FRANKLIN AND CANADA

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SUMMARY:

The following pages deal with Benjamin Franklin's interest and part in the question of Canada as that question enters into the continental history of North America and the relations of North America with the British and French governments between the years 1745-1790.

He played his part in both falls of Louisburg; Braddock's expedition; the taking of Quebec; England's choice of Canada over Guadeloupe; crushing Pontiac's Conspiracy; organizing the Canadian post-office; introducing the first Canadian printing presses; developing Nova Scotia; the American invasion of Canada; the Moravian missions in Labrador; improving Canada's New Brunswick boundary; and but for his colleagues Jay and Adams, he would have added Canada to the United States in 1783.

In line with the proverbial variety of his interests the last forty-five years of his life represent an unbroken sequence of effort to make the allegiance of Canada and America one.

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Chapter One.

The year 1745 found the colony of Massachusetts Bay, smarting from the visitations of French privateers. These privateers foregathered at Louisburg. From here they made their descent on the American seaboard, and hither they carried prize after prize. Hence the generous expenditure, born of desperation, with which New England prepared to destroy the hornet's nest. On the other hand, sheltered by the comfortable tenets of this religion and the even more comfortable geographical remoteness of their location, the Quaker assembly of Pennsylvania, demurred at taking any hand in the procedure.

But privateers were not unheard of even in the Delaware. Furthermore, there was a minority of citizens in Philadelphia who were not members of the Society of Friends.

One of these was clerk of the Assembly. He was a native of Boston, bred midst an atmosphere of detestation for anything French. His name was Benjamin Franklin. Thus it was then, when emissaries from New England solicited assistance from the middle colonies, that while New York added a few pieces of artillery, Pennsylvania was brought to make a contribution - provisions.(1) New England(2) alone furnished men.

The resolution, however, with which Massachusetts went about the finishing touches of the expedition, and the atmosphere of success in which Pepperell and Warren sailed away, soon provoked a rapidly increased interest among the Philadelphians, in which interest, Franklin, a son of Boston, was not the last to share.

It should here be mentioned that Franklin, born in a Puritan home, had run away from it in more senses than one. He belonged to no denomination. And he had a sturdy sense of humour. Amusement, raillery and interest there-

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(1) Bancroft,II,305.
(2) i.e.,Massachusetts,Connecticut,Rhode Island, and New Hampshire.

fore combined to produce the following letter to his brother John,(3) of Newport.

"Our people are extremely impatient to hear of your Success at Cape Breton. My Shop is filled with thirty Inquiries at the Coming of every Post. Some wonder the place is not taken yet. I tell them I shall be glad to hear that News three Months hence. Fortified Towns are hard Nuts to crack; and your Teeth have not been accustomed to it. Taking strong Places is a particular Trade, which you have taken up without serving an Apprenticeship to it. Armies and Veterans need skilful Engineers to direct them in their Attack. Have you any? But some seem to think Forts as easy taken as Snuff. Father Moody's Prayers seem tolerably modest. You have a Fast and Prayer Day for that Purpose; in which I compute 500,000 Petitions were offered up to the same Effect in New England, which added to the Petitions of every Family Morning and Evening multiplied by the Number of Days since January 25th, make forty-five Millions of Prayers; which set against the Prayers of a few Priests in the Garrison to the Virgin Mary, give a vast Balance in your Favour.

"If you do not succeed I fear I shall have but an indifferent Opinion of Presbyterian Prayers in such Cases, as long as I live. Indeed, in attacking strong Towns I should have more Dependence on Works than on Faith; for, like the Kingdom of Heaven, they are to be taken by Force and Violence; and in a French Garrison I suppose there are Devils of that kind that they are not to be cast out by Prayers and Fasting, unless it be by their own Fasting for Want of Provisions. I believe there is Scripture in what I have wrote, but I cannot adorn the Margin with Quotations, having a bad Memory, and no concordance at hand."(4)

The letter is undated, but from Franklin's "ecclesiastical mathematics" it would appear to have been written on the tenth of March. His calculation of 500,000 inhabitants is perhaps 100,000 in excess of the actual population, but,

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(3) Parton,I,264.
(4) Sparks VII,16.

to Franklin's credit, the news of the fall of Louisburg came at about the time he predicted it.(5)

When it reached Pennsylvania, the martial ardour of even the Quaker was faintly stirred. This and the ardent advocacy of Franklin served to offset the refusal of the Penn family to share in the cost of the war measures of the colony——a refusal which was ever - recurring. But while Quakers may have been persuaded to vote a grant towards garrisoning Louisburg, this was produced only at the cost of a twinge of their religious conscience, which frowned on even the most indirect participation in the carnage of war. Franklin understood. The wording of the measure was accordingly tactfully arranged by him to satisfy all quibbles. In 1746, our clerk of the assembly recorded a grant of £4000 "to purchase Bread, Beef, Pork, Flour, Wheat and other Grain, to be used in the King's Service as the Governor shall think best."(6) The sin was laid on the governor. The Quaker Pilate could wash his hands.

Later in the same year, Franklin visited Boston. All that year that pugnacious little city was in a military ferment, frequently expecting an attack from the enemy's fleet and constantly preparing to resist. The glory of the Cape Breton expedition still shone in the countenances of the people, while even their Sundays were noisy with the tread of armed men and the trundle of guns. If Franklin had lacked any enthusiasm before, he was infected with it here in his birthplace. On his return to Philadelphia the results of his reaction to Boston were threefold. First, the enlistment of his son as an officer in Pennsylvania's part of the army raised for invading Canada; second, the creation of a Pennsylvania militia numbering 10,000 enlistments; third, the fortification of Philadelphia.

The business of the projected army of invasion wound up with an unpleasant impression on the mind of Franklin. After the capture of Louisburg,

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(5) Smyth II,283.
(6) Mc Master p.140 •

Governor Shirley had repaired to it in 1746, and with Admiral Warren had concerted a plan for reducing all Canada. The Duke of Newcastle had replied to their proposals by directing preparations for the conquest. Accordingly the colonies north of Virginia went about raising more than 8,000 men. Franklin's son was only sixteen years old and the apple of his father's eye. But being keen, and Franklin himself full of war spirit, he permitted his son to enlist in the expedition. The expedition, however, never advanced beyond Albany.(7) No fleet arrived from England and owing to the inaction on the other side of the Atlantic,(8) the French were not even driven from their posts in Nova Scotia. The summer passed in that inactivity which attends the expectation of peace; and in September, 1747, the provincial army, by direction of the Duke of Newcastle was disbanded.(9) "There is reason to believe that the king never was earnest in his attempts to expel the French from their possessions there; though it might have been done with little difficulty." Such was public opinion in New York in 1748, as preserved for us by the contemporary Swedish traveller, Peter Kalm (10). Nor was it the opinion of New York alone. The affair raised the first suspicions in the mind of Franklin that the interests of the colonies and of England were not always identical, and that the mother country did not always hesitate to consider her own interests first. In England, years later, in 1760, he wrote to David Hume, the Scottish philosopher:

"Though I am satisfied by what you say, that the Duke of Bedford was hearty in the Schemes of the Expedition, I am not so clear that others in the Administration were equally in Earnest in that Matter. It is certain, that, after the Duke of Newcastle's first Orders to raise Troops in the Colonies, and Promise to send over Commissions to the Officers, with Arms and Clothing

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(7) Parton I,270.
(8) "The timidity of the Pelhams frustrated Bedford's designs."(Hotblack,p.47)
(9) Bancroft II,310.
(10) Kalm I,264.

for the Men, we never had another Syllable from him for eighteen Months; during all which Time the Army lay idle at Albany for Want of Orders and Necessaries; and it began to be thought at last, that, if an Expedition had been intended, the first Design and the Orders given must, through the Multiplicity of Business here at Home, have been forgotten."(11)

If imperial orders for the colonial army of invasion were slow in coming, payment of its back pay was slower still. Two years after the disbanding of the army, we find Franklin with thrifty anxiety, in letter after letter, inquiring of his English friend, Strahan, regarding William Franklin's back salary. "I understand" writes Franklin in July 1749,"that there was a Parliament in March last, for a Sum to defray all the Charges of the Canada Expedition."(12) Several months later he again complains about "payment of what has been so long due on Acc^{t} of the Canada Expedition."(13) Not until June, 1750, is he able to pen to Strahan:

"I am glad to understand by the Papers that the Parliament has provided for paying off the Debts due on the Canada Expedition. I suppose my son's Pay is now in your Hands?(14)

Apparently the eighteen months of inactivity at Albany had a rather lasting effect on young William. "As to your Grandchildren," Franklin writes to his old mother in April 1750, "Will is now nineteen Years of Age, a tall proper Youth, and much of a Beau. He acquired a Habit of Idleness on the Expedition, but begins of late to apply himself to Business," (15)

His visit to Boston in 1746 had found Massachusetts keen for a supreme effort. So were the other colonies, Maryland, Virginia, Carolina. Pennsylvania alone seemed lackadaisical. French privateers now began to ascend far up the

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(11) Smyth,IV,82.
(12) Ibid.,II,376 .
(13) Ibid.,II,380.
(14) Smyth,III,5 .
(15) Ibid.,III,4;Russell p.168.

Delaware again. In 1747, at the end of the month of May alone, twelve Philadelphia vessels were seized,(16) followed by the pillaging of several plantations by French landing parties. Still the Quaker-dominated Assembly refused to contemplate military action.

The moment of Franklin, the Propagandist, had come. Under these circumstances, he wrote his first political pamphlet;"Plain Truths"(17) consisting of twenty-two pages, with an artful appeal to each element of the population. This he followed up with an open meeting and an harangue to the multitude. The outcome was the formation of an Association of Defence numbering 1200 signatories within a few days, and an eventual enrolment of 10,000.

These shortly furnished themselves with arms, formed regiments, chose officers, and drilled weekly. The women by subscription provided silk colours with mottoes supplied by Franklin, who himself was appointed colonel of a Philadelphia regiment, but instead nominated a friend of his.

"It is proposed" writes Colonel Franklin, in December 1747, "to breed Gunners by forming an Artillery Club, to go down weekly to the Battery and exercise the Guns. The best Engineers against Cape Breton were of such a Club, Tradesmen and Shopkeepers of Boston. I was with them at the Castle(18) at their Exercise in 1743.(19)

But, without the Quaker Assembly, who was to pay for the guns? Where were they to come from? Franklin was equal to the occasion. By means of two lotteries he raised £6000 to pay for the charge of batteries on the river. With these he bought some old cannon from Boston and ordered new ones from London. In the meantime he paid a flying visit to New York and by dining Governor Clinton on sufficient Madeira, that choleric gentleman's original peremptory refusal to lend anything was altered to a gracious if prodigal surrender of eighteen mounted cannon .

(16) Fay,210.
(17) Sparks,III,1.
(18) Castle William in Boston Harbour.
(19) Ford 337;Smyth,II,356.

Our last sight of Franklin, before the Treaty of Aix-la-Chapelle in 1748, is one of his stocky figure garbed in the uniform of a private, taking his turn on common sentry-go at night, before the battery he had created.(20)

Well might James Logan, the outstanding Quaker, sing this sentry's praise: "I principally esteem Benjamin Franklin for saving the country."(21)

We have had a glimpse of a military Franklin. A few incidents now afford us a view of the political side of his genius.

The cause of the weakness of the British colonies had been patent to Franklin. This, and, incidentally, his unrelaxed close touch with the war, is evident from the files of his correspondence of early 1748. "We have received Advice from New York," he writes in January, "that an Express was arrived there from New England to inform the Government that two Prisoners, who have escaped from different Parts of Canada and arrived in New England, agreed in declaring , that three thousand Men were getting ready to march against Albany, which they intended to besiege and take; and that they were to be joined by a great Body of Indians." Which letter he eventually concludes with the emphatic opinion that"the wretched Divisions and Misunderstandings among the principal Men in that Government gives the Enemy too much Encouragement and Advantage."(22)

Divisions and misunderstandings within each colony, and among the colonies.(22a) Evidently, to the mind of the resourceful Franklin, this was a trouble to

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(20) Sparks,I,148.
(21) Bancroft,II,304.
(22) Smyth,II,360.
(22a) In November 1753, in answer to a query from Franklin as to whether there was not some way of preventing "the People of New York from supplying the French with Indian Goods," Colden answered: "We have no law in this province for restraining the trade to Canada. It is certain that a considerable trade is carried on between Albany and Canada by means of the Caghnawaga, or French Indians, all of them deserters from the Five Nations. When I was last at Albany there were at least two hundred of them, stout young fellows, at one time in the town. The Indians have passports from the Governor of Canada, and I therefore conclude that this trade is thought beneficial to the French interest, and it may be a great inducement to our Indians to desert; for none are allowed to be the carriers between Albany and Canada, but French Indians." (Sparks VII,79).

be got at on the first opportunity afforded.

