic consolidated the position of the Jesuits and the new Société de Notre

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28 LAC (Ottawa), MC, vol. I, étude XVI, no. 93, 27 July 1646; Campeau, Les finances publiques de la Nouvelle France, 73; Horguelin, La Prétendue République, 72. For the CNF’s claims to damages for the costs of Le Tardif’s voyage, see LAC (Ottawa), MC, vol. I, étude XVI, no. 94, “Compromis entre les directeurs de la cie. de la Nouvelle France et l’envoyé des habitants,” 22 February 1647.
30 There is some evidence to suggest that the Queen Regent herself ordered that Le Tardif not be granted passage on the Communauté des Habitants’ ship. See Carpin, Le Réseau du Canada, 166-7. In 1657, the CNF sent Simon Denys de la Trinité, their procureur fiscal, to investigate possible fraud in the distribution of land at La Grange; Denys himself, however, had received a parcel of the land to ensure, Horguelin argues, that any investigation would be feeble at best. See La Prétendue République, 72.
Dame in the administration of the colony, with the aid and encouragement of the Queen Regent. A series of events in the late 1640s revealed this shift in royal support. By 1646, various interested parties, including “petits habitants,” the Jesuits, and associates of the CNF residing in the colony, were voicing complaints about the management of the Communauté des Habitants: the habitants were no longer allowed to trade individually with their native allies; the Communauté was not covering all of the Jesuits’ maintenance costs contrary to its obligations; and the directors of the Communauté des Habitants were keeping all the power and benefits to themselves. These protests culminated in a delegation of three to France in order to “poursuivre quelque règlement pour leurs affaires.”

In response, the Queen Regent appointed three commissioners, all members of the Compagnie du Saint-Sacrement and the Société de Notre Dame, to study the situation in New France. Their report led to a “règlement pour établir un bon ordre et police en Canada,” which established the Conseil de Québec in 1647. This council, the first of its kind in New France, was charged with regulating the fur trade, managing the colony’s finances, ensuring public safety, and making appointments; in other words, it assumed the responsibilities formerly undertaken by the Communauté’s directors. A council of three, it consisted of the governor general, Huault de Montmagny, the governor of Montreal, Chomedey de Maisonneuve, and the superior of the Jesuits, Jérome Lalemant. Syndics elected by the habitants of Quebec, Montreal, and Trois-Rivières could attend when the council discussed matters concerning the Communauté des Habitants but had no vote. After further lobbying by the habitants the following year, the royal commissioners expanded the representation on the council to include the governor of Trois-Rivières, any former governor general residing in the colony, and two or three habitants chosen by the syndics and the other counselors; each member now had a vote. That same year, 1648, Anne d’Autriche appointed a new governor of New France, Louis D’Ailleboust, Sieur de Coulonage, the previous year’s head of the fleet, a dévot, and member of the Société de Notre Dame. Although D’Ailleboust had been one of three candidates nominated for the position by the CNF as per the company’s prerogatives, the customary statements mentioning the latter’s nomination and the governor’s obligation to ensure the execution of the CNF’s edict were absent from the letters patent. Worried about “la

31 JR, 28: 238; Trudel, HNF, 3.1: 187.
consideration des droits de la dicte compagnie,” the CNF protested these omissions and “demander que telles provisions soient refformées lorsqu’elles s’expéditionont de trois ans en trois ans.”

These letters merely confirmed the marginalization of the CNF in the colony’s administration already apparent in the creation and composition of the Conseil de Québec.

At the same time that the developments of 1647-1648 arguably helped to streamline the administration of New France, they also made official the heretofore informal influence of the Jesuits and promoted members of the Société de Notre-Dame to key positions. Jérôme Lalemant, first one of three then of seven counselors, enjoyed considerable say in the day-to-day management of the colony’s affairs. Indeed, in 1651, those entrusted with outfitting ships, obtaining merchandise, and entering agreements with merchants were not to make any decisions without his consultation. If an agent borrowed money without the Jesuit’s express consent, he would be liable “en son propre et privé nom.” Horguelin attributes this increase in ecclesiastical authority to the principal habitants’ need for legitimacy in order to continue their monopoly on the benefits from colonial control of the fur trade. While there is some merit to this interpretation, it gives too much credit to the principal habitants and not enough to the history of religious activity in New France. As we have seen, religious orders, particularly the Jesuits, and devout lay members had long played a central role in the New France enterprise on both sides of the Atlantic. Nor were orders to consult a missionary on all business matters without precedent: the Récollet Le Baillif exercised the same control in the 1620s. The particular interests of the principal habitants may well have promoted the Jesuits’ position but this was part of a longer pattern of advancing their own agenda for the colony when authority – either in France or New France – was in flux. Because of the Jesuits’ and Récollets’ extensive networks at court and throughout the kingdom, those individuals in their favor saw their fortunes rise, while those outside – as de Caen could well attest – experienced great difficulty in asserting their own claims.

35 Trudel states that “le Canada…se voit enfin imposer des cadres administratifs.” See HNF, 3.1: 189. The role of the principal inhabitants in the council of 1648 remained unchanged.
While the Jesuits’ prominence in the new council should be placed within the context of their long history in the colony, the ascension of members of the Société de Notre Dame to key positions reflected the more recent change in monarch and ministers and, by extension, clientele networks. Conceived in 1638, the Société de Notre-Dame de Montréal’s mandate was to convert native peoples to Christianity through the development of a colony on the present-day island of Montreal, to which the CNF had granted it seigneurial tenure.\(^{37}\) This organization, composed of dévots, missionaries, other religious, and many members of the Compagnie du Saint-Sacrement, aspired to replace the CNF as the principal authority in the colony.\(^{38}\) Under the new regency, the Société enjoyed considerable access to the Queen Regent due to its extensive ecclesiastical ties. Carpin traces the connections among the Société de Notre-Dame de Montréal, the Compagnie du Saint-Sacrement, and the royal court. Some members of one or both of the two religious organizations had close ties to the Queen or served on the royal council. These well-placed individuals helped to persuade Anne d’Autriche, who was closely connected to the Compagnie du Saint-Sacrement through Vincent de Paul, to adopt a new program for the colony. Members of the latter company, the three commissioners charged with overseeing the affairs of New France replaced three of Richelieu’s clients from earlier in the decade; Montreal governor Maisonneuve and governor general D’Ailleboust wielded great influence over the colony as members of the Conseil de Québec. Together these appointments represented Anne d’Autriche’s receptivity to the mandate and ambitions of the Société de Notre Dame in New France and, more generally, the collaboration between Crown and Church in pursuit of their respective objectives.\(^{39}\) The growing prominence of this organization in the colony’s affairs – and the notable absence of any representative of the CNF on the new council – underscores the link between the ability to assert claims overseas and strong connections at court.

\(^{37}\) It is worth noting that it was not unusual in the overseas context for companies or corporations to become seigneurs, in the French case, or proprietors under another form of land tenure in other empires. This situation distinguished overseas proprietorships from those in France, where seigneuries went to ecclesiastical communities. For another example of seigneurial tenure under a company, see the Compagnie des Iles de l’Amérique in Servant, Les Compagnies de Saint-Christophe et des Îles de l’Amérique, 30. In the English case, proprietors enjoyed the same terms as did the bishops of Durham on their estates. See Ken MacMillan, Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576-1640 (Cambridge: Cambridge University Press, 2006) 97.

\(^{38}\) Carpin, Le Réseau du Canada, 167.

\(^{39}\) The three royal councilors assigned to New France affairs were Elie Laisné, Sieur de la Marguerie, Antoine Barillon, Sieur de Morangis, and Jean-Antoine de Mesmes, Sieur d’Irval. See Carpin, Le Réseau du Canada, 165-71.
The marginalization of the CNF in the governance of the St. Lawrence Valley in the 1640s was a transatlantic phenomenon. The interest of prominent habitants in controlling the trade directly fit well with the Queen Regent’s assertion of authority through new organizations and the placement of clients in prominent positions overseas and at home. With influential connections at court, the Société de Notre Dame saw its position in the colony confirmed and enhanced. The alignment of interests among these various parties shaped the government of the colony for the next decade.

II. Competing Sovereignties, Part 2: Sovereign interests and feuding in Acadia

If the change in status of the CNF in the St. Lawrence began with a deliberate cession of privileges and responsibilities to the Communauté des Habitants, the reconfiguration of authority in Acadia in the 1640s was far closer to a usurpation of the company’s prerogatives. The feud between rival governors and lieutenants-general Charles Menou d’Aulnay, former lieutenant to his cousin Isaac de Razilly, and Charles Saint-Etienne de La Tour is well-known in Acadian historiography as a dramatic tale of the power struggle between two ambitious men. It rightly belongs, but is rarely situated, in the context of the other challenges to the CNF’s position in the St. Lawrence Valley. The events in the two regions together demonstrate the vulnerability of all titleholders when they were no longer protected by powerful interests at court. While the company was by no means guaranteed support even under Richelieu, as we have seen in the case of de Caen’s compensation, its marginalization became more pronounced under the Queen Regent. In the race to align one’s actions overseas with sovereign interests, the CNF was outmaneuvered in both Acadia and France by d’Aulnay. Through the careful collection of evidence of his and his rival’s actions and frequent appearances at court, d’Aulnay gained legitimacy and justification for the indiscriminate exercise of force on the ground in Acadia.

The struggle between d’Aulnay and La Tour began as a dispute over jurisdiction and trading rights. In 1635, Razilly ordered his lieutenant to recapture the post at Pentagouet between the Penobscot and Kennebec Rivers (New Brunswick and Maine today), which the English continued to possess following the war of 1629-1632 between the two powers.

Successful in this assignment, d’Aulnay might have expected to be rewarded with its command; the CNF, however, gave it to Claude de La Tour, Charles’ father, in 1636. By this time, d’Aulnay had assumed the stewardship of the Compagnie pour la côte d’Acadie for Claude de Razilly, who remained in France. The division of Acadia into two – under La Tour, governor and lieutenant-general, seigneur of Fort St. Louis at Cap de Sable and Fort Sainte-Marie on the Saint John River, and d’Aulnay, lieutenant of Razilly, who was seigneur of Port Royal and La Hève – and the sharing of trading privileges, which had functioned satisfactorily under Isaac de Razilly, now began to unravel as both La Tour and d’Aulnay viewed the other with suspicion and contempt.41

Louis XIII’s attempt to clarify these jurisdictions in 1638 was hopelessly confused and only served to exacerbate the situation. Confirming the above seigneuries, the king proceeded to appoint each the lieutenant-general in the area surrounding the other’s concessions. In addition, at d’Aulnay’s request, he transferred Pentagouet to the latter, without the permission of the CNF.42 These two elements of the decree precipitated outright aggression, beginning with La Tour’s attack on d’Aulnay’s ships as the latter and his men were returning to Port Royal from Pentagouet in 1640. D’Aulnay’s forces prevailed and he seized the opportunity to make his case against La Tour at court, assembling testimonials from his men, the Capuchins of Port Royal, and some of La Tour’s men who had been captured in the standoff.43 On this and subsequent occasions, d’Aulnay returned with royal letters authorizing him to seize both La Tour and his property. Skirmishes between the two continued over the next five years, with the violence on both sides and the charges against La Tour – who sought reinforcements from the English in Boston on several occasions – escalating in equal measure.44 In the meantime, d’Aulnay had consolidated his position in the Compagnie pour la côte d’Acadie, having received an honorary

42 La Tour had control over much of the peninsula, save d’Aulnay’s Port Royal and La Hève settlements; d’Aulnay’s jurisdiction covered the mainland around, but not including, La Tour’s Saint John River fort. See Mem. des comm., 391-3. On Pentagouet, see MacBeath, “Saint-Etienne de la Tour, Charles de.”
43 MacDonald, Fortune and La Tour, 85-7; Mahaffie, A Land of Discord Always, 69. There is some debate over whether d’Aulnay or La Tour made the first aggressive move in 1640.
44 For examples, see Mem. des comm., 393-4; BnF, dép. de ms., Collection Margry, vol. 9281, Archives de l’Empire français (hereafter A.E.f.), Section Judiciaire (hereafter Sect. Jud.), liasse 35783, no. 29, 21 February 1642; LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 1688, fo. 19-21v, 6 March 1644. Richelieu revoked La Tour’s commission on 23 February 1641 and replaced him with d’Aulnay five days later. While d’Aulnay was making his representations, La Tour’s wife went to seek support for her husband from the CNF and others. See MacDonald, Fortune and La Tour, 98-101.
share in 1641 and the shares of Claude de Razilly in 1642, become the steward of the shares owned by the Capuchins in the colony, and entered an agreement with a wealthy and prominent Rochelais merchant, Emmanuel Le Borgne, to outfit ships, provide loans, and serve as his representative in the port.\textsuperscript{45} By 1645, La Tour had long since retreated to Fort Sainte-Marie on the Saint John River, having abandoned Fort St-Louis at Cap de Sable to d’Aulnay, who burned it down. In the spring of that year, La Tour’s wife finally surrendered the Saint John River fort to d’Aulnay’s force, while La Tour was away in Boston. He fled to Quebec where he spent the next four years. D’Aulnay, for his part, was richly rewarded in 1647 with a commission of governor and lieutenant-general over all of Acadia, stretching from the St. Lawrence River to Virginia, along with substantial regal powers. The defeat of La Tour had installed nothing less than a viceroy in Acadia.\textsuperscript{46}

The CNF’s role in this feud evolved from that of seigneur and titleholder to whom both the Compagnie pour la côte d’Acadie and La Tour owed their trading privileges and concessions to a directly interested – and even targeted – party whose own authority was at stake. Just as the company had supported La Tour’s position in Acadia since its founding, so the directors appear to have sent supplies and men to aid their lieutenant and worked quietly in France on his behalf during his feud with d’Aulnay.\textsuperscript{47} As for the latter, his only connection to the CNF was as the lieutenant of the Razillys. He held no commission from the company, not even when Claude de Razilly relinquished his part in the Acadian enterprise to him, although the directors did approve this transfer.\textsuperscript{48} While the exact origin of the considerable animosity and competition that developed between the CNF and d’Aulnay is difficult to pinpoint, the reasons for their mutual dislike were many: d’Aulnay’s undisguised ambition to extend his control over the fur trade; his conflicts with several of the CNF’s lieutenants and long-time collaborators, including La Tour.

\textsuperscript{45} Carpin, \textit{Le Réseau du Canada}, 256; Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 228; Trudel, \textit{HNF}, 3.1: 77; Baudry, “Menou D’Aulnay, Charles de.” At least two authors refer to d’Aulnay’s consolidated possessions as an “empire.” MacDonald, \textit{Fortune and La Tour}, 94; Mahaffie, \textit{A Land of Discord Always}, 82.

\textsuperscript{46} Coll. ms., 120-5, 125-6; Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 231.

\textsuperscript{47} MacDonald makes frequent reference to help received by La Tour or his wife from the CNF but cites no evidence. See \textit{Fortune and La Tour}, 89, 92, 98-100. While the CNF may have quietly given La Tour support, publicly it distanced itself from his conduct. The company’s factum of 1647 against d’Aulnay makes no mention of its lieutenant. See Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 221-2, 230.

\textsuperscript{48} D’Aulnay was commander of one of their vessels in 1633, however. See Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 220, 230.
and Nicolas Denys, company agent, trader, and seigneur; and the company’s decision to grant the hard-won Pentagouet to La Tour père.49

The CNF’s direct involvement in the feud between La Tour and d’Aulnay began in 1640 shortly after the sea battle between the two in the Annapolis Basin. The death of one of La Tour’s men prompted the widow to have a ship belonging to the Compagnie pour la côte d’Acadie seized upon its arrival in La Rochelle that fall. This seizure brought both d’Aulnay and the CNF directors before the Admiralty of La Rochelle and the Conseil privé to request the release of the ship and its merchandise and the payment of damages. The CNF was acting here in its capacity as parent company, coming to its subsidiaries’ aid in a comparable way to past viceroys when a privileged company faced challenges from without.50 It was in this same role that the CNF found itself in court again in 1645, only this time the directors were against d’Aulnay – and fervently so. Having captured La Tour’s fort on the Saint John River and forced him to flee, d’Aulnay had ordered a ship, Le Cardinal, to patrol the coasts of the Gulf of St. Lawrence for any ships illegally trading in furs. On the Richebouctou River, located on the western coast of present-day New Brunswick, Le Cardinal came upon a ship, La Madeleine, belonging to the Compagnie de Miscou, which had received the CNF’s trading privileges in the area in 1635. Acting on d’Aulnay’s orders, Le Cardinal’s captain seized the ship, its crew, and merchandise. This aggression prompted a swift reaction from the Compagnie de Miscou and the CNF in France. They appeared before the Admiralty of La Rochelle to request permission to seize Le Cardinal and its contents. Once granted, the sentence was appealed by d’Aulnay before the Parlement de Paris. The requests and counter-requests continued over the next two years.51

It was in this highly-charged context that the Queen Regent granted d’Aulnay his extensive and generous commission of 1647. Described by historian Robert Le Blant as “hyperbolique,” the commission gave him power to “y commander tant par Mer que par Terre…commettre, establiur tous Officiers, tant de Guerre que de Justice et Police,” make laws, establish forts and habitations, “conquerir, peupler.” In short, it resembled the

49 Carpin, Le Réseau du Canada, 260-1.
51 LAC (Ottawa), Amirauté de La Rochelle, Série B, vol. 192, fo. 95-6, 99-100; vol. 5656, no. 23, 26-9; vol. 5657, no. 1; Carpin, Le Réseau du Canada, 260-1.
commissions of Condé and his successors.\textsuperscript{52} From its geographical extent to its regal powers, d’Aulnay’s mandate undermined the CNF’s prerogatives on a variety of levels. The company was, in fact, the proverbial elephant in the room: no mention was made of its jurisdiction or its right to make such appointments as governor of Acadia. The CNF’s response was fast and furious. In a factum of that year, it outlined its case against d’Aulnay, accusing him of illegitimately holding the title of lieutenant following Razilly’s death, of usurping the company’s authority in having himself named lieutenant-general and governor in 1641 and 1647, and committing “la piraterie.”\textsuperscript{53} Although several historians state that the CNF did not pursue these charges, the directors did continue legal proceedings against d’Aulnay and, after his death, his widow and heirs. In 1652, they demanded that the latter be “declar[é] decheus de tous et chacuns les droicts par eux pretenduz dans lesdites terres et habitations de ladite Nouvelle-France qui seront et demeurant réunis au domaine de ladite compagnie… ce faisant sans avoir esgard aux lettres patantes [sic] en forme de déclaration de Sa Majesté du mois de février 1647 qui seront rapportées comme nulles.”\textsuperscript{54} Swept aside by the politicking, connections, and chutzpah of d’Aulnay, the CNF was only able to regain this portion of its jurisdiction after the death of its redoubtable rival.

The conflict pitting d’Aulnay against first La Tour and then the CNF highlights the ways in which subjects overseas fought for ascendency by linking their actions with sovereign interests and concerns. Although Trudel argues that we cannot know how d’Aulnay presented his situation to the Queen Regent because of the lack of documents, it is possible to surmise from the extant decrees and letters that he invoked royal sovereignty, portraying himself as the sole champion of French dominion in Acadia and his opponent as an accessory to a possible English takeover.\textsuperscript{55} Writing in September 1647 to his well-placed protector at court, Chancellor Pierre

\textsuperscript{52} Coll. ms., 120-24, quotation 122, 123; Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 231. It is worth emphasizing that the commission followed Condé’s – and that of Damville in 1644 – almost word-for-word. The impression from Baudry is that this cession of powers was unprecedented; it was not but did completely undermine the CNF’s prerogatives.


\textsuperscript{54} LAC (Ottawa), V6, Conseil privé, c. 263, no. 50, “Arrêt obtenu par le Cie. de la Nouvelle France…contre la veuve et les heritiers de Charles de Menou d’Aulnay,” 16 February 1652. For the statement that there was no pursuit of these charges, see Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 232; Trudel, HNF, 3.1: 83. Carpin does mention this decree of 1652, but in another context. I would argue that it is difficult to separate out the various disputes between the CNF and d’Aulnay and that all were intertwined.

\textsuperscript{55} Trudel, HNF, 3.1: 76.
Séguier, d’Aulnay declared that, if it were possible, “je les [lands of his commission] aurois bientost remises en l’obissance de Sa Maiesté nonobstant toute la resistance que pourroist faire les Religionnayres estrangers qui les ont usurpées sur la France par la negligence ou Impuissance des françois qui y ont esté devant moy.”56 His loyalty and service to the king were frequently juxtaposed against La Tour’s “rebellion ouverte” and acts of treason. In 1645 following the fall of La Tour’s Saint John River fort, both Anne d’Autriche and the young Louis XIV praised d’Aulnay for having foiled the “mauvais dessins et intelligences que le sieur de La Tour avoit avec quelques estrangers au prejudic du Roy.”57 One year earlier, a royal decree had forbidden any subjects in the forts from helping La Tour “à peine d’estre declarez rebelles et criez de lèze majesté.”58 Charges of treason leveled at fellow countrymen (and competitors) were not, according to Lauren Benton, unusual in “remote regions” of empire. Areas accessible only by river posed a particular danger to authority, putting those who frequented them “beyond reach of patronage and punishment.”59 It is certainly significant that as the conflict between La Tour and d’Aulnay escalated, the former retreated to his fort on the Saint John River, an area far from Port Royal and much easier to defend – and, not incidentally, especially rich in furs.