This occasion was not very long in coming. The years 1753 and 1754 saw the consolidation of the French line of forts between New Orleans and Quebec, the consequent encroachments on the back of the American colonies and the interruption of British trade with the Indians. Thus in the backwoods of America the priming of the shot which set all Europe in a blaze was packed and ready for the match. In preparation for the inevitable Seven Years War, the measure of a general congress was suggested by Franklin (23) to consist of commissioners from the different colonies. The home authorities, acting upon the advice of the Lords of Trade, ordered the congress to meet at Albany, the immediate purpose proposed being to confer with the chiefs of the Six Nations concerning matters of mutual defence.

Here there now was to gather an assembly of colonial delegates unique in the history of America. Never before had the accredited representatives of all the colonies been assembled by the crown to act for the common welfare. Apart from the matter in hand, if there was any project, any plan, any thought, to be promulgated among the colonies, now was the time.

Franklin came prepared to use the Albany convention to unite the colonies into a real union. Instead of the amorphous association that had till now been the case, he boldly brought forward definite plans of organization, definite plans for a body politic with a definite centre of control and direction. Among the six reasons advanced by him before the congress, in favour of a joint as against a partial union, the following two concerned Canada specifically:

"4. The Indian Trade would be better regulated by the Union of the whole than by partial Union. And as Canada is chiefly supported by that Trade, if it could be drawn into the Hands of the English, as it might be if the Indians were supplied on moderate Terms, and by honest Traders appointed by and acting for

(23) Almon. pp.179;180.

the Public, that alone would contribute greatly to the Weakening of our Enemies.

"5. The Establishing of new Colonies westward on the Ohio and the Lakes,(24) a Matter of considerable Importance to the increase of British Trade, to the Breaking that of the French and to the Protection and Security of our joint Forces, would best be carried on by a joint Union."(25)

As a "union of the whole" the plan proposed membership for all British North America save Nova Scotia and Georgia,(26) which were at the moment presumably of insufficient consequence to be represented. The general government was to be administered by a president-general appointed and supported by the crown; and a grand council chosen by representatives of the people,met in their respective assemblies. Such was the substance of the plan.

In this, Franklin was prompted by a two-sided patriotism. First, an imperial patriotism in reference to the territorial extension of the empire in North America at the expense of the French. With the eleven colonies under a central direction, the main cause of their weakness in the face of a comparative handful of French would be removed. The outcome of the impending conflict would be made the certainty it should be, and Canada would, in the natural course of events, fall to the empire.

Second, he was prompted by a colonial patriotism. Such a union would of necessity strengthen the position of the American colonies as a whole,in relation to the mother country, and would create a body at once too considerable to be treated arbitrarily. In this colonial patriotism, Franklin was not, it should be understood, lacking in imperial loyalty. Though for long his thoughts were too amorphous to be moulded into written opinion, yet from the start, Franklin dreamed of a federation of the home parliament and a colonial(27)

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(24) A project entertained by more than one American statesmen.(Vide, the life of Washington.).
(25) Smyth,III,206.
(26) Plan of Union(Sparks,III,36).
(27) Vide pp. 10, 35 chapter 2; p. chapter 3.

congress. Such a federation would, according to his conviction, have strengthened the empire in two ways in America. First in military prowess. Second in imperial sentiment strengthened in America by obviating frictions which ruffled colonial susceptibilities.

The plan of union proposed by Franklin was unanimously agreed to by the conference, which ordered copies to be transmitted to the Board of Trade and to the assemblies of the colonies. But a singular fate awaited the scheme. The assemblies did not adopt it, for they thought it smacked too much of prerogative; and in England it was judged to be too democratic. All of which leads one to infer that it would have been a happy medium for both sides had it been adopted. The Board of Trade, however, did not even recommend it to the notice of the Crown. Instead, it proposed its own plan, that, for purposes of the impending war, the governors and some of the councils should direct all military affairs; that they should be financed by the British treasury; and that they should afterwards be reimbursed by a parliamentary tax on America.(28)

Today, it seems obvious that, had Franklin's project been accepted, it might have prevented the revolution; for the colonies would have been strong enough to defend themselves against Canada; there would have been little need of troops from England -- and thus the ground for subsequently Taxing America would never have existed.

The relations of Britain and her thirteen colonies per se are not our primary interest here. It is however curious to note that the question raised at Albany in July smouldered on, long after cold water had been thrown on it by the Lords of Trade, with their alternative plan.

Late that year, we find Franklin still in a protracted argument over the matter, with his friend, Governor Shirley of Massachusetts. In December,

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(28) Bigelow I.309.

Franklin edits in quick succession three open letters to the latter: first, "Concerning the Voice of the People in Choosing the Rulers by whom Taxes are imposed"; second, "On the Imposition of direct Taxes upon the Colonies without their Consent; and third, "On the Subject of Uniting the Colonies more intimately with Great Britain by allowing them Representatives in Parliament."

In the second letter Franklin has occasion to use Canada for an analogy, as he goes on to attack the plan of the Lords of Trade with the charge of creating "a Power" in Governors to march the Inhabitants from one End of the British and French Colonies to the other, being a Country of at least 1500 square Miles, without the Approbation or Consent of their Representatives first obtained. "Such a state of affairs "would put the People on Footing with the Subjects of France in Canada, that now groan under such Oppression from their Governor, who for two years past has harassed them with long and destructive Marches to Ohio."(29)

The business pressing at the moment in 1754 was not, however, the government of the colonies but the means of combatting the French. Franklin was not a doctrinaire. He did not confine himself exclusively to the vindication of a hard and fast principle. He was above all else the practical man, working with what forces and materials were available, and facing issues in order of their urgency. While therefore he did not at all despair in his thesis of colonial administration, we see him devoting himself heartily to the work, immediately in hand, the immediate relations of the colonies with their French neighbours.

Like some others, Franklin was early possessed of the belief that great advantage would redound to the colonies on the sea-board by settlements

(29) Smyth, III, 234. These letters were to be given wide publicity later on when the question grew more pressing. They appeared in the London Chronicle in 1766, and appeared about the same time in the London Magazine, in which year also, Almon published them in his Remembrancer. America again saw them in Franklin's paper, the Pennsylvania Gazette, in 1769.

beyond the Alleghanies under governments distinctly organized. Shortly after the Albany convention, probably, he wrote a "Plan for Settling two western Colonies in North America, with Reasons for the Plan." In this he was acting in concert with his friend, Pownall, who too had a project for "barrier colonies". Five advantages were outlined in the plan, of which three concern Canada.

"1. They would be a great Security to the Frontiers of our other Colonies by Preventing the Incursions of the French and French Indians of Canada, on the Back Parts of Pennsylvania, Maryland, Virginia, and the Carolinas; and the Frontiers of such new Colonies would be much more easily defended, than those of the Colonies last mentioned now can be.

"2. The dreaded Junction of the Fench Settlements in Canada with those in Louisiana would be prevented.

"2. In Case of War, it would be easy, from the new Colonies, to annoy Louisiana, by going down the Ohio and Mississippi; and the Southern Part of Canada, by Sailing over the Lakes, and thereby confine the French within narrow Limits." (30)

Unfortunately for these excellent observations, things moved too quickly. War was already arrived. Virginians and French had clashed on the Ohio. Jumenville had been killed and Washington forced to surrender his sword. From the north and south there now appeared heralds of war. Quincy arrived from Massachusetts, Braddock landed in Virginia.

As usual Massachusets was early on the move. She was already organizing an attack against Crown Point, and despatched Edmund Quincy to solicit a grant of money from Pennsylvania. The latter arrived, non too sanguine and lost as to a successful mode of procedure. In his perplexity he betook himself to the home of Franklin, appealing to the latter as a fellow native of the Bay

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(30) Smyth, III, 360.

colony — in doing which he adopted the happiest course towards the success of his mission. Franklin forthwith assumed responsibility. Deftly he drew up an address and coached Q uincy in the proper lines. Then with Franklin as sponsor, the petition found favour in the assembly and a sum of £10,000 was voted. Here the bill of course struck the old snag. The governor refused his assent to it unless the Penn family's estates were exempted from the tax. But Franklin found a way of raising the money:orders on the trustees of the colony's Loan Office, on which, by law, the Assembly without the authorization of the governor had a right to draw. The strategy was faultless. But there was now found to be insufficient money in the Loan Office. Franklin's resort was to raise the money required by means of orders payable in a year, to bear interest at five per cent.

In everything, the assembly eagerly followed the lead of Franklin. The populace had faith in the Franklin of yore. The security was ample, and the interest liberal. The orders of the Loan Office were therefore quickly bought up, and Quincy was able to go home, with a light heart and a heavy purse, successful indeed, thanks to Franklin, beyond his expectations.(31)

Shortly before this, the ill-starred General Braddock had reached Frederictown, Maryland. Here after pitching camp, that officer gave vent to two complaints, one against the British government for sending him out without proper supplies, the other against the American provinces for not providing carriages for his baggage. One hundred and fifty wagons were necessary. Virginia and Maryland had supplied but twenty-five. In disgust, Braddock declared the expedition impossible. To add to his resentment, rumours reached him that Pennsylvania was reluctant to aid Massachusets with money, that while that colony was refusing to furnish supplies to the king, it had been

(31) Parton,I,346;Sparks,I,182.

selling provisions to the French, had refused to open a road to the western country, and had withheld horses and wagons from the British camp. Under the circumstances, Braddock was probably becoming more intent to ravage Pennsylvania than to defeat the French.

At this point the assembly of Pennsylvania requested Franklin to proceed to Virginia and explain their conduct. He was to appear in his capacity as local postmaster, and to arrange a plan whereby Braddock could communicate quickly and safely with the colonial governors. Accompanied by the governors of New York and Massachusetts, who had been summoned by the general, Franklin eventually found himself in the camp of the regulars.

A week or so later, he had gradually disabused the general's mind of his ill opinions of the colony, had arranged his other business, and was preparing to leave. At this point, relates Franklin, "I happened to say that I thought it was a Pity they had not landed in Pennsylvania, as in that Country almost every Farmer had his Wagon." ---"Then you sir" answered the general eagerly, "who are a Man of Interest there, can probably procure them for us; and I beg you will undertake it."

So Franklin did. By shrewdly appealing to the cupidity and fears of the farmers of Lancaster, York and Cumberland counties in a series of advertisements, he raised a complete outfit of horses, wagons and drivers within two weeks.(32) For these he was compelled to advance considerable money out of his own pocket, and in addition to sign bonds. "I received from the General, "Franklin continues, "about eight hundred Pounds, to be disbursed in Advance-Money to pay to the Wagon Owners, etc., but that Sum being insufficient, I advanced upward of two hundred and fifty Pounds more." But that was by no means the whole story. "The Owners," as Franklin tells us, "alleging they did not know General Braddock, or what Dependence might he had on his Promise,

(32) Sparks, I, 187.

insisted on my Bond for the Performance, which I accordingly gave them." (33) The bond was to the tune of £20,000,(34) to guarantee the safe return of the horses and wagons.

Franklin also undertook to aid Braddock and his staff, with provisions, "advancing for the Service, of mine own Money upwards of one thousand Pounds Sterling."(35) This flow of provisions from Franklin continued until news came of the defeat and massacre on the Monongahela River. By that time Franklin had advanced £1300 towards facilitating the procuring of supplies. By sheer good luck, as Franklin always thought, Braddock, a few days before the fatal day, sent him back an order on the paymaster for £1000, leaving the remainder to the next account. This next account Franklin never(36) received and the balance remained for him a dead loss.

After Braddock's defeat, the owners of the wagons and horses flocked down on Franklin for the valuation which he had given bond to pay off. To pay claims amounting to £20,000, would have ruined him. In this predicament he appealed to Governor Shirley. A delay followed during which time panicky creditors metaphorically camped on his door-steps. Some even began to take action by law against him. At length, to Franklin's infinite relief, Governor Shirley appointed commissioners to examine the claims and to order payment.(37) At the same time he wrote from Oswego personally to thank Franklin for his great public service and to express regret that payment had not previously been made.(38)

Franklin could now breathe again. Philosophic stoicism came more easily. "I am sorry" he calmly advises a friend,(39) "to hear of the Mischief

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(33) Russell,p.180;Sparks,I,188.
(34) Fisher,p.200;Smyth,X,181;Parton,I,350;Sparks,I,194.
(35) Ford,p.340.
(36) Parton,I,354.
(37) Sparks,I,194.
(38) Bigelow,II,419;Smyth,X,182.
(39) Smyth,III,273(July 3, 1755).

on the Frontier, but we must expect more of that kind." Then he adds about his having heard "that the French Fleet with 4000 Land Forces are blocked up in Louisburg by Adm.(sic) Boscawen, which I hope is true."

Braddock's promising departure had been made possible by Franklin. The consequence of the defeat had brought the remnants of the expedition flying to the city of Philadelphia, with the pursuing Indians eventually massacring settlers within eighty miles of the city. The tension of the populace was great and the assembly, waiving its efforts to tax the Penns voted £60,000 towards the war, and appointed Franklin on the commission to spend the money. In the midst of the excitement, Franklin was as active as ever. He drew up a bill for establishing and disciplining a volunteer militia. This he followed with a pamphlet of some twenty pages, ridiculing those who refused to enlist without the Quakers.(40) Here is the gist of the pamphlet:

"Z. For my part, I am no coward, but hang me if I will fight to save the Quakers."

"X. That is to say, you will not pumpship, because it will save the rats, as well as yourself."

At the same time Franklin planned and carried through a lottery for raising further money.(41) Militia companies were now forming in Philadelphia and in the countryside, and all were busy drilling, when the welcome news arrived that William Johnson had defeated Dieskau, the commander-in-chief of the French, at Crown Point. This calmed the colony somewhat; but the future was still so uncertain that the governor requested Franklin to take charge of the defences of the north west of the colony.(42) Franklin accepted the commission and we see him for two months as a real enough military com-

(40) " A Dialogue between X,Y, & Z, concerning the present State of Affairs in Pennsylvania". (Sparks,III,84).
(41) Ford, p.341.
(42) Fay,p.252.

mander. He raised 500 men and set out on his wary march through the Lehigh Valley to the county of Northampton. This was the most recent scene of destruction, and a region still infested by the enemy. The Canadian Indians had burned the Moravian village of Gnadenhutten and slaughtered the inhabitants. But the site was chosen as a good location for the main fort. With Franklin went his son, William, who had been an officer in the army against Canada, raised ten years ago. Now aged twenty-six he proved of great use to his father as aide-de-camp.(43)

The expedition was no child'splay. Here was an inexperienced general, his troops no less inexperienced, marching through a difficult and dangerous country in the severest month of the winter.

Franklin himself relates an incident which shows that the enemy, though invisible, was at all times at hand, watchful and determined. "Just before we left Bethlehem, eleven Farmers who had been drivem from their Plantations by the Indians, came to me requesting a Supply of Firearms, that they might go back and bring off their Cattle. I gave them each a Gun with suitable Ammunition. We had not marched many Miles before it began to rain, and it continued raining all Day... The Indians killed ten of them. The one who escaped informed us that his and his Companions' Guns would not go off, the Priming being wet with the R ain.(44)

In the diary of Thomas Lloyd, one of the officers under Franklin, there are some enlightening comments : "We are now in the country of an enemy against whom all possible caution is absolutely necessary, and scarce sufficient to prevent supprises.... The march was conducted by Mr. William Franklin with great order and regularity.... We were alarmed by two senti-

(43) MacDonald,p.174.
(44) Parton,I,361.

nels firing at two Indians, who escaped and appeared no more." Another entry tells how "the route was thro' the worst country I ever saw. Hills like Alps, on each side, and a long narrow defile, where the road scarcely admitted a single wagon. At the bottom of it a rapid creek with steep banks, and a bridge of a single log, so situated that the Indians might with safety to themselves, from the caverns in the rocks, have cut us all off, notwithstanding all human precaution... At Gnadenhutten appears nothing but one continued scene of horror and destruction ,,, mangled bodies... exposed to.... beasts of prey... all kinds of mischief perpetrated that wanton cruelty can invent... Mr. Franklin will, at least, deserve a statue for his prudence, justice, humanity, and above all, for his patience." (45)

A line of small forts was the outcome of Franklin's efforts, and there is no doubt that he checked the savages, who were watching him from the hilltops at all times. He had no actual battle with them, and fortunately escaped any surprise. This was at least partly due to the fact that he was very wily in his movements, and in his shrewd common-sense way understood Indian tactics. In one of his letters he has left a description of how a force like his should, before stopping for the night, make a circuit backward and camp near the trail, setting a guard to watch the trail so that any Indians following it could be seen long before they reached the camp.(46)

His work complete and not wishing to be away too long, at his own request, Franklin was replaced by an experienced Indian fighter, Colonel Clapham. On his return to Philadelphia,so enhanced was his reputation that the governor proposed to commission him as general, and to have him undertake an expedition of colonial troops to reduce Fort Duquesne. Franklin modestly declined. He was pleased however to find that the militia movement, initiated by him before his departure, was assuming vast dimensions. The Philadelphia

(45) Sparks,VII,110.
(46) Fisher,p.208.

regiment of 1200 "well-looking men with a company of artillery", insisted on him as colonel and received him with a salvo of "six brass field pieces, "firing "twelve times in a minute," and wound up by escorting him in procession to his home.(47)

Shortly after, the forty officers of the regiment, despite his apprehensions, further insisted on constituting themselves a mounted guard of honour and escorting him about. Franklin's apprehensions regarding these ceremonials were well founded. Word reached the Penn Proprietors in England, of honours such as had never been paid to them when in the colony. A hot complaint was lodged with the home government that Franklin contemplated a coup d'etat against them. An endeavour was also made to have the British postmaster-general, Sir Everhard Fawkener, relieve Franklin of his position as postmaster of Philadelphia. The results were that Franklin's bill, which had passed the Assembly so successfully and had created this respectable militia of Pennsylvia, was repealed in England and the whole organization disbanded. At the same time Franklin was reprimanded by Sir Everhard.

Below is the draft of a letter in Franklin's handwriting; the date and destination are unknown. A perusal of the letter makes it possible for us to venture this missing information, with early 1756 as the date, and governor Shirley at Oswego as the destination. "Sir," it runs,

"It might be of use to me with my constituents, the postmaster general in England, to whom I understand I am misrepresented as disaffected to the King's Service if your Excell^{y} would be pleased to repeat, in a Letter to me, general Braddock's Expression, which you mentioned yesterday, relating to the Service I rendered him; and add such Notice as you think proper to take, of any procuring for your Forces, the Grant of £10,000 in Provisions; and after-

(47) The Pennsylvania Gazette March 25th 1756, gives a fulsome account of the parade; Sparks,I,205;Parton,I,366.

wards the war Clothing. -- I never before claim'd any Regard on these Acc^{ts}. But in my present Situation, it seems necessary to me to say tho' of myself, what is really true, viz. That I personally solicited the first Affair with every leading Member, advis'd Mr. Quincy what Strings to touch in his Discourse with each of them, drew for him his Remonstrance to the House, and when they became willing to give, but were at a Loss where to find the Money, I contriv'd for them a new Method of gaining Credit for the Sum, and carried it into Effect. — As to the Clothing, I first proposed it to the Assembly, and obtain'd a Vote of approbation; they had no Money but promised to pay when they could, if any would advance it; I set on foot a Subscription for the purpose, and myself actually subscribed & paid three Tenths of the whole Sum, of which I am not yet reimbursed one Farthing. — Your Exc^{y}. touching these points ever so lightly in a Line to be made Use of only as above hinted I should esteem a great Favour; but if it appears to you on any Acc^{t}. improper, I shall not take your declining it amiss, being with the most perfect Attachment,"etc.(48)

In this year 1756, Lord Loudoun arrived to take over the direction of the war from Governor Shirley, on whom it had devolved after the death of Braddock. He was "like King George upon the sign-posts, always on horseback but never advancing." Under him, the army mustered at Lake George frittered the summer away waiting for Montcalm to move against it. Instead, leaving behind him a skeleton force facing Loudoun, Montcalm made a flying descent on Fort Oswego and destroyed it within a week, the garrison of 1600 men being made prisoners. Affairs were disheartening and well-nigh desperate. The British campaign had been a fiasco. Hundreds of lives had been lost, farms were destroyed, and nearly £100,000 wasted. Franklin reflects the gloom of the colonies in a letter to an English friend.

(48) XLVI(i)53,MSS. in A.P.S.

"I am sorry", he writes, "we have no good News in this Part of the World to ballance(sic)your Loss of Minorca. Oswego is taken and a fine New England army collected at Lake George, is, thro' Inaction wasted by Sickness and Desertion, so as to be at present of little Strength or Value, and I am affraid(sic) these governments will be unable to produce such another for the next campaign." Reviewing the desultory course of the war, Franklin hit upon a momentous proposal. He used simple logic. Border warfare was a long drawnout process that was getting them nowhere. Indeed it was playing into French hands. Franklin saw the safety of the colonies was to be secured not actually in about the colonies themselves, but in Canada where the citadel of Quebec commanded the ingress and egress of the great St Lawrence basin and the approach to the great central plain. So weighing all the evidence, he suggested the revolutionary course of procedure, which, ridiculed in America, he was to take over to England the next year in 1757, urge upon Pitt, see Pitt eventually adopt it, and the name of Wolfe perpetuate it. "These Northern Colonies," he therefore continues to his English correspondent,"have a vast Frontier to defend and Expence is excessive. Much less Money would defray an Expedition by Sea against Quebec: That, in my Opinion will be our most effectual Defence and much the cheapest."(49)

Franklin had been in considerable contact with Loudoun. He had been one of the first persons Loudoun had got in touch with in America, such being Loudoun's instructions. Franklin had placed himself entirely at the disposal of the commander-in-chief, hoping for some action and incidentally to receive the balance of the money owed him by Braddock. In both hopes Franklin was doomed to disappointment. With regard to this £300, Loudoun's action was

(49) Smyth,III,347 and X,184(November 5,1756).

typical of his general inefficiency. When Franklin first broached the matter Loudoun was very amiable, desired to see the figures, noted them, and then ponderously proceeded to deliberate on the matter. He had the papers examined by a proper officer, every item was compared with its voucher, and the whole finally declared correct. He even promised, says Franklin, to give him an order on the paymaster for this balance due him. This, he then proceeded to put off from time to time.(50) At length he decided that even if Braddock had lost everything, it was not so much as Franklin figured. In notebooks already overflowing with a plethora of details, he fixed this attitude towards Franklin. Franklin got nothing from him but the raising up of false hopes, and a final suggestion to take the matter to London, where payment he said would immediately be made.(51) At this time conditions in the Pennsylvania assembly resulted in the appointment of Franklin as that body's emissary to parliament against the Penn proprietors; so for two reasons the(52) month of March, 1757, found Franklin about to board ship and sail forthwith to England. He had reckoned however without his host. Loudoun first held up his departure by a last and prolonged bombardment of questions ranging from the postal service to what was wrong with the governor. When Franklin was beginning to hope this was over, Loudoun struck on the idea of an expedition against Louisburg. Accordingly an embargo was put on all vessels. Eleven weeks were next passed by the Earl in pondering over the expedition and by Franklin in rebidding his friends successive farewells. At length at the end of June, permission was grandly given for Franklin's packet to join the British fleet outside the harbour and to attend Loudoun's ship until Loudoun wrote a certain letter to be taken to England. Five days passed before the letter was written. Franklin sailed to Europe. Loudoun and his

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(50) Sparks, I, 222.
(51) Bigelow, II, 419.
(52) Fay, p. 272.

large army set off on his wild goose chase to Cape Breton. Montcalm overwhelmed Fort William Henry in Loudoun's absence; and the French Indians put the crowning touch to Loudoun's greatness by slaughtering the garrison.

While the ship bears Franklin towards England let us take the opportunity to glance at farewells written by him. The mail bags contain two among others. They both bear the date of April 14, 1757. One is addressed to John Lining, in South Carolina wherein Franklin introduces "a gentleman of learning and merit, Colonel Henry B ouquet, who does me the favour to present you this letter, and with whom I am sure you will be much pleased."(53)

The other letter is addressed to the last named officer himself(54)To him, Franklin express regret that he has enjoyed "so little of your Conversation" -- adding whimsically: "How happy are the Folks in Heaven who, tis(sic) said, have nothing to do, but to talk with one another, except now and then, a little Singing & Drinking of Aqua Vitae." (55) And he subscribes himself at the end of the letter with "Respect and Affection".

Some of Bouquet's letters are sufficiently interesting to be continued at this point. There is first the correspondence that preceded arrangements between Bouquet and Franklin regarding a hospital for inoculating such soldiers as had not had small pox.(56) Prior to this the difficult question of quartering officers and men in Philadelphia had been solved by Franklin, the officers being paid and finding their own board.(57) The height of the Swiss officer's career occurs in 1763 with his defeat of Pontiac at Bushy Run and in 1764 with his march through the Ohio wilderness when his daring and stern attitude brought about an effective end to the Conspiracy.(58) Fifteen hundred men accompanied him on his departure from Carlisle, Pennsylvania. Of this march to Fort Pitt, we read in the Britannica. It omits however to mention

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(53) Bigelow,II,498.
(54) Between Bouquet and Franklin the correspondence stretches from 1757 to 1764, the interim between Franklin's second and third visits to England.
(55) Smyth,III,382(April 14,1757).
(56) Amer. Arch.2nd Series,IX.2051(Library of Congress).
(57) Ibid. I,27.
(58) E.J.Marquis;Pontiac's War(Canada and its Provinces,III,69).