Apart from its remoteness, the Saint John River region held particular significance for French sovereignty in North America and, as such, was a place where charges of treason were particularly potent. Lying to the northeast of New England, it was the part of Acadia most accessible from that English colony. More significantly still, it lay within the area known as New Scotland, granted to Sir William Alexander by James VI of Scotland in 1621. This grant extended from the Sainte-Croix to the St. Lawrence Rivers, thereby directly challenging French claims. In collaboration with the Kirke brothers who had a commission to capture Quebec, Alexander and his son took over Port Royal in 1629, establishing a fort and small colony. While they remained there for three years, the treaty between the English and French monarchies in 1632 returned Port Royal and Quebec to the French.60 The earlier English capture of the region

56 BnF, dép. de ms., fonds français, vol. 17387, fo. 218v, D’Aulnay to Séguier, 10 September 1647; also LAC (Ottawa), V6, Conseil privé, c. 263, no. 50, 16 February 1652.
57 Coll. ms., 121, 119, 119-20 (quotations in order of appearance).
58 LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 1688, fo. 19-21v, 6 March 1644.
fueled concern among the French about future attempts, particularly from Massachusetts. When La Tour sent emissaries, and then went himself, to Boston to seek both a trading alliance and ships and men to fight d’Aulnay, the latter skillfully used these supplications to heighten existing fears of English encroachment.61 If the English took the Saint John River fort, it would not only deprive the colony – and d’Aulnay personally – of much-needed profits from the most lucrative region of the fur trade but would also give the English a clear path to the peninsula and Port Royal. That La Tour’s father Claude had previously collaborated with the English on plans for the colonization of Acadia, after his capture by the Kirke brothers in 1628, only seemed to confirm Charles’ disloyalty.62

The strategy of calling into question another’s loyalty in such a location gave d’Aulnay, as it did others, permission to assert his own authority in the name of the French king. His frequent representations at court, where he presented his carefully assembled case against La Tour, garnered him commissions and decrees that legitimized his actions even when they went beyond royal instructions. On several occasions d’Aulnay received permission to “se saisir des forts et lieux occupés par le dit de la Tour” and to put men loyal to the Crown in those posts. In 1641, following La Tour’s abandonment of Cap de Sable, d’Aulnay set fire to the fort and surrounding settlement, including the church, monastery, and habitation.63 This destruction was contrary to the king’s orders – and, indeed, was probably not necessary given La Tour’s retreat – but it did signal to his rival and all others that d’Aulnay intended to exercise fully his authority and would not hesitate to use force of arms. Subsequent events proved that the CNF would have done well to take notice. The seizure of the Compagnie de Miscou’s ship in the Richibouctou River in 1645 and, two years later, the capture of forts at Saint-Pierre on Cape Breton Island and Nipisiguit in present-day New Brunswick, both of which were under the command and within the seigneuries of men appointed by the CNF, sent a similar message.64 Coming on the heels of

61 On La Tour’s and d’Aulnay’s relations with New England, see Mahaffie, A Land of Discord Always, chaps. 8, 9; MacDonald, Fortune and La Tour, 144-53, 159-63.
62 While his father may have been a turncoat on that occasion, Charles repelled the English forces and his father from Cap de Sable in 1630. See George MacBeath, “Saint-Etienne de La Tour, Claude,” DCB, http://www.biographi.ca (Accessed 25 February 2011).
64 Those men were: Pierre Desportes, seigneur of Cape Breton, Gilles Guignard, a privileged trader there since 1645, and Nicolas Denys, seigneur of the habitation of Miscou and a privileged trader in the Gulf. See Carpin, Le Réseau du Canada, 261; Baudry, “Menou d’Aulnay, Charles de”; Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 232-3; Trudel, HNF, 3.1: 83-4.
d’Aulnay’s victory over La Tour and the royal commission in recognition of this feat, the sole governor of Acadia was asserting his commission to its limits and beyond. These incidents marked a transition from bypassing the CNF’s authority to trampling it.\textsuperscript{65} When d’Aulnay wished for clarification of his and La Tour’s jurisdictions in 1638, the “proper” authority to consult would have been the CNF; instead, he went directly to the Crown. The subsequent decrees against La Tour strengthened d’Aulnay’s position as protector of sovereign claims and discredited anyone associated with La Tour, perhaps especially those who had appointed him. Confident of his connections at court, d’Aulnay used the charges of treason against La Tour and the interests of the king to overcome the main obstacle to establishing his personal authority over all of Acadia, the directors and associates of the CNF.\textsuperscript{66}

v. Assertions of authority, sovereign interests, and redemption

The struggle between d’Aulnay and both La Tour and the CNF fit a larger pattern of European overseas claims in which plays for power in colonies took place during periods of unrest in the mother country.\textsuperscript{67} Indeed, it was no coincidence that d’Aulnay’s aggressive assertion of authority resembled that of Charles de Biencourt in the same region during the previous regency. Such periods of instability and shifting loyalties provided ripe opportunities for making the most of one’s commission and taking on any and all rivals. The differences between Biencourt’s and d’Aulnay’s positions lay in the relative strength of their opponents at court and on the ground and the characterization of the alleged offence against their person. Biencourt was relatively defenceless against the well-armed ships he found trading furs along the Saint John River in the 1610s and had nothing like the connections at court enjoyed by his rivals, the Compagnie de Rouen et Saint-Malo and Champlain, who could count on the protection of Viceroy Condé. D’Aulnay, on the other hand, enjoyed the patronage of Chancellor Séguier, who was second only to Cardinal Mazarin in power, and the support of the influential Capuchins.

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\textsuperscript{65} On bypassing authorities, see Benton, \textit{A Search for Sovereignty}, 57, n. 48.

\textsuperscript{66} On d’Aulnay’s connections at court, see Carpin, \textit{Le Réseau du Canada}, 262; Baudry, “Menou d’Aulnay, Charles de”; Trudel, \textit{HNF}, 3.1: 82-3. On treason as a means to assert one’s superiority over a rival, see Benton, \textit{A Search for Sovereignty}, 75-7, 85.

\textsuperscript{67} See, for example, the impact of the English civil war on plays for power in Maine in the 1640s in John G. Reid, \textit{Acadia, Maine and New Scotland: marginal colonies in the seventeenth century} (Toronto: Published in association with Huronia Historical Parks, Ontario Ministry of Culture and Recreation by University of Toronto Press, 1981) 111-12. On the effect of the civil war and the subsequent Commonwealth government on relations between Massachusetts and England, see Griffiths, \textit{A Licence to Trade}, 196-9.
connections that neither La Tour nor the CNF could boast. And while Biencourt charged his rivals with illegal trading in view of his commission and seized their ships, d’Aulnay accused La Tour of acting against the Crown itself.

Charges of treason overseas were serious in any context, but they had particular potency during times of rebellion in France. When d’Aulnay appeared before the royal council in 1642 with his story of La Tour’s attack in collaboration with a group of Bostonians, the Crown had just put down the Cinq-Mars rebellion, which was an attempt on the part of a favorite of the king to wrest power from Richelieu. D’Aulnay’s case against La Tour may well have been bolstered by this climate in which the Crown was particularly sensitive to any threats of rebellion. In the following years as the Frondes unfolded among parlementaires and nobles, d’Aulnay could capitalize on the anxieties at court over the loyalty of French subjects. As we have seen, when he exceeded his instructions or challenged other commissions, there were no repercussions. The domestic context may explain in part why d’Aulnay received more or less carte blanche from the king and Queen Regent to apprehend La Tour and reaffirm royal control over the region.

Taken together with a similar conflict between rival governors and the proprietary company in the French West Indies in the same decade, the so-called civil war in Acadia exposes the impotence of royal decrees when no party was prepared to accept them and the fragmented nature of metropolitan authority that gave rise to the selective recognition of commissions on the ground. A conflict begun in 1642 between the governor of Saint-Christophe, Philippe Longvilliers de Poincy, and the newly appointed governor of Guadeloupe, Charles Houël, escalated into a “colonial Fronde” three years later. Having received many unfavorable reports about Poincy’s governorship – including his interactions with the Dutch – the Compagnie des Iles de l’Amérique (CIA), the CNF’s counterpart in the West Indies, requested that the Queen Regent recall him. When his replacement, Noël Patrocles de Thoisy, arrived in the islands, Poincy refused to comply with the royal order to return to France to explain his conduct. This defiance precipitated a full-out battle between the two men and their supporters. Though Thoisy received asylum at Guadeloupe and then Martinique, he was soon overcome by the strong force

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68 There was some disagreement among the Capuchins as to whether d’Aulnay should receive their support; indeed, four were sent back to France on account of disputes with him. See MacDonald, *Fortune and La Tour*, 90.
69 On the disorder that could arise in the absence of one universally-accepted authority, see Reid, *Acadia, Maine and New Scotland*, 106-7, 108.
assembled by Poincy and imprisoned, before being sent back to France. Poincy, for his part, withstood the lengthy legal proceedings that Thoisy and the CIA began in response and continued in his post as lieutenant-general.71

While the circumstances surrounding the struggles in the two colonies were not identical, they reveal similar strategies of aggression in defiance of royal decrees and commissions. Certain of punishment at home, both La Tour and Poincy dug in and put up a formidable fight.72 They were also able to find a metropolitan authority to support them. In La Tour’s case, his wife received confirmation of his lieutenant-generalship and leave to send naval reinforcements from the grand maître et surintendant du commerce et de la navigation, Jean-Armand de Maillé, duc de Fronsac and marquis de Brézé, Richelieu’s nephew and successor to the post. This decision directly contradicted not only the royal decrees against La Tour but also the 1641 revocation of his position as lieutenant-general of Acadia. Similarly, in the midst of denunciations of his conduct and calls for his return to France, Poincy managed to obtain confirmation of his commission from the royal council.73 These maneuvers recall the patterns of previous court cases over title in New France in which courts granted the supplicant’s request without regard to contradictory sentences from their own or another’s court.74 With the prospect of having condemnations overturned by either the same body or a more sympathetic one, the consequences of ignoring an order were not very great. Of course, the Crown’s capacity to reassert its control in a region as distant from France as Acadia was considerably less than when presented with a comparable situation in a region closer to Paris. This factor, combined with the structure of the French political and justice systems, encouraged the strategy of holding out.

The final outcome of these two colonial struggles showed just how nebulous and mercurial royal favor could be. Where Poincy managed to hold on to his governorship, La Tour

71 Boucher, France and the American Tropics to 1700, 83-6, n. 55. The CIA sold the island of Saint-Christophe to the Knights of Malta in 1653; Poincy, a Knight himself, continued in his position under their stewardship. See Servant, Les Compagnies de Saint-Christophe et des Iles de l’Amérique, 94.
72 On the punishment they would have expected, see MacDonald, Fortune and La Tour, 99.
73 Ibid, 99-100. It is possible that La Tour’s wife won Fronsac over with a bribe. See Mahaffie, A Land of Discord Always, 70-2. Baudry observes that paying for a favorable decree was not uncommon. See Baudry, “Charles d’Aulnay et la Compagnie de la Nouvelle France,” 238. As an illustration of how much this conflict was about representations of one’s actions to others, La Tour’s mission in Boston amounted to marshalling enough evidence of “d’Aulnay’s rebellion” to win support and forces. The phrase is Mahaffie’s, 72. For the revocation of La Tour’s commission, see 23 February 1641 in BnF, dép. de ms., Collection Margry, vol. 9281, A.E.f., Sect. Jud., liasse 35783, no. 29, 21 February 1642. Poincy’s confirmation was issued on 25 February 1647. See Servant, Les Compagnies de Saint-Christophe et des Iles de l’Amérique, 91.
74 See, for example, chap. 5 above, 230-1.
succeeded in regaining his in 1651. After the death of d’Aulnay one year earlier, La Tour had left his refuge at Quebec and returned to France to argue his case and restore his reputation. In the battle of charges and counter-charges, decrees and counter-decrees, there were endless possibilities for resurrection. What had been “[des] mauvais dessins” of a “très mauvais françois” became “des accusations et suppositions qu’ils [La Tour’s enemies] n’ont peu verifier.” It was, of course, not uncommon for a king or regent to grant an office or title to a rebellious but contrite noble or prince of the blood as part of the terms of surrender. Although it may seem unusual for a relatively minor noble like La Tour to receive a complete pardon, the representations of La Tour, the lack of an obvious successor to d’Aulnay in Acadia, and the weakness of a regency beset by both a civil and foreign war were probably all factors contributing to the restitution of La Tour’s title in Acadia.