Franklin's part in making it possible. To meet the savage onset of the greatest Indian confederacy, which fell particularly upon Pennsylvania, it was necessary to raise troops, raise money to pay them, and procure military supplies. The provincial assembly had promptly gone about this, appointing commissioners to expend the money appropriated. Of these commissioners Franklin was one. His duties were arduous. Bouquet supplies the evidence of how Franklin performed them and put Bouquet himself into his debt. On August 10th Bouquet writes (59) to Franklin: "Desertion has already reduced your two Pennsylvania Battalions to about 750 Men, and I have too much cause to expect they will have many more (desertions) before they reach Fort Loudoun. I cannot spare so considerable a Number from the diminutive Force I was to have and am obliged to apply to the Governor and Commissioners to enable me to compleat these Troops- - As I realy(sic) apprehend some Risk in proceeding on this Expedition with So few Troops, I beg you will use your Interest with the Board to obtain me that favour, and prevent a delay, which in the Circumstances would be equal to a denial." Twelve days later, on the 22nd he writes Franklin from Fort Loudoun: "I return you my thanks for the continuation of your most friendly offices in the thorny affair you have so luckily carried for me!(60)

But his brigade ready, Bouquet received bad news. Word arrived from Colonel Bradstreet of the over-eager peace concluded by the latter with the Indians. This peace was disavowed by General Gage, the newly-arrived successor of Amherst, and ignored by Bouquet. "I have the mortification to inform you privately, "Bouquet writes Franklin on the 27th,"that Bradstreet has granted Peace at Presqu'Isle to the Delaware and Shawanese without insisting on the least satisfaction for their Murders and Insults.

"I flatter myself that the General will not ratify Such a Scandalous

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(59) I,92,A.P.S.
(60) I,94,MSS. in A.P.S.

Treaty; for my part I take no Notice of it, and proceed to the Ohio, fully determined to treat as Enemies Every Vilain(sic) of those Nations(Deputies excepted) as Shall come in my way till I receive contrary orders from the General."

In one of his answers to Bouquet,(61) Franklin takes the occasion to send Bouquet a pamphlet, "Jugement dans l'affaire du Canada, supposing it may be the more agreable(sic) to you to see it, as during your War with that Colony you must have been made acquainted with some of the Characters concern'd." To what pamphlet on Canada does Franklin refer? We shall have an occasion to examine this in the next chapter.

It remains but to review Franklin's share in the French and Indian Wars. Colonel Bouquet assists us in the following remarkable letter.(62)

"I received yesterday your obliging letter of the 16th inst.(August) with the welcome account that my request to the Governor and Commissioners to enable me to recruit the number of wanted men to replace the deserters of the Pennsylvania troops was granted. ,An application of this nature being unusual, I doubted of its success, and nothing but the necessity of completing those two Battalions, would have induced me to make an attempt liable to so many objections from the known economy of the Board of Commissioners in the disposal of public money. My dependence was as usual on you; and indeed had you not supported my request in the warmest manner, it must have miscarried, and left me exposed to many inconveniences.

"Your conduct on this occasion does not surprise me, as I have not alone experienced the favourable effects of your readiness to promote the service. I know that General Shirley owed to you the considerable supply of Provisions this Government voted for his Troops, besides warm Cloathing(sic),

(61) XLVI(i)82½MSS.in A.P.S.; Smyth,IVm269(September 30, 1764).
(62) I,95.MSS.in A.P.S.; Smyth,X,182;Sparks,VII,262 .

etc. That you alone could and did procure to General Braddock the carriages without which he could not have proceeded on his Expedition, That you had a Road opened thro' the Province to supply more easily his Army with Provisions, and spent a Summer in those different Services without any other Reward than the Satisfaction of serving the Public. And I am not unacquainted with the share you had in carrying safely thro' the House, at a very difficult time the bill for £60,000 during Lord Loudoun's command. But without recapitulating instances on which I am not directly concerned, I remember gratefully, that as early as 1756, when I was sent by Lord Loudoun to obtain quarters in Philadelphia for the first Battalion of the Royal American Regiment I could not have surmounted the difficulties made by your people, who, at that time, unacquainted with the quartering of Troops, expressed the greatest reluctance to comply with my request until you were so good as to take the affair in hand, and obtain all that was desired.

"I have not been less obliged to you in the execution of the present act,having been an eye-witness of your forwardness to carry at the Board, as a Commissioner, every measure I proposed for the success of the expedition." And then he concludes, "This acknowledgement being the only return I can make, for the repeated services I have received from you in my public station, I beg you will excuse my prolixity upon a subject so agreeable to myself,as the expression of my gratitude."

Ten years later in 1774, Franklin wrote to a friend in America: (63) "Lord Chatham...spoke honourably of our Province and People and of their Conduct in the late War." What an eminent satisfaction it must have been to Franklin who was so largely responsible for it!

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(63) Bigelow,II,242.

Chapter Two.

Franklin's business in London was the issue between the Assembly and the Penns, not the war. But he who had taken so prominent a part in his own bailiwick could not divorce himself from an active interest in London, the mainspring of the conflict. Shortly after his arrival he joined into the general politics of the nation. A month before, Pitt had entered into the direction of affairs, his mind fixed upon Germany. In Germany, by Frederick's aid, he meant to conquer the king of France(1). "America can be won in Germany" declared Pitt, and he was the loyalist supporter Frederick had in England, ——even against the king and the whole cabinet.(2) Franklin we know (vide p.21) was strongly in favour of a great expedition against Quebec, A supreme tour de force to extirpate French power in America. The shrewd colonial now sought to reach past the reserve of the haughty all powerful Pitt. The question arises: to what extent did he succeed in influencing him?

First, we know that a contact was established. "I had", writes Franklin, "the Satisfaction of hearing through Lord Shelburne, and, I think, Lord Stanhope, that he (Pitt) did me the Honour of mentioning me sometimes as a Person of respectable Character.(2) Then again for a considerable time Franklin kept up, in his own words a "Communication through Mr. Potter and Mr. Wood, his (Pitt's) secretaries, who seemed to cultivate an Acquaintance with me by their Civilities and drew from me what Information I could give relative to the American War, with occasionally my Sentiments on Measures that were proposed or advised by others, which gave me the Opportunity of recommending and enforcing the Utility of conquering Canada." (3) We know also, how later, Pitt in his turn not only sought the acquaintance of Franklin, but consulted him confidentially on important national affairs.(4)

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(1) Harrison, p.140.
(2) Parton, I, 394.
(3) Sparks, I, 247, 248.
(4) Sparks, V, 4, 5.

Franklin's argument for the Quebec expedition was that it was futile to England to carry on her war against France in the heart of Germany, where, if successful, it would end in no real gain to the British nation.(5) Canada, on the contrary, argued Franklin, was a more eligible field of operation. Victory here, would add permanently to England's estate when the fighting was done. France would be dealt a blow from which, in North America she would never recover, and which would have a lasting influence in advancing the prosperity of the colonies and Britain. The practicability of the enterprise, and the manner of conducting it, his own intimate knowledge of the state of things enabled Franklin to communicate. All this was carried to and laid before Pitt by the confidential under-secretaries. They made the impression Franklin desired, and the great war minister put the attack into effect under Amherst and Wolfe, with results that verified Franklin's prediction (6) and brought into existence a new Canada.

To pave the way to Quebec, Louisburg fell before the same two British officers July 26, 1758, for the second time since 1745. Then, it may be recalled, the seige of Louisburg had drawn from Franklin a humorous letter(vide page 2 chapter 1). Now again it brought a sly dig. "I congratulate you", writes he from London to his sister Jane, in September, "on the Conquest of Cape Breton, and hope as your People took it by praying, the first Time, you will now pray that it may never be given up again, which you then forgot."(7) Franklin remembered the Treaty of Aix-la-Chapelle.

Less humourous but more informative is another letter, written a few months before the fall of Quebec, to his partner, David Hall.(8)

"I congratulate you on the Success of our Forces and Fleet in driving the French from the Ohio, and establishing Peace with the Indians. I hope this year will finish our American War. The strong Fleet sent hence some

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(5) As for their being a real loss there, in case of defeat, Pitt's words some four years later show his agreement with Franklin: "The members of the Empire(Germany) and your own allies", said he to the French ambassador de Bussy, "will never allow you to hold one inch of ground in Germany.(Bancroft, II,539).

(6) Macdonald 225.

(7) Smyth, III.458 (September 16, 1758). (Hall. Philadelphia.).

time since for the Attempt on Quebec, is I imagine before now arriv'd on your Side; and the Troops embarking for that Service. God grant them Success, and deliver us for ever from those mischievous Neighbours."

A thumbnail sketch of the times follows in a third letter from London, to James Wright:(9)

"There has been at my House," it runs, "one Mary James who was taken from Juniata about 3 years & a half since, and carried by the Indians to Canada, was redeem'd from them by Col. Schuyler & got among the French; was sent with other Prisoners to old France, and after living there 15 Months, got over hither. She tells me she left two Children with you & your Sister, whom she is very desirous of seeing, I am endeavouring to procure a Passage for her."

By this time Franklin had become so well-known that he was now proposed as a member of the House of Commons. This he refused.(10) But his attractive disposition continued to widen the circle of his friends. Conspicuous among these was William Strahan, Tory editor of the London Chronicle. Franklin's frank gaiety met a cordial response in the latter and the two of them "clinked glasses"(11) over the military tactics of Frederick the Great. Friendship was useful. Strahan was one of the foremost printers of London. Authors, actors, people of influence, Dr. Johnson, Garrick --- all were indebted to him. As editor of the Chronicle, he published whatever idea Franklin suggested. A good connection this, as was that with Cave, the director of the Gentleman's Magazine. Franklin established himself solidly with the press of the day.

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(9) Smyth,III,483.
(10) Fay,p.293.
(11) Fay,p.270.

With the accession of the new king in 1760 arose a cry for peace. Pitt had spent money with a profusion that appalled financiers. England wearied of a war entered to save Prussia from France and her allies, a war that was depleting English resources. Despite its colonial glories, the year 1759 saw things not too well with Frederick. King George at their head, the Tories clamoured for peace on any terms. Pitt at their head, the Whigs called for a vigorous prosecution.(12) The colonists for their part had therefore good reason to dread a termination of the war before success had made certain the retention of Canada.(13) Most representative of colonists in England was Franklin. Thus no Pittite believed more firmly in a vigorous continuation than he.

Believing in the war, he wrote in its support(14)articles, serious and sardonic, inveighing against a premature peace flowed from his pen, unsigned, and readily printed by journalist friends. Most interesting of these scriptures is one typical of Franklin and his attributed origination of the political hoax. Instead of keeping to traditional lines and repeating in a pamphlet or squib the arguments that had become by repetition both hackneyed and partisan, Franklin made his appeal in such a way as to avoid both.

(15) "I lately met with an old quarto Book in a Stall", he wrote publicly to the editors of the London Chronicle and the Gentleman's Magazine, translated, so he goes on to tell, from the writings of a Spanish Jesuit and published at London by "Bonham Norton and John Bill, Printers to the King's most excellent Majestie, MDCXXIX"(16)

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(12) Mc Master p.168.
(13) Ford,p.239.
(14) L(i).12,MSS,in A.P.S.
(15) L(i).12MSS, in A.P.S.1Smyth,IV,89;Sparks,VII,216.
(16) Franklin must have come across this or a similar colophon: Bonhom Norton (1565-1635) was a King's Printer: Dict. Nat. Biog., Vol.XLI,p.225.

He then goes on to say that a certain chapter of this book is "so apropos to our present Situation(only changing Spain to France) that I think it well worth general Attention and Observation, as it discovers the Arts of our Enemies, and may therefore help in some Degree to put us on our Guard against them."

Having thus convinced the reader that whatever follows is untinctured by contemporary bias, he pretendedly transcribes from the imaginary book of another century an imaginary "Chap. XXXIV; "On the Meanes of Disposing the Enemie to Peace."

"It is well knowne", the pseudo-treatise explains, that these Northerne People, Though hardie of Bodie and bold in Fight, be nevertheless, Through overmuch Eating and other Intemperance, slowe of Wit, and dull in Understanding, so that they are offtimes more easilie to be governed and turned by Skill than by Force." Tongue in cheek, Franklin then proceeds to put into the mouth of the Jesuit counsellor of His Catholic Majesty the suggestion that money be distributed among English "Grandees or their Friends or Paramours" to influence upon the minds of the people "by Sermons, Discourses, Writings, Poems and Songs, a list of devious propaganda against war.