The fact that La Tour’s commission also ignored the CNF’s prerogative to nominate the governor of the colony suggests that it was not as easy for a company that had been a pet project of the former chief minister to redeem itself as it was for an individual accused of treason. Considering the challenges to the CNF’s position in the 1640s in both Acadia and the St. Lawrence Valley, along with the history of previous New France enterprises, it becomes evident that those who had not created a given enterprise were unlikely to support it; instead, a new king, minister or viceroy preferred to grant authority and privileges to a new or another existing

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75 Coll. ms., 119, 118; LAC (Ottawa), Deuxième Série, vol. 2, “Confirmation de gouverneur et lieutenant général…au sieur Charles de Saint Etienne et Chevalier de La Tour,” 27 February 1651 (quotations in order of appearance). The fact that La Tour so readily replaced his arch rival as governor of Acadia illustrates how easily reversible such personal power struggles were. Reid argues that, through his crusades, “all d’Aulnay had done was to establish his position as the most powerful individual” without making any long-term impact on the development of the colony. See Reid, Acadia, Maine and New Scotland, 110. On restoring one’s reputation at court after charges of treason, see Benton, A Search for Sovereignty, 81.

76 Under the terms of the Treaty of Loudun between the Huguenots and the Crown in May 1616, the prince de Condé, for example, dispersed his armed force in exchange for a seat on the king’s council. See Victor-L. Tapié, France in the Age of Louis XIII and Richelieu, trans. D. McN. Lockie, 2nd ed. (Cambridge: Cambridge University Press, 1984) 76. According to Michel de Waele, recourse to foreigners in times of internal unrest was not unusual and a charge of treason, much less death, did not automatically follow. Indeed, pardons were possible because contact with foreigners was viewed not as a “faute morale” but as a “simple erreur.” Paper delivered to the France seminar, University of Toronto, 28 October 2011.

77 Claude de La Tour had also enjoyed a second chance under the French. See MacBeath, “Saint Etienne de La Tour, Claude.” In response to the speedy reinstatement of La Tour, MacDonald comments, “so much for the consistency of royal policies.” Fortune and La Tour, 99. Aside from the thorny issue of whether royal policies “ought” to have been consistent, this comment ignores the countless contingencies that factored into each decision, depending on the individual, the circumstances at home and abroad, and connections at court, to name a few.
organization with whom they had close ties.\textsuperscript{78} The CIA’s experience in the same decade helps to reinforce this. While the directors succeeded in convincing the Queen Regent to remove Poincy, the latter received confirmation of his title and was cleared of most of the allegations against him. A short time later, the CIA sold the islands to individual and group proprietors, tired no doubt of the financial strain and the disorder in the islands but especially of the inability to count on royal support.\textsuperscript{79} While the CNF fared better than the CIA, regaining its influence and prerogatives in Acadia and the St. Lawrence Valley by the mid-1650s, its experience in the 1640s is significant for what it reveals about how claims overseas were asserted and defended, and influence lost and gained.\textsuperscript{80} The changes in personnel at the top of government in France opened up the possibility of realignments and of greater favor for those who were well-positioned to take advantage. The marginalization and even usurpation of the CNF’s prerogatives by the principal habitants in the Communauté des Habitants, the Jesuits, the Société de Notre Dame, and – none more so than – d’Aulnay came down to better connections, advocacy, and the expression of sovereign interests in a period of shifting loyalties at court and throughout the kingdom.

III. The Struggle for Control over the Sea and the Shuffling of Overseas Enterprises

Just as the ambitions of other parties in New France affected the CNF’s exercise of authority, so too did those of highly placed royal officials in France. The ultimate demise of the CNF in 1663 brings us full circle to a remarkably similar set of circumstances as those in the mid-1620s, only this time the company was on the losing end. The metropolitan struggle for control over the sea – among institutions and individuals alike – linked the beginning and end of the CNF. Not confined to the coasts of France, this struggle extended overseas and shaped the constitution and distribution of authority in the colonies throughout the seventeenth century. The

\textsuperscript{78} Carpin also considers the experiences of the CNF in the two regions together. He argues that, in doing so, “il serait difficile, selon nous, de ne pas voir dans ces événements...des preuves d’une collusion pour déposséder une compagnie...au profit de personnes plus proches du nouveau pouvoir.” See \textit{Le Réseau du Canada}, 262.


\textsuperscript{80} Signs of the CNF’s regained position include: it awarded a commission of governor and lieutenant-general to Nicolas Denys in Acadia in 1654; a reorganized council in Quebec in 1657 gave the CNF a seat and the authority to check the colony’s accounts for the first time. See, respectively, \textit{Coll. ms.}, 141-4; BnF, dép. de ms., Collection Margry, vol. 9269, fo. fo 323, “Arrêt du Conseil d’Etat portant règlement sur le commerce et traite de Canada,” 7 March 1657. On the multiple claims in Acadia in the 1650s, see Carpin, \textit{Le Réseau du Canada}, 263-6.
fragmented nature of metropolitan maritime authority engendered a similarly confused picture of overlapping jurisdictions overseas. In the early 1660s, rivalries among several government ministers muddied the lines of authority in New France and, ultimately, the CNF was undone by an equally ambitious vision as that which had given rise to it. The transatlantic dimensions of the reconstitution of maritime authority in the 1660s highlight the close connections between sovereignty within and outside France.

i. Control over the sea as a route to control over government itself

The twin elements of maritime commerce and naval power, both central to a nation’s standing as sources of revenue and strength, drew the attention of many royal ministers and officials to the sea, motivated by both royal and personal interests.81 The 1660s opened auspiciously for France, with the end to the Regency in 1651, to the Fronde in 1653, and to the war with Spain in 1659. These developments gave the Crown much needed stability, allowing it to turn its attention to maritime affairs once again. At the same time, the death of Cardinal Mazarin in 1661 precipitated a battle between two of his favorites, Nicolas Fouquet, surintendant des finances and attorney general, and Jean-Baptiste Colbert, intendant des finances, to succeed him as chief minister. In their struggle for power, one key battleground was the sea.82

While maritime affairs had not been a royal priority during the turbulent period between Richelieu’s death and Louis XIV’s majority, Nicolas Fouquet and his extended family had taken especial interest in commercial and colonizing companies and, later, maritime defense. Nicolas’ participation in maritime affairs evolved from that of his father, François, royal counselor to Louis XIII. Beginning in 1635, François became Richelieu’s primary representative in a number of commercial and colonizing enterprises. He took over the intendancy of the CNF from Lauson in all but name and acquired two shares in the company, the first of which was awarded to him by the directors in recognition of his influence with Richelieu and Louis XIII: “[Fouquet] seroit prié d’accepter une part dans icelle dont les quittances luy seroient gratuitement délivrées afin

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82 Vergé-Franceschi considers the two men to have been first and foremost rivals for maritime authority. My reading is somewhat different. I see the sea as one of the main sites in which their struggle to succeed Mazarin and become Louis XIV’s second-in-command played out, a testament to the sea’s strategic importance to the Crown and personal value to whoever controlled the movement of goods and subjects across it. See Ibid., 149.
que ladite compagnie fut appuyée de sa faveur et de son crédit." That same year, he played an important role in the establishment of the Compagnie des Îles de l’Amérique, the assemblies of which he hosted and in which he had one share, and invested in the new Compagnie du Sénégal, Cap-Vert et Gambie. Besides the services they rendered his patron, these enterprises attracted Fouquet, a dévot, due to their evangelizing missions. Upon his death in 1640, his shares in the above ventures fell to his son Nicolas, who had already begun to take an active part in these and other overseas investments.

With the help of his extended family, Nicolas Fouquet spent the next two decades developing his own personal program of maritime regeneration. Apart from investment in companies, he and his cousins, the Chalains, became shipowners, outfitters, and builders, and engaged in commerce with New France and in corsair activities off the African coast. In the mid-1640s, they acquired the governorship of a Breton port, which became their headquarters, before extending their control along the Atlantic coast a decade later. By the late 1650s, they had heavily fortified two strategically-situated islands, the île d’Yeu and Belle-Ile, and built up a considerable armed fleet. Overseas, Fouquet owned property on the islands of Martinique and Sainte-Croix and at Trois-Rivières in Canada. The family’s clientele networks matched their infrastructural base in strength and extent. Nicholas himself had several well-placed clients in the navy and under the grand maître. It was with his money that the vice-admiral for the Atlantic, Neuchèze, and the viceroy of America from 1660, Isaac de Pas, Marquis de Feuquières obtained their posts. In short, the Fouquets, and Nicolas in particular, had built up a formidable transatlantic power base.