The arguments of this trumped-up Machiavelli are then made to tally with precisely the same ones vociferated by George III's followers. Thus by putting every reason for ending the war into the mouth of an Enemy of England, Franklin makes each of them seem, in reality, inimical to that country --- as they were even more inimical to America. It was a most ingenious and telling document, well calculated to cast suspicion on the pacifists.(17) The Britannica says it "had a great effect"(.11th Ed.,II,25.)

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(17) Macdonald,p.225.

The war dragged on for a while longer thanks to Pitt and agencies such as Franklin. Meantime, from the Battle of the Plains of Abraham on, journalists and pamphleteers began to occupy themselves in forecasting the probable terms of peace. The question of retaining Canada became a leading topic. Franklin could not be indifferent. He who had been of the first to urge the conquest would be the last to suffer its nullification. In his correspondence, at his receptions, among his acquaintances, in every coffee-house, through every contact and communication, Franklin preached retention. Not tall in build, thick-set, his head unperuked, his stocky legs apart, he pictured the British bull-dog in the attitude of "What we have, we hold!" Skilful fencer that he was on most occasions, on this he threw caution to the winds.

Canada est delenda.

What moral grounds had F ranklin for feeling that, apart from the question of advantages accruing to England, the colonies were entitled to seeing another mother country deprived of New France? On what grounds could the colonists,with regard to Canada, claim prior consideration, whether or not it was preferable to Britain?

Franklin felt their case to be emphatically justified. A letter(18) written during his third sejourn in England, the destination of which letter is unknown, presents their claims as the following.

"That every Year during the War, Requisitions were made by the Crown on the Colonies for raising Money and Men ; that accordingly they made more extraordinary Efforts, in Proportion to their Abilities than Britain did; that they raised, paid, and clothed, for five or six Years, nearly twenty-five thousand Men, besides providing for other Services, as building

(18) Bigelow,I,453;Sparks IV,157,158 and I,292(January 6,1766).

Forts, equipping Guard-Ships, paying Transports, etc. That this was more than a fair Proportion is not merely an Opinion of mine, but was of the Government here, in full Knowledge of the Facts; for the then Ministry, to make the Burthen more equal, recommended the Case to Parliament, and obtained a Reimbursement to the Americans of about £200,000 Sterling every Year; which amounted to about two-fifths of their Expense; and great Part of the Rest still lies a Load of Debt upon them; heavy Taxes on all their Estates, real and personal, being laid by Acts of their Assemblies to discharge it."

Shortly after, in his celebrated Examination before the House of Commons Franklin reiterated(19) this: The colonies "were reimbursed what in your(Parliament's) opinion we had advanced beyond our proportion; or beyond what might reasonably be expected from us; and it was a very small part of what we spent. Pennsylvania, in particular, disbursed five hundred thousand pounds, and the reimbursements in the whole, did not exceed sixty thousand pounds.(20)

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(19) Benjamin Vaughan's Journal of the House of Commons; Bigelow,I,467; Sparks,IV,187.

(20) L(ii)13(a),MSS.in A.P.S.
Among Franklin's Manuscripts in Philadelphia I came across the following fragmentary draft, which I have tried to reproduce here exactly as it appears:(The quotation marks are those of the manuscript.)

"On Trade with the Colonies"

"Compensation for the Expenses incurred by the respective Provinces, in the "Levying Cloathing and Pay of the Troops raised by the Same, according as the "active Vigor & strenuous Efforts of the respective Provinces shall justly appear to merit. "G.R." --- On which Message the House of Commons did the next day resolve, "That a Sum not exceeding 200,000£ be granted to his Majesty on Account, to "enable his Majesty to give a proper Compensation to the respective Provinces in "North America for the Expenses incurred by them in the Levy, Cloathing & Pay "of the Troops raised by the Same, according as the active Vigor and strenuous"Efforts of the respective Provinces shall be thought by his - (torn) - to merit." ----- The same Messagg - (torn) - by the same Resolve was repeated - (torn) - during the War; by which it appears - (torn) - his Majesty's faithful Subjects - (torn) - War with unremitting Zeal and Vigor to the last in Defence of his Majesty's "just Right and Possession", and I know that the Honour of having their Conduct thus approved by their gracious Sovereign & that great Council for whom they ever had the highest Veneration....

See Thackeray's Life of Pitt,II,421. Follows closely Pitt's letter to gov. of Mass., Dec.30,1757.(W.D. Green: Wm Pitt,Earl of Chatham 129.).

During the same Examination he later pointed out the typical case of Col. Bouquet. When the latter had crushed Pontiac's Conspiracy, his army had consisted of three hundred regulars compared with no less than a thousand Pennsylvanians.

Five days before sailing home to Philadelphia, in 1775, Franklin wrote(21) to the Secretary for the Colonies: "The Conquest of the Gulf of St Lawrence (and) the Coasts of Labrador and Nova Scotia.., was made by the joint Forces of Britain and the Colonies, the latter having nearly an equal Number of Men in that Service with the former."(22)

Did Franklin exaggerate colonial sentiment? Or did he simply reflect the feeling of righteousness in their demands for the retention of Canada?(23) Of the greater American colonies, by no means the most affected by the war had been Franklin's own Pennsylvania.(24) Yet, as early as the beginning of 1757, a "Committee of Aggrievances" of the assembly of Pennsylvania, brought in a report of which the following is a paragraph:

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(21) Sparks,V,80.

(22) Pitt organized three expeditions against Canada, the first being against Louisburg. The second expedition, under Abercrombie, was directed at the Lake Champlain — Richelieu River frontier. It consisted of 6000 regulars and 9,000 provincials.(Green p.31). Of these, Bradstreet with an army of 3,000 provincials moved against Ft. Oswego, across Lake Ontario, and took Ft. Frontenac. The third expedition across the Alleghanies to Fort Duquesne consisted of 1,400 Highlanders and 6,000 provincials. And second in command ofthis force was the colonial George Washington. (Harrison p. 104).

Also coincident with the organization of the three-fold plan of attack the colonial troops were given full recognition. In consideration of their importance Pitt ordered that provincial officers should take equal rank with officers of the regular army according to grade. (Green,p.121).

(23)"They cooperated honourably in the conquest of Canada, and even in the expeditions against Havannah and Martinique, and contained many skilful officers quite capable of conducting a war." ---(Lecky,III,272).

(24) Fred.Harrison:Chatham,P.104.

"That Notwithstanding this weight of taxes, the Assemblies of this province have given to the general service of the nation, five thousand pounds to purchase provisions for troops under General Braddock; £2,985. Os. 11d. for clearing the road by his orders; £10,514. 10s. 1d. to General Shirley for the purchasing provisions for the New England forces; and expended the sum of £2,385. Os, 2½d. in supporting the inhabitants of Nova Scotia; which(25) likewise we conceive to be a national expenditure."

Franklin felt the war had cost the colonies much in men and money. Besides the war on land, four hundred privateers had been fitted out in colonial harbours. Further the magnitude of their financial resources had been made apparent; "without a murmur", without visible injury to their prosperity they had voluntarily raised large sums by taxation at a time when the English treasury had been put to enormous charges,and the English people "groaned beneath the unwanted tax burdens which they had to bear."(26) Henceforth the British Government would know where to turn further for taxation.

For all these reasons therefore, Franklin felt morally justified in vigorously advocating the cession of French North America. Canada was not to be given back again to France! The Louisburg business of 1748 was not to be repeated!

There is a danger at this point, of misunderstanding to some extent the mind and sentiment of Franklin. From the summary of arguments above, one would tend to arrive at the impression that Franklin was simply a cold-blooded self-seeking colonial, ready to work with England where it was of advantage, to America, and as ready to appropriate from England, if possible

(25) From Votes and Proceedings of the Assembly of Pennsylvania, dated Feb. 22.1755; Smyth,III,376.
(26) Morse,p.101.

the whole of the spoils resulting from the success of such cooperation. Such a picture is an exaggeration. While it is true that, to him, the colonies came before the mother country, the attitude - reversed - was equally true of Britain's policy and the theory of the Mercantile System.(27)

Franklin was not a narrow colonial. His vast learning, his deep wisdom, his wide outlook and contacts prevented a colonial "Little Englandism" and in the fullest modern sense of the word made him an imperialist, a proud and militant member of a then emerging empire. His whole life up till after the fighting at Lexington, in 1775, gives evidence of this.

Here is a typical letter(28) written in the midst both of the hilarity over the successes of 1759,(29) and of the current of discussions over the eventual terms of peace. It is to the scholarly Lork Kames of Scotland, with whom Franklin had stayed on a prolonged visit previously.

"No one", it runs, "can more sincerely rejoice than I do, on the Reduction of Canada; and this is not merely as I am a Colonist, but as I am a Briton. I have long been of the Opinion that the Foundations of the future Grandeur(30) and Stability of the British Empire lie in America; and though, like other Foundations, they are low and little now, they are, nevertheless, broad and strong enough to support the greatest political Structure that human Wisdom has yet erected. I am, therefore, by no means for restoring Canada. If we keep it, all the Country from the St Lawrence to the Mississipi will in another Century be filled with British People. Britain itself will become vastly more populous, by the immense Increase of its Commerce; the Atlantic Sea will be covered with your trading Ships; and your naval Power thence continually increasing, will extend your Influence round the whole Globe and awe that

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(27) cf. the platform of both local political parties today: "Canada First!".
(28) Bigelow,I,399;Sparks, VII,188(Jan.3,1760).
(29)"Lagos,Quebec, Minden,Quiberon Bay."
(30) Vide p. 9, chapter 1; p.35, chapter 2; p. 36 chapter 3.

World. If the French remain in Canada they will continually harass our Colonies by the Indians, and impede, if not prevent, their Growth; your Progress to Greatness will at best be slow, and give Room for many Accidents that may forever prevent it."

Franklin knew the land of his forbears, and he employed with skill and acumen the arguments which would have the greatest weight. Four days later he repeats the same point of view, this time to an American friend, John Hughes, on the arrival of the report that "the King of Prussia's late Misfortune has given the Enemy fresh Spirits."(31)

"Some among our great Men begin to prepare People... by discoursing that to keep Canada would draw on us the Envy of other Powers, and occasion a Confederation against us; that the Country is too large for us to settle, not worth possessing, and the like. These Notions I am every Day and every Hour combating and I think not without some Success. The Argument that seems to have the principal Weight is that in case of another War, if we keep Possession of Canada, the Nation will save two or three Millions a year; now spent in defending the American Colonies, and be so much the stronger in Europe, by the Addition of the Troops now employed on that side of the Water. To this I add, that the Colonies would thrive and increase in a much greater Degree, and that a vast additional Demand would arise for British Manufactures, to supply so great an Extent of Indian Country; with many other Topics which I urge occasionally according to the Company I happen into, or the Persons I address. And on the Whole, I flatter myself that my being here at this Time may be of some Service to the general Interest of America."

Franklin wished Canada for the empire. With Kames he sees her attractions to the mother country. With Hughes he sees her attractions to the colonies. For each he paints in the colours most effectual.

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(31) Sparks VII.192; Bigelow I.402(Jan. 7, 1760).

During the protracted discussion of peace terms, the vicinity of the British government was showered with pamphlets on the respective merits of Canada and Guadeloupe. Outstanding among these papers and of particular interest to us was the so-called"Canada Pamphlet", published anonymously. Before we enter into an examination of its contents, let us attend to the question of its identity.