83 Acte de délibération de la cie., 13 January 1635, in LAC (Ottawa), Série E, Conseil d’État du Roi, vol. 188c, fo. 188, 19 March 1644. Fouquet bought his second share from the merchant Simon Le Maistre. See Trudel, HNF, Appendix A, 418, 430, 441. Fouquet was also among those who had a share in the Cie. de Beaupré, which managed the seigneury at that place.
84 Servant, Les Compagnies de Saint-Christophe et des Îles de l’Amérique, 26-8. Among other activities along religious lines, François participated in efforts to send missionaries to Guyana and left a bequest of 5,000 l to the missionaries of the Huron. See Vergé-Franceschi, Colbert, 149-50. Nicolas had been an associate in the CIA since 1638, invested in the Cie. du Cap-Nord, and in 1642 entered the new Cie. des Indes orientales. See Daniel Dessert, Fouquet (Paris: Fayard, 1987) 131.
85 Dessert, Fouquet, 134.
From Colbert’s perspective, Fouquet’s maritime activities looked more like a threat to the king’s authority than a renewal of coastal infrastructure on the Crown’s behalf. The combination of a well-armed fleet, maritime base, and a network of loyal officials made the junior official deeply suspicious of Fouquet’s plans and jealous of his influence.\footnote{For a skeptical view of the threat Fouquet posed, see Dessert, \textit{Fouquet}, 136-9.} Unlike his rival, Colbert did not grow up in a maritime and colonial-oriented environment; rather, he first became familiar with maritime affairs as Mazarin’s intendant from 1651. Notwithstanding the Cardinal’s portrayal in the historiography as having allowed this area to decline – flanked as he was by two chief ministers who were architects of ambitious maritime enterprises and naval rebuilding programs – he did invest personally in several commercial companies during his tenure. In the 1650s, for example, he took out one or more shares in companies for Guyana, the Levant, and Madagascar.\footnote{Boucher, “Comment se forme un ministre colonial,” 433.} Mazarin’s interest in such enterprises was no doubt partly due to Colbert’s encouragement. The latter, like Richelieu after whom he modeled himself, believed that the security and prosperity of Crown and kingdom lay in a strong navy and merchant marine and that companies and colonies were essential to realizing these objectives. If Mazarin created and invested in companies, Colbert argued, it would encourage other subjects to found enterprises of their own. Exposed to the disarray of the navy’s accounts in his post of intendant, Colbert saw the reestablishment of order in the French financial system as a prerequisite to any concerted maritime program. His interests in both of these areas put him squarely against Fouquet, who had become surintendent des finances in 1653 and one of three members of the Conseil d’en Haut under Louis XIV in 1661. Colbert’s engineering of Fouquet’s fall is well known. Through regular reports on Fouquet’s latest maritime activities from his cousin and \textit{intendant de la marine} at La Rochelle, Colbert de Terron, and his own close study of the surintendent’s accounts, Colbert assembled a substantial dossier with which to condemn his rival.\footnote{\textit{Ibid}, 432-5; Dessert, \textit{Fouquet}, 139. On the \textit{affaire Fouquet} more generally, see Dessert, chap. 9; Alan James, \textit{The origins of French absolutism, 1598-1661} (Harlow: Pearson Longman, 2006) 86-9; Vergé-Franceschi, \textit{Colbert}, chaps. 4 and 5.} Fouquet was arrested and charged with treason in late 1661. Although he was acquitted of this charge, he remained imprisoned until his death in 1680.\footnote{Fouquet was, however, convicted of \textit{péculat}, or the use of the king’s money for his own profit, and had his property confiscated. See Dessert, \textit{Fouquet}, 245, 259-62 and chap. 10.} As far as Colbert was concerned, he had rid France of a disloyal subject, who had moved above his station, and himself of a dangerous rival.
Colbert wished to increase the Crown’s surveillance over the navy, maritime commerce, and colonies by uniting these areas of responsibility under himself. Into the 1660s, oversight of maritime affairs was split among four secretaries of state and the grand maître, creating considerable confusion over respective responsibilities. The Secretary of State for Foreign Affairs, Lomenie de Brienne, for example, appointed unilaterally the governor of île de la Tortue in 1662, even though the island fell within the jurisdictions of the viceroy of America and Colbert, de facto secretary of state for the navy before his official appointment in 1669.91 This fragmentation of authority in the metropole produced similar results overseas. In 1650s Acadia, there were three if not four governors and lieutenants-general with overlapping jurisdictions at any one time, appointed either directly by the king or through the CNF.92 In addition, Fouquet appointed Feuquières viceroy of America and Nicolas Gargot de La Rochette governor of Placentia, Newfoundland, both of which interfered with the prerogatives of the CNF as well as those of the grand maître. The overlapping zones of jurisdiction characteristic of authority on both sides of the Atlantic made the exercise of power highly contingent and contentious.

The ambitious program of consolidated maritime authority initiated under Colbert, while innovative on the surface, maintained significant continuity with the methods and efforts of his predecessor and adversary Fouquet. Although Colbert established a new position, the secrétaire d’état de la marine et colonies, he not only continued centralization that had, in effect, begun under his predecessor but also borrowed the techniques of his defeated rival. Colbert set to work establishing a key naval base on the Atlantic, Rochefort, and a commercial one at Lorient, both very similar in infrastructure to those of Fouquet before him.93 Overseas, Colbert replaced the companies of his predecessor with new ones under his firm control. Such elements of continuity underscore that this dramatic struggle was as much about strengthening Colbert’s personal authority at the expense of his rivals as about increasing royal control of areas crucial to the

91 Boucher, *France and the American Tropics to 1700*, 104; Boucher, “Comment se forme un ministre colonial,” 437; Boucher, “French Proprietary Colonies in the Greater Caribbean,” 176. Colbert’s full title in 1661 was “conseiller d’Etat et intendant des finances ayant le department de la marine,” even though there was no such department at the time. See Vergé-Franceschi, *Colbert*, 132-3 (emphasis in original).
kingdom’s domestic and foreign security. Personal interest and royal service reinforced each other in the measures taken in recognition of the strategic importance of control over the sea.

The echoes in the affaire Fouquet of Richelieu’s push for maritime authority in the 1620s further illuminate the transatlantic dimensions of the construction of sovereignty in New France. The similar constellation of factors in both periods helps to explain the evolution of the colony and, more broadly, royal attention and contributions to overseas expansion over the first half of the seventeenth century. Both the 1620s and the 1660s saw European rivals consolidating their sea power and maritime commercial activities, initiatives that encouraged the French Crown to attend to these matters itself. The political stability ushered in with the coming of age of Louis XIII in 1617 and Louis XIV in 1661 favored grand visions overseas as at home. Control of the sea was not only a royal imperative but also a route to power in government. Both Richelieu and Colbert consolidated their positions in part through the establishment of new companies under their control, the buying up of governorships, and the building up of naval infrastructure. Part of their struggle with personal rivals concerned control of the sea. Indeed, both Fouquet and Colbert fashioned themselves as Richelieu’s successor in this area.94 These factors, among others, help to explain the intermittent royal attention to New France and overseas possessions more generally. More significantly, they point to the complexity, contestation and contingency that characterized overseas initiatives in the seventeenth century.

ii. Colonies at a crossroads

Colbert’s reconfiguration of maritime authority at home and colonial governance abroad resulted not only from the metropolitan struggle over control of the sea and the economic and political contexts in which it took place but also from the particular situation in each colony. The late 1650s and early 1660s saw several colonies and overseas enterprises facing difficult challenges. In New France, the Communauté des Habitants was heavily indebted to various private lenders on both sides of the Atlantic and was several years behind on the payment of the annual rente seigneuriale they owed the CNF.95 The difficulties of meeting the substantial

94 Dessert, Fouquet, 122; Boucher, The shaping of the French colonial empire, 9. The other area of great importance to both Richelieu and Colbert was royal finances. Where Colbert plotted Surintendent Fouquet’s downfall, Richelieu had engineered the fall of his rival for chief minister, La Vieuville, who had held the same position as Fouquet.

annual expenses associated with the colony’s administration – let alone the repayment of debts – were exacerbated by continued and increasing warfare with the Iroquois. By the early 1660s, the latter had managed to cut off French access to the most lucrative areas of the fur trade. The scale of disruption was such that the habitants had to solicit the king for permission to import grains from France for sustenance without paying the customary duties.96 A detailed mémoire written by Governor d’Argenson in 1660 describing the situation and the need for substantial military reinforcement met with no response from company or king. The CNF had suffered further losses in membership and, with only thirty-two associates, lacked the funds itself for such an expensive operation. Moreover, a recent investigation by a representative of the CNF into the state of the colony’s “deniers publics” had uncovered possible fraud by members of the Conseil de Québec. The zealous investigator had set off a storm of protest and violence in response to his persistent inquiry.97 These military, financial, and sociopolitical challenges would demand metropolitan attention and support over the next decade.

Where New France grappled with several different issues, the French West Indies’ challenges boiled down to factional rivalries and unruly populations. Indeed, the years following the Compagnie des Iles de l’Amérique’s sale of the islands in the early 1650s to various individual and corporate proprietors were hardly less eventful than the circumstances that had led the company to withdraw in the first place. In Martinique, economic measures taken by the widow of the governor, Du Parquet, precipitated a revolt during which she was imprisoned. On Guadeloupe, the two joint proprietors, Charles Houel and his brother-in-law Jean de Boisseret, quarreled over their respective jurisdictions. This disagreement continued after the latter’s death in 1656 and went beyond a family feud to engage the island supporters of each side.98 At this
time on Saint-Christophe, an aged Poincy continued to rule, with some of his measures sparking outcry among the inhabitants. When he died in 1660, his replacement, Commander de Sales, faced an unruly colony.99 Meanwhile, to the south, repeated attempts to establish a settlement at Cayenne between the Amazon and Orinoco Rivers of South America, as a site from which to launch attacks on Spanish shipping, had ended in disaster. A shift to the west in the later 1650s by the Compagnie de l’Amérique méridionale, which had a strong evangelizing mandate, was no more successful, as the first set of colonists were attacked by the Spanish.100 The critical junctures at which several colonies found themselves encouraged the implementation of the ambitious plans for maritime and commercial renewal that were in the works as a result of the new personnel at court.

Colbert’s negative characterizations of these various colonial situations reinforce the tendency for new ministers and other titleholders to assert their power on a transatlantic scale. The historiography has tended to evaluate more narrowly the extent to which Colbert’s views on the colonies were justified or “correct.” He deemed the French West Indian islands disorderly and in need of a new government organization. The historian Philip Boucher observes that this was a “self-serving” conclusion, given “a veneer of plausibility” by the events of 1656-1664 briefly described above.101 As for New France, the royal decrees and other documents surrounding the forced resignation of the CNF show that the company was accused of not having fulfilled its obligations, particularly to bring 4,000 people to New France and to defend the colony against Iroquois incursions. The CNF defended itself against these allegations by bringing its own evidence forward. Attempting to evaluate these claims, Marcel Trudel concludes that “cette discussion est peut-être inutile, puisque, de toute façon, Colbert ne cherchait qu’un prétexte pour mettre en place sa Compagnie des Indes occidentales.”102 While there is certainly truth to these observations, they miss a larger and more important point. After

99 To these internal challenges might be added, from a metropolitan perspective, the fact that the Dutch controlled much of the commerce to and from the French islands.
100 Boucher, France and the American Tropics to 1700, 93-102. The commercial venture of the duc de La Meilleraye in Madagascar had sunk lots of capital already. Boucher, “Comment se forme un ministre colonial,” 433.
101 Boucher, France and the American Tropics to 1700, 102.
102 Trudel, HNF, 3:1: 365. For examples of accusations against the CNF and its ripostes, see LAC (Ottawa), C11A, corresp. gén., fo. 58-60v, “Mémoire montrant les dépenses et les pertes de la Compagnie de la Nouvelle France depuis 1628,” 1663; LAC (Ottawa), C11A, corresp. gén., fo. 44-44v, “Raisons de la Compagnie de la Nouvelle France pour empêcher sa dépossession ou du moins pour porter le roi à lui accorder des conditions dont elle puisse se contenter,” 1663.
all, one could argue that, at least in the history of New France, the reason given for the end to any enterprise was a “prétexte” – and, in fact, as we have seen in previous chapters, the failure to fulfill obligations was a particular favorite. Each successor to a position related to the colony, be it viceroy, minister, or grand maître, wanted to establish a new organization, which he or she could more effectively control. Not unlike the usual purges of official circles on the occasion of a change in minister at court, the desire to appoint one’s own officials to colonial positions or to create a new company marked one’s assumption of authority. Colbert’s decision to reconfigure colonial administration reflected the extension of his authority overseas and was similar to actions taken by his predecessors.

iii. Colbert’s “grand dessein” and the end of the CNF

The extension of Colbert’s program of maritime renewal as well as his personal authority to New France highlights the particular relationship between the CNF and the king and the more general risks associated with any transaction involving the Crown. From the manner in which the CNF lost its privileges to its long-sought-for compensation, its experiences underscore the instability and insecurity of any large undertaking that took place at the king’s pleasure.

Colbert’s broad and expansive approach to maritime revitalization was founded on the principle that all aspects – the navy, colonies, and commerce – were inextricably linked. Only with a strong navy could commerce and colonies be revitalized and then sustained. Colbert therefore turned his attention first to rebuilding the navy, particularly the Atlantic fleet, which had suffered great decline since the previous period of royal activity. He assembled a group of maritime advisors, ordered a survey of ports, their infrastructure, ships, and arsenals, and bought ships from Holland. Navy rebuilding thus underway, he turned to commerce and colonies, the professed principal preoccupation of Louis XIV: “nous n’avons rien au plus fortement dans l’esprit que le restablissement du commerce comme etant la source et le principe de l’abondance…et comme la principale et plus importante partie des commerces [sic] consiste aux colonies etrangeres….” This statement and others like it are noteworthy for the specific

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103 The term is Vergé-Franceschi’s. See Colbert, 227.
104 Boucher, The shaping of the French colonial empire, 9.
105 Vergé-Franceschi, Colbert, 144; Boucher, France and the American Tropics to 1700, 108.
emphasis put on overseas colonies.\textsuperscript{106} A royal decree of 1663 specified New France’s place within this context: “entre lesquelles [ie. les colonies étrangères] celle de Canada ou de la Nouvelle France est assûrement la plus considérable” in terms of fertility, abundance of land, and size. Putting such colonies under closer royal supervision, Colbert reasoned, would undoubtedly accelerate their development and improve their strength. Alongside this goal, Colbert wished to end the Dutch domination of trade with the French West Indies.\textsuperscript{107} These ambitious objectives entailed first and foremost bringing all overseas possessions under royal control.

The manner in which the CNF lost its privileges and pleaded for compensation departed from the experiences of previous enterprises in New France and reflected its special relationship with the Crown. Instead of having their privileges and powers revoked in a royal edict establishing a new company like their predecessors, the associates received a request from the king to tender their resignation. Thus, in February 1663, the company “pour une preuve assuré de son profond respect et de l’entiere defference que ladite Compagnie a aux volontés de Sa Majesté par les directeurs et le secretaire d’icelle seroit fait…une demission entre les mains de Sa Majesté de la propriété et seignerie dudit pays…..”\textsuperscript{108} What explains the departure from what had become a pattern? In the first place, the CNF was the first company in New France with a direct commission from the king. Like other royal titleholders, its continued enjoyment of its prerogatives was subject to the king’s pleasure (and interest). The request of a “voluntary” cession was one way in which the king exercised his sovereign authority. Secondly, in contrast to previous changes in trading association, no new company was yet ready to receive letters patent. Indeed, the king declared himself undecided as to whether to put New France again under an organization “en la même forme” or to put the territory under royal administration. Colbert had already begun to work actively on his plan to create two companies of the Indies on the model of the Dutch enterprises and Richelieu’s compagnies universelles, but they would not come to fruition for another year.\textsuperscript{109} In the meantime, “sadite Majesté a cassé et annullé, casse et

\textsuperscript{106} LAC (Ottawa), C11A, corresp. gên., “Cession par les membres de la Compagnie de la Nouvelle France au Roi,” March 1663, fo. 15v. The statement also strongly echoes the sentiments of the 1620s. See chap. 4 above, 160-72.

\textsuperscript{107} LAC (Ottawa), C11A, corresp. gên., fo. 27-28v, Arrêt du Conseil d’Etat “qui ordonne que les particuliers propriétaires…” 1663; Boucher, \textit{The shaping of the French colonial empire}, 10.


\textsuperscript{109} The creation of these new companies is also the reason the CNF gave for its resignation in a letter to a “Monseigneur,” probably Colbert, in 1683. See LAC (Ottawa), C11A, corresp. gên., fo. 213, 24 November 1683; Boucher, \textit{France and the American Tropics to 1700}, 110-11, 168, 173.
annulle ledit traité, revoque les concessions accordées par icelui, ci declare qu’elle retire à soi la propriété domaniale ensemble toutes les facultés accordées par ledit traité, pour être reuusis au droit de souveraineté.”

It is worth noting here that the losses of property extended beyond the CNF itself to all proprietors to whom it had granted land. Having graciously consented to the royal will, the company requested, in turn, that it be compensated in proportion to the money it had spent on the colony’s establishment and maintenance over the previous thirty years and that proprietors be allowed to retain their land, it being “une des principales parties de leur patrimoine.” For the same reason as above – the commission direct from the king and the absence of an immediate successor – the company pursued its quest for compensation at court rather than by way of litigation before the royal council or admiralty courts as in the past.

The strikingly different outcomes in the quest for compensation by various titleholders highlight the instability and lack of guarantees in any undertaking with the Crown. As was the case with the CNF, the king asked the West Indian proprietors to give up their titles to the islands. While one’s recalcitrance landed him in the Bastille, the majority obeyed and received generous sums in return. The Knights of Malta received 500,000 l for Saint-Christophe; Du Parquet’s heirs were paid 240,000 l, four times the price he had bought it for fifteen years earlier. These transactions were fairly comparable to the sale of a venal office. The cession of their titles to the king in the early 1660s proceeded in a similar manner to that of New France Viceroy Ventadour in 1627. In terms of both the amount of compensation and the length of time it took to receive it, the CNF fared much worse. After the company’s initial requests for reimbursement for the 900,000 to 1,200 000 livres its associates had spent on the colony over the previous three decades, neither the king nor Colbert took any action.

In 1672, Louis XIV


111 LAC (Ottawa), C11A, corresp. gén., “Raisons de la Compagnie de la Nouvelle France pour empêcher sa dépossession,” 1663, fo. 44v; see also LAC (Ottawa), C11A, corresp. gén., fo. 27-28v, Arrêt du Conseil d’Etat “qui ordonne que les particuliers propriétaires…” 1663.

112 The proprietor of La Tortue, Jérémie Deschamps du Rausset, was imprisoned in the Bastille. Charles Houel refused to give up his portion of Guadeloupe. See Boucher, France and the American Tropics to 1700, 175; Mims, Colbert’s West India Policy, 73-4 and n. 8.

113 The various documents claim different sums within this range. See, for example, LAC (Ottawa), C11A, corresp. gén., fo. 14-21, “Cession par les membres,” 24 February 1663; LAC (Ottawa), F2A, Compagnies de Commerce, vol. 11, “Récit veritable de la Compagnie de la Nouvelle France,” 1663; LAC (Ottawa), Série E, Conseil d’Etat du Roi.
permitted the associates to continue to hold meetings, elect directors, and send to the royal council all legal matters concerning the company; he also appointed a royal commissioner, Boucherat, for such occasions.114 The associates appealed to the royal council in November 1683 to distribute the compensation owed, noting “le malheur de n’avoir pû recevoir jusque ici leur remboursement, ni du principal ni d’aucun Interêt.” They followed this up two weeks later with a letter addressed to “Monseigneur,” very possibly Colbert himself, with another request for payment. Before the council once again in 1687, the associates saw their “remboursement et dédommagement” reduced to a fraction of that claimed: 60,000 l in principal and 73,000 l in interest, for a total of 133,000 l.115 It is worth recalling that de Caen and the Compagnie de Montmorency, whose operations had been much smaller, had received 150,000 l from the CNF. While fourteen associates received their payment of 3,645 l in December of the following year, some waited until 1690.116 Almost thirty years after the company resigned, the remaining associates or their heirs received barely more than the sum they had originally invested for a share in the enterprise.

What accounts for the difference in treatment? The history of enterprises in New France over the previous half-century suggests that the commercial orientation and organization of a company itself may have contributed to such a result. After all, the practice of commercial associations’ resolving competing claims in the courts was well-established, and may have made it fairly easy for the king and Colbert to avoid or delay a settlement. What mattered to them above all was the resignation; after that, the CNF easily passed out of mind. Of course, the company was not unusual in its struggle to receive compensation and its having to accept at long last a substantially reduced sum. Others with commissions or offices from the king had similar experiences. Indeed, other possible factors that may account for the differential between the

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114 Trudel, HNF, 3:1: 373.
115 LAC (Ottawa), C11A, corresp. gén., 9 November 1683, “Requête présentée au roi étant en son Conseil,” 9 November 1683, fo. 214-14v; Ibid, Letter from the CNF to “Monseigneur,” 24 November 1683, fo. 213; LAC (Ottawa), Série E, Conseil d’Etat du Roi, vol. 574b-575a, 15 June 1688 (quotations in order of appearance). The need for compensation became more urgent after 1683 when a former lieutenant-general approached the CNF to demand payment of wages.
CNF and the West Indian proprietors – including the relative importance of both the individuals involved and their regions of activity – point to a larger observation about the structure of authority in France in the period. In the context of limited finances and the need to keep constituencies crucial to royal priorities happy, Louis XIV and Colbert may have calculated that they would lose little by not compensating the CNF associates. The very different experience of the Compagnie du Sénégal, which received 150,000 l in compensation in return for relinquishing its privileges in 1663, suggests that some such calculation was at work. The experience of the CNF in its final years, then, reveals more about the exercise of power in France in general than it does about the company itself.

The place of New France in the maritime renewal of the 1660s underscores the connections between state formation and empire building. One of several colonies which Colbert wished to bring directly under the Crown, it was part of a larger transatlantic – and, indeed, global – plan to rebuild the navy and reinvigorate maritime commerce. Colbert, like his predecessors, focused on reconfiguring maritime authority through the placement of his own clients and relatives in positions and the creation of new commercial and colonizing organizations. The metropolitan contest for control over the sea, one dimension of the affaire Fouquet, combined with the political stability in France and the challenges faced in several colonies to provide a favorable climate for Colbert’s ambition to create a larger role for the Crown both at home and in the colonial realm.