The first edition of this pamphlet was undoubtedly published between the news of Wolfe's victory at Quebec and the month of May, 1760. This is established for us by the letter(32) Franklin writes on May 9th to Lord Kames: "I have endeavoured to comply with your Request in writing Something on the present Situation of our Affairs in America, in order to give more correct Notions of the British Interest with Regard to the Colonies, than those I found many sensible Men possessed of. Enclosed you have the Production, such as it is. I wish it may, in any Degree, be of Service to the Public. I shall at least hope this from it, for my own Part, that you will consider it as a Letter from me to you, and take its Length as some Excuse for being so long a coming." For Bigelow the above letter satisfactorily identified the pamphlet with Franklin.(33)

Additional evidence of authorship is furnished by an unpublished letter from William Franklin to Joseph Galloway, London, June 16,1760: "I wrote you a few Lines on Saturday last to go by the Pacquet in which I mentioned a Pamphlet wrote by my Father in Answer to the Remarks on the Letter to two great Men... Something by way of Answer to my Father's Pamphlet has appear'd in the London Chronicle, wrote by one Doctor Tucker,(34) a Clergyman, who is an Intimate of Lord Halifax's, and patronized by him, and is one of the bitterest Enemies North America has in Britain. Tis so contemptible a Performance,

(32) Bigelow,5th Ed.I.404.
(33) Ibid " "fn.
(34) Vide pp. 35 chapter 2;p.32,chapter 3.

that my Father could not think it worthy of his Notice, were it not that it affords him an Opportunity of saying some Things omitted in his former Publication, and may be a Means of silencing the Doctor, or at least of lessening his Influence in American Affairs for the Future."(35)

Further, there is a letter(36) from Franklin to Hume, the Scottish philosopher, dated September 27,1760, where Franklin writes to "thank you for your friendly admonition relating to some unusual words in the pamphlet." Franklin goes on to say that he willingly gives up as rather low, the word unshakeable, as used in the Canada Pamphlet, but says nothing to indicate that the pamphlet was not his own.(37)

Again, there is the paper of hints which Franklin drew up upon which to fashion his Autobiography. Three relevant items appear on it. "Canada delenda est. My pamphlet. Its reception and effect." (38)

In conclusion there is the fact that in the Franklin collection of the Pennsylvania Historical Society there is a copy of the pamphlet endorsed in the writing of Franklin as presented "to the Rev. Dr. Mayhew,(39) from his humble Servant, the Author."(40)

According to Benjamin Vaughan "one of his dearest and wisest friends", (41) Franklin frequently and generously declared he received considerable assistance from a friend who was not willing to be named. This friend, we know on the authority of Franklin's son,William, to have been Richard Jackson.(42

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(35) Mason(Amer. Antiq. Soc.,volXXXIV,part 2) The original is in Mason Library, No.5174.
(36) Bigelow 5th Ed.,I.413.
(37) Among other"unusual words" criticized by Hume are pejorate and colonize. Franklin good-naturedly deplores the fact that inaccessible can not readily be replaced by such a simplification as uncomeatable! In the second edition of the pamphlet, 1761, Franklin seems to have made an effort to satisfy Hume by eliminating offensive words.
(38) Bigelow 5th Ed.,I.79.
(39) A popular member of the Boston hierarchy(See Lecky,III.402).
(40) Bruce II.445.
(41) Smyth I.138.
(42) Sparks IV.53.

We know of Jackson that he was sometime secretary of the author of the later Stamp Act, Pitt's brother-in-law, George Grenville.(43) Also that he was then agent for Massachusetts and Connecticut. Of him it has also been said that he was very well informed on American affairs and "always able to combine affection for England with fidelity to his American employers."(44) He was thus an Englishman with whom Franklin was readily in sympathy, and this makes their collaboration easily understood.

In 1779,Benjamin Vaughan proceeded to prepare an edition of Franklin's works. In January, 1780, a correspondence(45) took place amond Dr. Priestly, Francis Masères, and Vaughan, with regard to the respective participation of Franklin and Jackson in the Canada Pamphlet.(46) The letters of Priestly are gone, but we know that Masères, who had his information from Jackson, marked with a black perpendicular line those parts of the pamphlet which, according to his belief, were written by Franklin. He ascribes to him all the notes and less than one third the text, and declares also that the lines printed in italics at the head of the paragraphs ought not to be there,but in the margin, as notations.

Further than this, no one has been able to go in the matter. Opinions have varied widely(47). Vaughan, in 1780, declared the affair too delicate for him to intermeddle.

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(43) Dict. Nat. Biog. XXIX.104.
(44) Bancroft III.39.
(45) The correspondence Masères and Vaughan is in the Library of Congress; Franklin MSS. III.574.
(46) Mc Master p.171.
(47) "It's hard to read this paper, so similar to Franklin's other pamphlets in point of peculiarities of diction and method without exclaiming, "St Dunstan or the Devil!"(Bruce II.444)
"While Franklin supplied most of the information, Richard Jackson did most of the work on the Canada Pamphlet, at least two-thirds of the text being his." Riddell(Penna. Mag. Hist. & Biog. Vol. XLVIII, No 190, p.108)
"I have found the problem of its authorship so difficult, and the question of the relative share of Franklin and Jackson so intricate, that I am quite unable to unloose its gordian knot!"(Smyth I.XII).

Let us look in between the lines of the pamphlet. Its well-nigh perfect familiarity with Indian habits and characters could not well have been possessed by anyone --- not even the "omniscient Jackson" -- who had never personally mixed with the Indians, and formed his knowledge of them from his own and other first-hand information. Also the arguments which are employed in the pamphlet in order to allay English fears of prospective colonial assertiveness are the same as are found scattered through Franklin's other writings. In addition, there is the fact that "the authorship of the paper is referred in the paper itself throughout in the first person singular." Lastly, in the edition of 1761, wherein the terminology was amended to suit David Hume, Franklin's name alone appeared as author.

In view of these circumstances -- and the above-mentioned letters to Kames, Galloway, Hume, the Autobiography note, Mayhew's complimentary copy --- the probabilities are decidedly that the connections of Jackson with the pamphlet, whatever their exact nature, were of a definitely subordinate character.(48)

The year that saw the fall of Quebec opened in January with the capitulation of Guadeloupe. It was a most potential conquest. Consisting of two islands, it exceeded in size and value even Martinique, pearl of the French Antilles. An immense amount of French capital was invested in the island. It was computed that it took $150,000 to start a sugar plantation of average size.(49) The French annual revenue from Guadeloupe was 309,000 livres. By

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(48) I own personally to a conjecture that the part supplied by Jackson was possibly historical and geographical data relating to Europe and Asia and used to give force to certain of Franklin's arguments. This data lends an impression of great weight to the points concerned. While Franklin was as "omniscient" as Jackson, I have not personally come across elsewhere evidence of Franklin's acquaintance in detail with the above-mentioned details. Of course, Franklin might have unearthed them himself, for the occasion. In treating the contents of the pamphlet below, I have omitted quoting any of these elaborately developed details.

(49) Hotblack p.60(C.O.110 2.Gov. Dalrymple to Egremont, February 16, 1762).

the terms of the capitulation, the customary revenue was secured for Great Britain, and trade was forbidden to all save England.

To form a basis on which to compare the merits of Guadeloupe with Canada, we must bring ourselves back to the eighteenth century, cane sugar, and the contemporary pre-eminence of the West Indies,. Apart from their other exports, British West Indian planters made great quantities of sugar into rum which they sent to England. France protected herself against colonial spirits with her native brandy, so sugars were cheaper in the French islands than in the British. New England therefore preferred to smuggle to and from the former. In return the French islands secured provisions, hardware and wood necessary for manufacturing and packing the sugar.(50) Great fertility and lower duties enabled the French to produce the same commodities as the English in greater abundance, and to undersell them in all foreign markets. French influence gained on all sides, and every year the British colonies grew weaker as their rivals closed round and isolated them one from another. Thus, during the war, a lively sense of their danger induced the British West Indies to cooperate heartily with Pitt in his designs upon Guadeloupe. The very considerable support they furnished gives some evidence of their economic conditions at the time.

On the capture of Guadaloupe, the Governor of the British Islands to the north of it wrote to Pitt, praying above all things that England would keep it. Guadeloupe, "from its situation and fertility, if kept by His Majesty at the peace, and settled principally by British subjects would add greatly to the security of the Leeward Islands, increase the revenue, lower the price of sugar, supply in a great part the home consumption of coffee,

(50) Hotblack p.55(Cunningham:History of Trade and Commerce I.479).

cocoa, and cotton, and very much contribute to the safety of the British commerce both to Leeward Islands and Jamaica."(51)

Indeed the value of Guadeloupe was such that it was held by many among the best informed English statesmen that without the advantages gained from such West Indian conquests, England would not have been able to carry on the expense of the war. Even Newcastle thought that after the succeeding reduction of Martinique the war could have been carried on another year.(52)

In contrast to Guadeloupe, little or nothing was known as to the intrinsic value of Canada, the "few arpents of snow". For that matter, there were few enough who really knew anything about the thirteen colonies. All that was known of Canada was that it had some political value, as a damper for American separatism and some strategic value as a hasp in the Mississippi chain. Further, it was known that it supported a small primitive population(53) living in comparative villeinage and related to the savage Indians by "similarity of superstitions and frequent family Alliances".(54) Economically, it produced nothing but "a few hats; and the fur-trade does not employ the hundredth part of the shipping and seamen that the sugar-trade does."(55) British opinion of Canada was summed up in the words of Jenkinson(afterwards Lord Liverpool), an acknowledged authority on matters of trade,(56) who said that it was the opinion of all great persons who had governed the colonies that Canada without the fisheries was hardly worth accepting as a gift.

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(51) Hotblack p.58.
(52) Ibid p.68(Addit.MSS.33,000).
(53) 60,000 against 1,500,00 in the American colonies.
(54) Vide p. 23, chapter 2.
(55) "Five Letters from a Gentleman in Guadaloupe to his Friend in London",1761.
(56) Hotblack p.51(Adolphus and Bisset : History of George III);Graham p.9 (Grenville Papers I.304).

Said Pitt in Parliament later, regarding Canada: "The negotiators had no trouble in obtaining this acquisition... the French had readily consented."(57)

Pitt agreed with Jenkinson. He was determined to have the fisheries for an industry that thus nourished the seapower that brought trade. As regards the clamour of America for security from attack by the French and their Indians, Pitt's original idea was by no means the acquisition of the whole and largely-barren New France. All he sought was to find some natural frontiers such as would remove from the French the pretext for border infiltration. Thus at the end of October 1759, the terms he proposed to offer Choiseul consisted in the boundaries including the waterways and the Bay of Fundy.(58)

Summing up then his position on Canada, we may say that his sole interest lay, first, in maiming French seapower by keeping the fisheries; second, in placating the colonies by boundaries along the lakes and the Bay of Fundy. South of the lakes and east of the gulf, Pitt was interested. Canada meant nothing to him.

This was a war of many fronts. Before Pitt lay the European chessboard, with movements ending in disastrous Kunersdorf and the occupation of Berlin. (59) Frederick was losing a desperate struggle. In remote corners lay Guadeloupe and Canada. Eventually, asked pamphleteers, which pawn would Pitt use to rescue his Prussian king?

Nor was the choice of which sacrifice left wholly to Pitt. In October, six months after the first edition of Franklin's pamphlet, George II died;

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(57) Parl. Hist. Eng., XV.1264.
(58) Williams II.78 (Add.MSS. 32897,f.512).
(59) Carlyle VII.80,295.

with George III came the beginning of the end for Pitt's reign with the introduction of Bute, and the growing coolness of Bedford and the rest of the council, save Pitt's brother-in-law, Temple. By October, 1761, the king and the cabinet had left Pitt high and dry. Pitt resigned. In July, two or three months before the resignation, peace terms were proposed to the French which, insofar as Canada and Guadeloupe were concerned, remained unaltered in the final treaty. In offering these peace terms, Pitt's whim was no longer law. The deliberations of the whole cabinet were behind them to a greater extent than had been the case during the past four years. Where one will decides, caprice, idiosyncrasies, personal elements may enter. Where many deliberate,"reason must perforce give way to reason". To argue successfully, information is necessary. There is no reason why we may not therefore assume that during these months - in the celebrated battle of the pamphlets, which has come down to us in history -- members of the cabinet and Pitt certainly kept in touch with the more outstanding of the pamphlets, and even studied the most outstanding one of all, that of Franklin. Reason must give way to reason. To those in sympathy with him, Franklin supplied reason. To those opposed, at least he furnished information on which to reason. In any case the pamphlet was not of a nature to be ignored.

Left wholly to himself, there are good causes for believing Pitt would have chosen Guadeloupe. Let us stop for a moment to understand Pitt.. What, whom did Pitt during his political career represent in Parliament? Not the king. Bute did that. And not the aristocracy. Newcastle and Fox did that. Pitt represented the trading classes, London, and the people -- the latter mostly unfranchised. "When trade is at stake, it is your last entrenchment -- you must defend it or perish", he declaimed in 1739,(60) and it had

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(60) Pitt's speech on the Convention.

endeared him to what would today be called his electorate. To secure commerce for Britain was the main object,and the great argument he understood was trade. Canada to him, meant the fisheries. Without these it was of small account. On the question of the fisheries he was overruled by his cabinet. They even forced from him the island of St.Pierre, for the French. His little interest in modern Canada per se waned accordingly to a vanishing point. Guadeloupe on the other hand was first and last a commercial acquisition. After heated ministerial deliberations and protracted foreign negotiations in the terms of July 1761, at length, with reluctance he consented to a restitution of Guadeloupe, declaring afterwards he had been overruled in the council and hinting at a secret influence. "He would have kept Guadaloupe, had he been free".(61) He had been overruled in that point. He had been overruled many times on many occasions. He had acquiesced, he had submitted."(62) His defence of Guadeloupe is concluded with the following terse phrases:

"We stand in need of supplies which will have an effect certain, speedy and considerable. The retaining even one of the considerable French islands, Martinique or Guadeloupe, will, and nothing else can, effectually answer this triple advantage. The advantage is immediate, it is not a matter of conjecture but of account. The trade with these conquests is of the most lucrative nature, and of the most considerable extent; the number of ships employed by it are a great source to our maritime power; and, what is of equal weight, all that we gain on this system is made fourfold to us by the loss which ensues to France. But our conquests in North America are of very little detriment to the commerce of France. On the West Indian Scheme of acquisition, our gain and her

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(61) Harrison p.140.
(62) Parl. Hist. Eng. XV.1264; Almon(leading Whig printer in London): Political Anecdotes by the Author of the late Earl of Chatham, Chap.XXVI.

loss go hand in hand. He insisted upon the obvious connection of this trade with that the colonies of North America,(63) and with the British commerce to the coast of Africa.(64) The African trade would be augmented, which, with that of North America would all centre in Great Britain".(65)

We have already seen that from 1759, Pitt "was not wanting", as his latest biographer remarks, "for advice from pamphleteers of all shades of opinion." "Some, said Pitt in the House of Commons, "are for keeping Canada, some Guadaloupe; who will tell me which I shall be hanged for not keeping?"(66) This does not sound like one who ignored current opinion as expressed in the political pamphlet, the eighteenth century's editorial page.

The number of these pamphlets and tracts printed is legion(66a)

In 1759, the most notable pamphlet supporting Canada had come from Pulteney and Douglas. It was now answered by William Burke, later Secretary for Guadeloupe and foreign under-secretary of State in the Rockingham Ministry, who wrote it possibly with the collaboration (67) of Edmund Burke, his cousin and close companion with whom he lived. In his "Remarks on a Letter Addressed to Two Great Men," Burke attacked Canada, preferring Guadeloupe, and maintained his position with much display of political knowledge, ingenious argument, and graceful style.(68)

For these reasons his pamphlet enjoyed a lively success. First he explained how Canada and all North America were possible rivals of England because their produce was similar; whereas Guadaloupe was a fruitful source of colonial wares which England needed. Second, he contrasted close-fisted Ame-

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(63) Vide p. 16 Chapter 2 :"New England--- former."
(64) i.e., in negroes.
(65) Parl. Hist. Eg., XV.1265,1266.
(66) Vide Bibliography, p.
(67) There are definitely known to have worked together a few years before on an "Account of the European Settlements in America", of which the larger share, according to Boswell, was done by William. (Hunt: Dict.Nat. Biog., VII.369).
(68) Sparks IV.1.
(66a) Vide Appendix A.

ricans who stayed at home with the good planters who went to London to spend their money. Third, he repeated the fear, haunting English minds, that the Americans, as soon as there was no need of protection, would turn their backs on England.

Of all American colonists living in London, Franklin was most in the public eye.(69) It seemed his duty to say something and his sentiments, knowledge, and wisdom impelled him on. Whenever he spoke he was listened to by an enlightened audience, and this power he decided should be put to use for England, America, Pennsylvania and himself. In a few weeks,in answer to Burke, he had written and published a brochure entitled, The Interest of Great Britain Considered with regard to her Colonies and the Acquisitions of Canada and Guadeloupe, more commonly known as the "Canada Pamphlet." Throughout, Franklin adopted the method of commenting upon the respective treatises of Douglas and Burke, applying himself particularly to dispute the fallacies and arguments of the latter.

At the outset Franklin set himself the task of proving that the security of the colonies was only possible through the cession of Canada. The Remarker(Burke) had written in his pamphlet,that he did not see "why the arguments (of Douglas) employed concerning a peaceable behaviour in Canada would not be equally cogent for calling for the same security in Europe".(70)

Franklin's answer was that, whereas in Europe the two nations were separated by the sea, and every aggressive move of one was at once apparent to the other, "in America it is quite otherwise. A vast wilderness, thinly or scarce at all peopled, conceals with ease the march of troops and workmen. Important passes may be seized within one limits, and forts built in a month at a small expense( ) that may cost us an age and a million to remove.

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(69) Fay 285.
(70) "Remarks" p. 28.

What is still worse , the wide-extended forests between our settlements and theirs are inhabited by barbarous tribes of savages that delight in war, and take pride in murder; subjects properly neither of the French nor English, but strongly attached to the former by the art and indefatigable industry of priests, similarity of superstitions and frequent family alliances. These are easily, and have been continually, instigated to fall upon and massacre our planters, even in times of full peace between the two crowns, to the certain diminution of our people and the contraction of our settlements. And though it is known they are supplied by the French, and carry their prisoners to them, we can, by complaining, obtain no redress, as the governors of Canada have a ready excuse, that the Indians are an independent people, over whom they have no power, and for whose actions they are, therefore, not accountable. Surely circumstances so widely different may reasonably authorize different demands of security in America, from such as are usual or necessary in Europe."

Having disposed of the Indians, Franklin went on to the frontier relations of the white men. "Fix the boundaries as you will between us and them, if the French remain in Canada and Louisiana, we must border on each other for more than fifteen hundred miles. The people that inhabit the frontiers are generally the refuse of both nations, often of the worst morals and least discretion; remote from the eye, the prudence and the restraint of government. Injuries are therefore frequently, in some part or other of so long a frontier, committed on both sides, resentment provoked, the colonies are first engaged, and then the mother countries." And he adds, "The present war teaches us, that disputes arising in America may be an occasion of embroiling nations, who have no concerns there. Two great nations can scarce be at war in Europe, but some other prince or state thinks it a convenient opportunity to revive some ancient claim, seize some advantage, obtain some territory, or enlarge some power at the expense of a neighbour."

The Remarker had thought security sufficiently established if they "raise English forts at such passes as may at once make us respectable to the French and to the Indian Nations".(71)

To this Franklin would not agree "Unless the forts were connected by a wall like that of China, from one end of our settlements to the other. If the Indians, when at war, marched like Europeans, with great armies, heavy cannon, baggage, and carriages; the passes through which alone such armies could penetrate our country, or receive their supplies, being secured, all might be sufficiently secure. But the case is widely different; they go to war, as they call it, in small parties; from fifty men down to five. Their hunting life has made them acquainted with the whole country, and scarce any part is impracticable to such a party. They can travel through the woods even by night, and know how to conceal their tracks. They pass easily between your forts undiscovered; and privately approach the settlements of your frontier inhabitants. They need no convoys of provisions to follow them; for whether they are shifting from place to place in the woods, or lying in wait for an opportunity to strike a blow, every thicket and every stream furnishes so small a number with sufficient subsistence. When they have surprised separately, and murdered and scalped a dozen families, they are gone with inconceivable expedition through unknown ways; and it is rare that pursuers have any chance of coming up with them. In short, long experience has taught our planters, that they cannot rely upon forts as a security against Indians." Then comes a telling simile. "The inhabitants of Hackney might as well rely upon the tower of London, to secure them against highwaymen and housebreakers!"

The Remarker had proposed depending on "our own strength and watchfulness" to prevent mischiefs that might attend.

To this Franklin's reply was that "the safety of a considerable part of

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(71)"Remarks"p. 25.

the State, and the interest of the whole, are not to be trusted to the wisdom and vigor of future administrations; when a security is to be had more effectual, more constant, and much less expensive." This he follows with a thrust. "They who can be moved by the apprehension of dangers so remote, as that of the future independence of our colonies(a point I shall hereafter consider), seem scarcely consistent with themselves, when they suppose we may rely on the wisdom and vigor of an administration for their safety."

So much for the question of borders and security. He now turned to a common English grievance voiced by the Remarker. "Blood and treasure has been expended in the cause of the colonies, making conquests for them."(72)

Franklins conceded that the colonies "could not but take a large share in the affronts offered to Britain; and have been animated with a truly British spirit to exert themselves beyond their strength." Then he counters. "No considerable advantage has resulted to the colonies by the conquests of this war, or can result from confirming them by the peace, but what they must enjoy in common with the rest of the British people. A people spread through the whole tract of country. On this side the Mississippi, and secured by Canada in our hands, would probably for some centuries find employment in agriculture, and thereby free us at home effectually from our fears of American manufactures. Unprejudiced men well know, that all the penal and prohibitory laws that were ever thought on will not be sufficient to prevent manufactures in a country, whose inhabitants surpass the number that can subsist by the husbandry of it. This will be the case in America soon, if our people remain confined within the mountains."

The extraordinary growth of the colonies in the event of keeping Canada had given the Remarker furiously to think as to the consequence for Britain.

Franklin first supported his apprehension with a prophecy. "I think in

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(72)"Remarks" p. 25.

a century more, the number of British subjects on that side the water(will be) more numerous than they now are on this." Then he described with daring accuracy, how this increase would continue, "till they amount to perhaps a hundred millions of souls."

Here he made the picture glowingly attractive. "This" however," must take some centuries to fulfil; and in the mean time this nation must necessarily supply them with the manufactures they consume; because the new settlers will be employed in agriculture; and the new settlements will so continually draw off the spare hands from the old, that our present colonies will not, during the period we have mentioned, find themselves in a condition to manufacture, even for their own inhabitants, to any considerable degree, much less for those who are settling behind them. Thus our trade must, till that country becomes as fully peopled as England, (that is, for centuries to come,) be continually increasing, and with it our naval power; because the ocean is between us and them, and our ships and seamen must increase as that trade increases. In proportion,therefore, as the demand increases for the manufactures of Britain, by the increase of the colonies, the number of her people at home will increase; and with them, the strength as well as the wealth of the nation."

Remarker Burke had made much of the contrast between close-fisted American stay-at-homes and generous-living West Indian absentees in England. Franklin denied there were no absentees from North America. There were many "To the writer's knowledge". That there were not more was owing to the "Mediocrity of fortune among the inhabitants of the northern colonies, and a more equal division of landed property, than in the West India Islands, so that there were as yet but few large estates.

"But", Franklin queried sharply, "if those who have such estates, reside upon and take care of them themselves, are they worse subjects than they

would be if they lived idly in England?" Is it of any great importance to the English farmer, whether the West India genleman comes to London and eats his beef, pork, and tongues, fresh; or has them brought to him in the West Indies, salted? Whether he eats his English cheese and butter, or drinks his English ale, at London or in Barbadoes? Is the clothier's, or the mercer's, or the cutler's, or the toyman's profit less, for their goods being worn and consumed by the same persons residing on the other side of the ocean? Would not the profits of the merchant and mariner be rather greater, and some addition made to our navigation, ships,and seamen? If the North American gentleman stays in his own country, and lives there in that degree of luxury and expense, with regard to the use of British manufactures, that his fortune enables him to do, may not his example, from the imitation of superiors so natural to mankind, spread to the use of those manufactures among hundreds of families around him, and occasion a much greater demand for them, than it would do if he should move and live in London?"

The Remarker had gone to great lengths to emphasis the great commercial importance of West Indian trade.

Franklin admitted the value of the trade but pointed out it had long been at a standstill. "an evil that will be little helped by our keeping Guadeloupe." On the other hand, "the trade to our northern colonies is not only greater, but yearly increasing with the increase of the people; and even in a greater proportion, as the people increase in wealth and the ability of spending, as well as in numbers." Here, knowing the eloquence of figures, Franklin emphasized that "for the increase of our trade to those colonies, I refer to the accounts frequently laid before Parliament, by the officers of the customs, and to the custom-house books."

What, in general, did Franklin's detailed statistics show? First, that from 1744 to 1748 exports to the West Indies had totalled £3,353,337; to the

Northern Colonies,£3,486,261; a difference of £122,930. Then, in ten years, the comparison had altered radically. From 1754 to 1758 exports to the West Indies totalled £3,767,841; to the Northern Colonies,£7,414,057; a difference now of £3,646,215;.! In ten years West Indian trade had increased only £404,504; that of the Northern Colonies £3,927,789!

To emphasize the acceleration of trade in the northern colonies Franklin next quoted even more startling figures from his own province, Pennsylvania. Under the same heading of exports from England:

"In 1723 they amounted only to £ 15,992 - 19 - 4

1730 they were 48,592 - 7 - 5

1737 " " 56,690 - 6 - 7

1742 " " 75,295 - 3 - 4

1747 " " 82,404 - 17 - 7

1752 " " 201,666 - 19 - 11

1757 " " 268,426 - 6 - 6"

"By this account", explained Franklin, "it appears that the exports to that province have, in twenty-eight years, increased nearly in the proportion of seventeen to one; whereas the people themselves, who by other authentic accounts appear to double their numbers (the strangers who settle there included) in about sixteen years, cannot in the twenty-eight years(73) have increased in the greater proportion than as four to one. The additional demand then, and the consumption of goods from England, of thirteen parts in seventeen, more than the additional number would require, must be owing to this; that the people, having by their industry mended their circumstances, are enabled to indulge themselves in finer clothes, better furniture, and a more general use of all our manufactures than heretofore." This was an answer to Burke's fears of the growing population, and a golden promise for the future, Canada being retai-

(73) An unaccountable slip for the canny Franklin. From 1723 to 1757 is thirty-four years, not twenty-eight.

ned and the continent thrown open to the colonies.