IV. Conclusion

Over the course of the CNF’s thirty-year tenure – the longest of any enterprise in the history of New France – its role evolved and its influence fluctuated according to circumstances in the colony and the metropole. Although the company retained direct control over the St. Lawrence Valley for a greater length of time than over any other region, it ultimately made the largest cession of its trading privileges, authority and obligations there, to the Communauté des Habitants, retaining only its rights as seigneur. The Communauté established a unique form of local government, combining elements of the company subsidiary, the seigneurial subgrant, and

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117 The CNF did count among its members clients of the powerful Colbert, however. See LAC (Ottawa), C11A, corresp. gén., Letter from the CNF to Monseigneur, 24 November 1683, fo. 213.
the metropolitan communauté d’habitants. Although there was no formal change to the CNF’s position in the 1640s, the creation of a second authority in the St. Lawrence – albeit subordinate to the company – the transfer of the enterprise’s management to New France, and the new personnel at court in France together signaled a larger shift in the CNF’s standing on both sides of the Atlantic. The beginning of the regency brought instability, changes in royal priorities, and powerful new clientele networks. Connected to the circles in which the Queen Regent moved, new parties, such as the Société de Notre Dame, saw their positions confirmed and strengthened within the colony’s government. Others like d’Aulnay skillfully aligned their interests with those of the sovereign, juxtaposing the allegedly treasonous behavior of rivals with their own assertions of authority in the king’s name. Such challenges to and reconfigurations of authority highlight the contestation and contingency characteristic of empire building.

The contingency of authority was in part due to the tendency for new titleholders – be they viceroy, minister, or even monarch – to assert their newfound power through the placement of their own clients in positions and the creation of organizations under their control. The CNF was the project of Richelieu and Louis XIII. When they died, its decline in fortunes was part of the larger shuffle in personnel that took place at court and in government. Although the company regained at least some of its status in the following decade, the climate in the 1660s favored another large reconfiguration of authority in France and New France alike. Peace domestically and internationally encouraged the Crown to turn once again to strengthening France’s maritime standing. Control over the sea promised not only greater security for the kingdom but also considerable personal power to whomever directed the program. The maritime dimension of the contest for power between Colbert and Fouquet extended beyond the coasts of France to include New France and other overseas interests. The role of New France in this contest and its effects on the fortunes of the CNF demonstrate how the construction of sovereignty in the colonial realm intertwined with metropolitan struggles for control – within the justice system, over maritime interests, and among personal rivals.
Conclusion
The Struggle to Shape French Imperial Expansion

Je prens le vaisseau dudit sieur du Pont en ma sauvegarde, et voulant le conserver pour l’authorité du Roy, et l’honneur de mondit Seigneur, devant tout son [Guillaume de Caen’s] esquipage, et après qu’il en vseroit comme bon luy sembleroit, ayant la force à la main; mais que pour obseruer la forme de iustice, qu’il falloit que ie fisse ainsi.1

The above quotation serves as a fitting epitaph to this study on the construction of sovereignty in seventeenth-century New France. In his account of a dispute over trading privileges in the St. Lawrence between two companies in 1621, Samuel de Champlain asserted his legal authority as the sovereign’s representative before ceding the ground to Guillaume de Caen, head of the Compagnie de Montmorency, who was determined to seize the rival trading company’s vessel. The quotation shows that empire building, far from a linear trajectory from commission to established settlement, was a messy, ramshackle enterprise.

The construction of sovereignty was highly contested and contingent in the seventeenth-century French Atlantic. On the ground in New France, titleholders, lieutenants, company associates, and outside traders drew upon a repertoire of tools to assert their authority and privileges and thwart rivals. As in the 1621 dispute, they brandished commissions and royal decrees, all the while defying others that did not favor their positions. They used force, ranging from cannon fire on board fast, well-armed interloping vessels to the seizure of their rivals’ ships and forts. Titleholders like Admiral Montmorency and Cardinal Richelieu also wielded personal authority through the placement of clients in key positions and the use of personal agents to collect duties owed them. Throughout the first half of the seventeenth century, titleholders pushed the limits of the authority granted in their commissions, expanding their geographical jurisdiction and the range of their privileges as far as possible. Both Charles de Biencourt in the 1610s and Charles Menou d’Aulnay in the 1640s seized ships and demanded dues far beyond the boundaries of their respective commissions in Acadia. At the same time as parties used multiple strategies on the ground in New France, they prepared their cases to bring before authorities in France.

The kingdom’s courts of justice played an important and understudied role in the highly contested struggle to shape French imperial expansion. Litigation over company compensation,

trading privileges, and the respective jurisdictions of titleholders functioned as a sort of second act to events overseas. Claimants rarely launched just a single suit; rather, they were involved in several at once, one sometimes in retaliation for another. The costs notwithstanding, litigants like Guillaume de Caen and Samuel Georges used their intricate knowledge of judicial procedure and the justice system to prolong and delay suits in court. A popular strategy, it was designed to wear down and bankrupt an adversary. Indeed, in most cases the goal was not to resolve a dispute, even when it was internal to a company, as in the disagreement over new arrangements within the Compagnie de Montmorency in 1626. Courts, then, were another tool in claimants’ repertoires, just like force, personal authority, and commissions. The stakes were high. Not merely disputes over the seizure of ships or merchandise, these suits constituted struggles for supremacy over the fur trade of New France and the direction and administration of the fledgling colony. It is in this sense that the French legal system became an integral forum for the construction of sovereignty in the colonial realm.

The transatlantic process of colonization illuminates the intimate connection between European state building and overseas empire formation. In their legal disputes over authority and privileges in New France, competing titleholders and traders exploited metropolitan interjurisdictional rivalries to increase their chances of a favorable sentence and to prolong resolution. Competing courts frequently issued contradictory sentences and defied orders to send suits to the royal councils. Local admiralty courts and provincial parlements were more likely to issue sentences in favor of claimants who resided within their jurisdiction, especially if closely guarded customary rights were under threat. Indeed, the relative weight of local and provincial authorities vis-à-vis the Crown at any given time was of central importance to the exercise of sovereignty on both sides of the Atlantic. When the Crown was weak, such as during the regency rule of the 1610s and 1640s, local and provincial bodies took the opportunity to assert their autonomy and defend or enhance their privileges. In the 1610s, the community of Saint-Malo and the Estates of Brittany succeeded in overturning the exclusive trading privileges of the Compagnie de Rouen et Saint-Malo, albeit temporarily. While some Malouin and Breton traders and fishers may have suffered economically from the ban on trade in the St. Lawrence River, Saint-Malo’s fierce and persistent opposition throughout the first three decades of the seventeenth century stemmed principally from the perceived Crown encroachment on provincial jurisdiction that such exclusive privileges represented. The combination of a province’s
determination to protect its autonomy and the king’s reliance on local and regional authorities to execute royal commissions, decrees, and trading bans often meant that decrees were simply not observed or openly flouted. Political and legal authority in France, then, was as much at stake as authority overseas.

Fluctuations in the French domestic and international political situations over the first half of the seventeenth century illuminate the dialectical relationship between sovereignty assertion on each side of the Atlantic. The political instability associated with regency rule narrowed the focus of the Crown to concentrate on the maintenance of order within the realm. Noble factions at court attempted to undermine Queen Regents Marie de Medici in the 1610s and Anne of Austria in the 1640s, along with their government advisors. This context left little room for grand visions of overseas colonization. In some cases, the factional struggles had direct transatlantic connections, such as Condé’s rebellion, arrest, and subsequent refusal to relinquish the viceroyalty of New France and the emoluments associated with it. In other cases, metropolitan political instability invited jockeying for power in New France, ranging from Champlain’s power struggle with the Compagnie de Rouen et Saint-Malo to Charles d’Aulnay’s marginalization of the Compagnie de la Nouvelle France. By contrast, periods of stability, heralded by such events as Louis XIII’s majority in 1617 and the end to war with Spain in 1659, encouraged royal attention to ambitious and expensive projects. Thus both Richelieu and Colbert focused on strengthening French commercial traffic and sea power during their tenures. Increased royal and ministerial control over maritime affairs combined with circumstances overseas to create new configurations of authority and privileges in colonies like New France.

The metropolitan struggle over control of the sea, a running theme throughout the first half of the seventeenth century, was in fact transatlantic, becoming an important frame for understanding the connections between sovereignty construction in New France and state formation in France. It played out on several levels: domestically, against the Huguenots centered at La Rochelle who controlled the Atlantic coast – reinforced by their coreligionists in England; internationally, against the Dutch and English who profited from expanding trade routes and sea power; and overseas, against subjects who attempted to travel freely between France and colonies like New France beyond the purview of metropolitan maritime authorities. The sea, as a strategically important and contested space, fuelled personal and institutional rivalries within France between Admiral Montmorency and Cardinal Richelieu, Colbert and
With royal encouragement, Admirals Charles and Henri de Montmorency, Richelieu, and Colbert extended their authority to the peripheries of France and overseas to New France through, variously, the appointment of vice-admirals, the establishment of new companies, the buying up of governorships, and the purchase of the colony’s viceroyalty. In this hotly contested struggle, the fledgling colony became not only a strategic element in a larger plan but also a personal prize, attractive for the control it offered over maritime trade routes and the movement of subjects. The role of New France in the consolidation of maritime authority in France underscores the tendency of those involved in the colony to view their metropolitan and overseas activities in the same light, as part of political and patrimonial calculations. This finding demonstrates that the notion of a line separating European and extra-European spaces is far too simplistic. Instead, both were part of the same world for traders, viceroys, company associates, and ministers alike.

Resituating the colonization of French North America in an Atlantic framework transforms our understanding of key elements of the conventional narrative. The instability of the enterprise was not due to flaws in an otherwise uncomplicated process but was part of the logic of the time. Trading privileges, far from fixed, were slippery and contingent. Exclusive privileges were an awkward fit with the structure of authority in France, built partly around securing loyalty through the granting of particular liberties and the recognition of customs. In this context, de Monts’ small partnership of the 1600s and the compagnies universelles of the 1620s were equally objectionable to traders who had transformed their own long-held privileges into customary rights to defend their interests. The continued enjoyment of privileges depended on the king’s pleasure and was subject to the logic of the exercise of sovereign authority. This meant in practice the premature revocation of trading privileges of all titleholders in the first half of the seventeenth century in New France, changes to contracts, and unexpected obligations, including the Compagnie de la Nouvelle France’s payment of compensation to its predecessor. The uncertainty associated with privileges subject to the king’s pleasure was reinforced by the tendency of those in new positions – ranging from viceroy to minister to monarch – to install their own clients and establish new companies rather than keep those of their predecessors. Thus Montmorency, Richelieu, and Colbert all created new companies and positions. These changes in personnel are a reflection not of the supposed failure on the part of any previous company to fulfill its obligations but, more significantly, of royal reliance on the personal authority of
individual officeholders. By eliminating rivals and filling positions with their own clients and relatives, officeholders indirectly strengthened the Crown’s control. Only in a transatlantic context is it possible to see the complex, uncertain, and contingent nature of the New France enterprise.

Besides opening up New France historiography to transatlantic developments, the story of sovereignty construction in early French North America complicates our understanding of the history of the French empire. The characterization of French overseas enterprises as government-led belies the number of actors involved and the considerable variation in authority across space and over time. Claimants in New France, including viceregal lieutenants, companies, traders, and missionaries brought metropolitan authorities into overseas spaces through litigation in court and proposals for new enterprises, and by aligning their own interests with those of the sovereign. These actions combined with changing transatlantic political and economic situations, power and patrimonial calculations, and realities on the ground in New France to create various configurations: the incorporation of New France into the Admiralty of France; the establishment of the Communauté des Habitants – half trading company and half conventional community of inhabitants; and the creation of the Compagnie de la Nouvelle France, granted administrative, judicial, commercial, and seigneurial jurisdiction and filled with government officials and clients of the chief minister. That the latter ceased to enjoy its prerogatives and power for a decade after changes at court reinforces the contingency and contestation associated with empire building. The layers of sovereignty and authority and the varying degrees of direct and delegated rule in early seventeenth-century New France illuminate yet another variation in imperial forms.

The history of early colonizing enterprises in New France sheds light on the global development of a new legal and commercial entity, the compagnie de commerce. The range of associations active in the colony over the first half of the seventeenth century underscores the blending of and experimentation with company forms during the period. From the loose partnerships among ports of the Compagnie de Monts and the Compagnie de Rouen et Saint-Malo to the société en commandite of the Compagnie de Montmorency and the incorporated Compagnie de la Nouvelle France, participants in the New France enterprise experimented with different scales, types of organization, and degrees of involvement. As the first French company with a charter, pooled capital, transferable shares, and a board of directors to come to fruition in
the Americas, the Compagnie de la Nouvelle France has received the most attention from scholars. This emphasis has tended to give the impression that it was entirely an import from Holland and England and a great rupture with previous forms of association in the colony, leading to evaluations based on how closely it replicated the foreign models. Contextualizing the CNF in the longer history of companies in the colony and the French Atlantic more generally shows that it emerged from a combination of experimentation with new forms and the experiences of previous enterprises. Indeed, there was no single policy for the establishment of companies. The form a company took was highly contingent, subject to political considerations at home, the context in which proposals emerged, and the particular circumstances in a given territory.

Just as the company form was flexible, companies assumed varying configurations of sovereignty, authority, privileges and liability. For the Compagnie de Rouen et Saint-Malo, it had no seigneurial or administrative responsibilities and retained its commercial jurisdiction only as long as the particular viceroy with whom it had contracted remained in his position. In the case of the CNF, it began with seigneurial, judicial, and commercial jurisdiction throughout the St. Lawrence and Acadia but delegated its powers and privileges to varying degrees in these regions over its thirty-year existence. These different arrangements among companies and during a company’s tenure created a patchwork of legal, political, and personal relationships among associates, titleholders, subsidiaries, and the king. The CNF’s convoluted lawsuits over compensation and liquidation of debts reveal what happened when the logic of the incorporated company – limited liability, transferable shares, and a board of directors – met the logic of the credit and justice systems. The latter considered all members of an association solidairement responsable for debts incurred in its name. The meeting of these two logics created layers of liability within the company. The history of commercial and colonizing companies in New France highlights the ambiguity, flexibility, and contingency of legal and sovereign responsibilities across the French Atlantic in the global age of companies.

This study of the construction of sovereignty in early seventeenth-century New France points to several promising avenues for future research, all of which would continue to open up the colony’s history to larger fields of inquiry. The finding that such long-heralded turning points as 1627 and the creation of the Compagnie de la Nouvelle France under Richelieu had much more continuity with earlier periods than previously thought suggests that a
reconsideration of another conventional watershed in Canadian history, the establishment of royal administration in 1663, would substantially transform our understanding of that period. Both the half-century covered in this study and the following decades in New France would benefit from being situated in comparative perspective with the French West Indies. Both of these regions of French America experienced various forms of commercial and colonizing companies and proprietorships; yet connections between their parallel, and sometimes entwined, histories remain unexplored. Besides more comparisons within the French Atlantic, this study points to the worth of comparing English and French experiences with sovereignty construction. Although the French explicitly modeled companies on the Dutch and English East India enterprises, their own companies’ situation in America resembled more closely that of the English plantation companies in Virginia, Massachusetts and elsewhere. An extended comparison would produce a more nuanced view of the rival enterprises, highlighting what phenomena were common to both and what were due to specific circumstances. Finally, the role of French courts of justice as a forum for the struggle to shape French imperial expansion, a role previously ignored by historians, demonstrates that French Atlantic scholars must develop a better grasp of the role of admiralty law in the construction of sovereignty overseas. These paths of inquiry will continue to revolutionize our understanding of the ever-contested processes of colonization and empire formation.

This study of sovereignty construction in early seventeenth-century New France, then, resituates the history of the colony within the larger contexts of French political, economic, and judicial developments and power considerations, the metropolitan consolidation of maritime authority, and international experimentations with the incorporated company. Within this framework, it argues that empire building and state formation were tightly entwined processes, both subject to contingency and contestation. This dynamic produced layers of sovereignty, authority, privileges, and liability across the seventeenth-century French Atlantic.
Glossary of Terms

Armateur: a person who is engaged in the outfitting of a ship for commercial purposes. They could be, but do not need to be, one of the ship owners.

Communauté de ville ou d’habitants: a corporate group uniting all keepers of a hearth in a town or village. Through assemblies, the group managed goods or property collectively owned, such as a common pasture, maintained local order, managed the collection of the various taxes owed the Crown, and was responsible for the community’s relationship with the seigneur. Although the configuration of the community differed, depending on local circumstances, all were concerned with maintaining and protecting the town’s privileges and sent syndics to represent their interests at court.

Compagnie de commerce: the essential features of this new legal and commercial entity were pooled capital and incorporation, meaning that the company itself could sue and own property. Pooled capital facilitated long-distance enterprises, like overseas trade and colonization, by spreading the risks and the burden of having substantial sums locked up in infrastructure (particularly ships, posts, and forts) among many investors. Capital was divided into transferable shares. An associate was responsible in theory only for his or her share in the enterprise; to put it another way, his liability for the company’s affairs was limited. Only part of the membership was involved directly in the management of the enterprise’s affairs as directors. The capital was in theory continuous: rather than dividing up the company’s assets at the end of each voyage, the profits went towards the following year’s expenses. Both the Dutch and English East India Companies exemplified this new form. A charter from the Crown (or the States General in Holland) afforded the company protection from foreigners and competitors and contained the company’s powers, privileges, and obligations.

Conseil d’État du roi: this royal council functioned as an executive branch of government. It heard cases involving financial matters, ranging from the financial affairs of the clergy to requests for remuneration from officers and from tax farms to public works. It also reserved all cases involving privileged groups or individuals.

Conseil d’État privé: this royal council served as an appellate court and could overturn sentences from the sovereign courts or parlements. It also had political and administrative functions, like the Conseil du roi. In the seventeenth century, this council was responsible for resolving conflicts over jurisdictions, a frequent occurrence, and for the regulation of judges. This council’s jurisdiction grew during this period, while that of the Conseil du roi shrank.

Défense: a ban on a particular activity or behavior issued by the Crown. Unlike letters patent and commissions, such a ban did not need to be registered by the provincial parlements, bodies that frequently delayed or refused registration through the issue of remonstrances.

Dévots: members of the laity who participated in the Catholic revival of the early seventeenth century. Influenced by Christian humanism and Spanish mysticism, these men and
women shared the goal of Christianizing society through piety, charity, good works, and conversion, including support for overseas missions.

Exploit de signification: a judicial act delivered by court sergeant and designed to call a party to court, notify them of an action by another party or seize goods or property.

Fronde: French civil war from 1648-1653 during which parlementaires and nobles throughout much of the kingdom fought against the Crown.

Lettre de jussion: letters patent by which the king orders a recalcitrant sovereign court to register an edict.

Maîtres des requêtes: Members of the King’s Household who held court at the Palais de Justice. In the realm of extraordinary matters, they judged without appeal matters sent to them from the royal council. In the realm of ordinary matters, they judged in the first instance every matter that was brought about through committimus, whereby certain individuals could go before certain tribunals.

Parlement: provincial sovereign court with judicial functions. Apart from hearing cases on appeal from local and lower courts, the parlement was responsible for registering a variety of laws and directives from the Crown, from commissions to edicts. While not all provinces had a parlement – the Parlement de Paris had the largest jurisdiction – those that did held tightly to the right to send remonstrances to the Crown in response to royal laws.

Parti dévot: a faction at court in the 1610s and 1620s, whose central figure was the Queen Regent, Marie de Medici. Members favored strong ties with the Catholic Church and Catholic powers such as Spain, and an aggressive approach towards Huguenots within France.

Procureur: a person accorded power-of-attorney by another party to represent them in court, negotiate, file appeals, and any other specified actions on their behalf. Procureurs du roi represented the king's interest in court. This position has no direct equivalent in the English system, but resembles modern-day lawyers working on behalf of litigants.

Pays d'État: provinces with estates made up of the three orders of society – the clergy, nobility, and commoners or third estate. The estates negotiated with the king over taxation and dealt with other issues concerning provincial autonomy and privilege. The pays d'état, located on the kingdom’s peripheries from Brittany to Provence, coexisted with the pays d'élection, provinces without representation and for whom taxes were decided upon by the king without consultation.

Rentes: these were, in essence, loans at a fixed rate of interest for a specified period of time or until the constitutor bought back the rente from the lender or rentier. This system allowed the parties involved to get around the Catholic Church’s prohibition of usury. Rentes sur l'Hôtel de Ville were designed to improve the king’s credit by involving a
third party with better credit than the Crown, the municipal government of Paris, as a guarantor. If the king reneged, the Hôtel de Ville then had to pay in his stead and was considered strong enough to force the king to repay the loan.

*Société de capitaux:* an association organized around capital. Each member had a share that they could sell to another. The association continued to exist even after a change in membership.

*société de personnes:* an association organized around the individual members. If a member left, the association itself dissolved.

*Société en commandite:* a “silent” partnership in which boasted, in theory at least, two levels of participation and liability: active members who managed the association’s business and were responsible indefinitely and silent partners who just provided capital and were only obligated for their shares. In practice, however, all associates were generally considered liable as in the case of the *société générale*.

*Société générale:* a partnership, which consisted of a handful of members, usually merchants, who were all active in the association’s affairs. The association formed for a limited time, often one season, at the end of which members divided the profits and losses among themselves. Each associate was liable for the affairs of the company. If approached by a creditor for the whole sum of a debt, the associate had to pay, but could then approach his fellows for reimbursement of their shares.

*Solidairement responsable:* Solidary liability in civil law or joint and several liability in common law refers to a state in which each party to an obligation is responsible for its entirety. Under these terms, a creditor could approach one individual for repayment of the entire debt; that individual would then have recourse against his fellow debtors for reimbursement.

*Table de Marbre au Palais à Paris:* this court functioned as a court of appeal for all local admiralty courts falling under the jurisdiction of the Admiral of France centered in Paris. For appeals in the province of Guyenne, there was a separate lieutenant-general seated at Luçon until 1634. Another Table de Marbre au Palais de Rouen oversaw the admiralty courts of Normandy. Any admiralties falling outside of these appellate jurisdictions fell under the jurisdiction of the provincial parlement. The Table de Marbre au Palais à Paris and à Rouen were not sovereign courts and litigants could therefore appeal beyond them to their respective parlements.
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