.Franklin now hurled himself at the most formidable obstacle in the way of the cession of Canada, the haunting fear of American independence. All pamphleteers opposed to Canada had expressed this dread, Burke not the least. The French gone, Americans would turn their backs on England.

Franklin had dealt with the apprehension that in the event of the cession of Canada, the colonies would become economically useless. He now tackled his larger task, the "supposition, that their growth may render them dangerous. Of this, I own I have not the least conception, when I consider that we have already fourteen separate governments(74),,on the maritime coast of the continent; and, if we extend our settlements, shall probably has as many more behind them on the island side.(75) Those we now have are not only under different governors, but have different forms of government, different laws, different interests, and some of them different religious persuasions, and different manners.

"Their jealousy of each other is so great," he continued with considerable truth, "that, however necessary a union of the colonies has long been for the common defence and security against their enemies, and how sensible soever each colony has been of that necessity; yet they have never been able to effect such a union among themselves, nor even to agree in requesting the mother country to establish it for them. Nothing but the immediate command of the crown has been able to produce even the imperfect union, but lately seen there, of the forces of some colonies. If they could not agree to unite for their defence against the French and the Indians, who were perpetually

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(74) By the fourteenth he undoubtedly meant Nova Scotia.

(75) True enough, there are today twenty-seven states east of the Mississippi: Maine, Mass., N. Hamp., Vt., R.I., Conn., N.Y., N.J., Del., Ind., Penn., Ohio., Ind., Ill., Mich., Wis., W.Va., Va., Ky., Tenn., N. Car., S. Car., Ga., Ala., Flor., Miss.,and, in part, La.

harassing their settlements, burning their villages and murdering their people; can it reasonably be supposed there is any danger of their uniting against their own nation, which protects and encourages them, with which they have so many connexions and ties of blood, interest, and affection, and which, it is well known, they all love much more than they love one another? People who have property in a country which they may lose, and privileges which they may endanger, are generally disposed to be quiet, and even to bear much, rather than to hazard all. While the government is mild and just, while important civil and religious rights are secure, such subjects will be dutiful and obedient."

Summing up his arguments against the envisioned separation, he asserts that "there are so many causes that must operate to prevent it, that I will venture to say, a union is not merely improbable, it is impossible!" When one thinks of the relations between the colonies up to 1760, the sincerity of Franklin's conclusion may be accepted.

Franklin significantly made an exception to his conclusion, to which exception however, no ulterior motive need be ascribed. "When I say that a union is impossible," he stipulated "I mean, without the most grievous tyranny and oppression. The waves do not rise but when the winds blow. What such an administration, as the Duke of Alvas in the Netherlands, might produce, I know not; but this I think I have a right to deem impossible!".

Here he set himself to prove that the reasons the Netherlands succeeded in breaking away from Spain were two; first, that the seventeen provinces were already united under one visible government; second, the Dutch were a nation distinct from and utterly unlike the Spaniards. Both of which conditions being happily foreign to the case of Britain and the colonies, Franklin implied that, in any case, the colonists had not the chance of the Dutch, even if the mother country turned out to be a Spain in English clothing. "While our strength at sea continues, the banks of the Ohio, in point of easy and expeditions con-

veyance of troops, are nearer to London, than the remote parts of France and Spain to their respective capitals; and much nearer than Connaught and Ulster were in the days of Queen Elizabeth."

Franklin now turned the enemy's guns on the enemy himself. Instead of the presence of the French being a safeguard, he proceeded to show its possibilities as an encouragement to disaffection for the crown.

"If the visionary danger of independence in our colonies is to be feared, nothing is more likely to render it substantial, than the neighbourhood of foreigners at enmity with the sovereign government, capable of giving either aid, (76) or an asylum, as the event shall require."

Burke's Remarks had spoken of leaving the French in Canada as a "check". Franklin now linked this word with Burke's other assertion that the colonies might "increase infinitely from all causes."(77) Tearing the velvet aside, he exposed Burke's iron gauntlet.

"We have already seen in what manner the French and their Indians check the growth of our colonies. It is a modest word, this check, for massacring men, women, and children! If Canada is retained on this principle, will not Britain be guilty of all the blood to be shed, all the murders to be committed, in order to check this dreaded growth of our own people. Will not this be telling the French in plain terms, that the horrid barbarities they perpetrate with Indians on our colonists are agreeable to us; and that they need not appre-

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(76) The aid alluded to by Franklin must, according to Franklin's friend, Benjamin Vaughan, have consisted in early and full supplies of arms, officers, intelligence, and trade of export and import, through the River St Lawrence, on risks both public and private; in the encouragement of splendid promises and a great ally; in the passage from Canada to the back settlements being shut to the British forces; in the quiet of the great body of Indians: in the support emissaries and discontented citizens; in loans and subsidies to Congress, in ways profitable to France; in a refuge to be granted them in case of defeat, in vacant lands, as settlers; in the probability of war commencing earlier between England and France, at the Gulf of St Lawrence (when the shipping taken were rightfully addressed to Frenchmen) than in the present case.(Sparks IV.44).

(77)"Remarks" pp. 50,51.

hend the resentment of a government, with whose views they so happily concur? Will not the colonists view it in this light? Will they have reason to consider themselves any longer as subjects and children, when they find their cruel enemies hallooed upon them by the country from whence they sprang; the government that owes them protection, as it requires their obedience? Is not this the most likely means of driving them into the arms of the French, who can invite them by an offer of security, their own government chooses not to afford them?

Then follows a touch of consummate analogy. "If it be, after all, thought necessary to check the growth of our colonies, give me leave to propose a method less cruel. It is a method of which we have an example in Scripture. The murder of husbands, of wives, of brothers, sisters, and children, whose pleasing society has been for some time enjoyed, affects deeply the respective surviving relations; but grief for the death of a child just born is short and easily supported. Let an act of Parliament then be made, enjoining the colony midwives(78) to stifle in the birth every third of fourth child. By this means you may keep the colonies to their present size. And a if they were under the hard alternative of submitting to one or the other of these schemes for checking their growth, I dare answer for them, they would prefer the latter."

Fear had been expressed that having Canada, Britain would be drained of inhabitants to people it(79). Franklin's answer is most illuminating.

"The annual increment alone of our present colonies, without diminishing their numbers, or requiring a man from hence, is sufficient in ten years to fill Canada with double the number of English, that it now has of French inha-

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(78) "And Pharoah said unto his people, Behold, the people of the children of Israel are more and mightier than we: Come on, let us deal wisely with them; lest they multiply, and it comes to pass, that, when there falleth out any war, they join also into our enemies, and fight against us, and so get them up out of the land.
"And the king of Egypt spoke to the Hebrew midwives," etc.(Exodus I.9 - 15.).

(79) A fear not unknown in the history of New France.

bitants". Here Franklin for the first time entered an uncharted sea. "There who are Protestant among the French will probably choose to remain under the English government; many will choose to remove, if they can be allowed to sell their lands, improvements, and effects; the rest in that thin-settled country will in less than half a century, from the crowds of English settling round and among them, be blended and incorporated with our people in language and manners"".

Like so many of his successors, even the astute Franklin failed to reckon with the church, virility and love of their language of the French, and the fertility of French mothers.

Before bringing his performance to an end, Franklin indulged in a few parting thrusts at Guadeloupe: A country, fully inhabited by any nation was no proper possession for another of different language, manners, and religion. It was hardly tenable at less expense than it was worth. Even the French island of Cayenne was preferable, having few inhabitants. Guadeloupe has been said to export £200,000 a year in sugars. Admitted this was true, and that it would continue, " to whose profit would it redound? To the profit of the French inhabitants of the island; except a small part." This was little better than trade with an allied nation, "that should take our manufactures and supply us with sugar, and put us to no great expense in defending the place of growth". Mention had been made of a trade to the Caraccas and Spanish Main. "In what respect", queried Franklin, "is Guadeloupe better situated for this trade than Jamaica?" As to safeguarding trade by possessing this island, "experience has convinced us, that in reducing a single island we stop the privateering business but little".

One more argument of Franklin remains to be dealt with. The war was a commercial war. An Irishman fought for pleasure. This war once entered was

fought by England for business. The almighty dollar, alias sterling, loomed large behind the minds behind the guns, and the peace terms. Franklin knew the English people -- if he did not the French-Canadians. Money was a big thing in the lives of a "nation of shopkeepers." "I urged", he had already confessed to us, "according to the Company I happen into, or the Persons I address."(80) The expense of the war had been enormous, that in the American operations had never before been surpassed or anticipated. For the English taxpayer, it caused a growingly sharp twinge in that part of the anatomy -- near the pocket book -- where it hurt most. Fortunately, in North America, France now lay there prostrate, disarmed, roped.

But what if she got away again? What if England helped her up again by putting Canada back into her hands? Vaster taxation than ever would be entailed to guard and to defeat again a wily foe, made wilier by lessons taught in the war.

Such was the prospect opened by Franklin before the wearying English taxpayer. And the taxpayer meant the whole population. Nor was it an idle bogey that Franklin waved. On the one hand unending expenditure. On the other none at all. Throughout his Pamphlet, Franklin scattered tunes plied on the strings of his tempting alternative.(81) On this irresistible argument he con-

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(80) Vide p. 11 chapter 2.

(81) P. 7 of the Pamphlet: "Important passes may be seized within our limits, and forts built in a month, at a small expense, that may cost us an age and a million to remove. Dear experience has taught us this."

p.11: "As the situations of forts in the most important passes are far advanced beyond the inhabitants, the expense of maintainance and supplying the garrisons will be very great, even in time of full peace, and immense on every interruption of it."

p.13: "We shall in a few years have all we have done to do over again in America, and be obliged to employ the same number of troops and ships, at the same immense expense, to defend our possessions there, while we are in proportion weakened here(in Europe).

p.14: "The accounts of the treasury will tell you what amazing sums we have necessarily spent in the expeditions against two very trifling forts, Duquesne and Crown Point."

p.16: "By our retaining Canada, France cannot, in the case of another war, put us to the immense expense of defending that long-extended frontier."

p.20: "Canada has found means to make this nation spend two or three million pounds a year in America."

centrated. With its presentation, he took the most pains.

With one comprehensive comparison Franklin now wound up his case. He had shown "that the value of North America is capable of an immense increase, by the acquisition and measures, that must necessarily have an effect the direct contrary of what we have been industriously taught to fear; and that Guadaloupe is, in point of advantage, but a very small addition to our West India possessions; rendered many ways less valuable, than it is to the French, who will probably set more value upon it, than upon a country(Canada) that is much more valuable to us than to them."

From a perusal of the Canada Pamphlet at what criticism does one arrive? Patently there is little theorizing in it, only straight facts and statistics. The arguments are simple and direct, presented in a lucid, on occasion ironical, but always good-natured style. It has been said, it reads as convincingly as a bank account,(82) but it was not at all tiresome. It was all the more skilful in that it never dropped its calm manner.

In a very short time, the "tact, appropriateness, and liveliness" of the pamphlet had scattered all over the English-speaking world. Despite the slander in the Critical Review, instigated by the Penn proprietors and by Tucker,(83) Dean of Gloucester, it received a wide welcome and made a profound impression. Two editions appeared in rapid succession, in London; one in Philadelphia; two in Boston; and one in Dublin. Colonists in America and advanced minds in England perceived with approval behind the plea for the retention of Canada Another plea in favour of a prospective Anglo-American empire(84). Conservative opponents retaliated that by annexing Canada they would place immense power into the hands of the colonies, displace the axis of control,

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(82) Fay,p.287.
(83) Vide pp.12,chapter 2nd p.32,chapter 3.
(84) Vide pp.9, chapter 1;p.10 chapter 2. p.36, chapter 3.

even threaten bankruptcy to England.

"An Examination of the Commercial Principles of the late Negotiations between Great Britain and France in 1761" -- this was admittedly the most redoubtable answer to Franklin's Pamphlet. It was Burke's return blow.(85) The eminence accorded Franklin's thesis is evident from the fact that Burke confined his remarks to the Canada Pamphlet, adding as his reason, that of all who had treated the opposite side of the question, "he is clearly the ablest, the most ingenious, the most dextrous, and the most perfectly acquainted with the fort and faible of the argument; and we may therefore conclude that he has said everything, and everything in the best manner that the cause could bear."

"Ingenuity, dexterity, courtesy, skill, clarity, spirit, cogency, political foresight". ------ these terms, in the superlative, have been lavished by historians on Franklin's Pamphlet(86). All in all, Fanklin had much the better of the paper battle and convinced the most people with his imperialist argument.

It has been seen that to a greater extent than during the previous four years the terms of July 1761 were the result of the deliberations of the whole cabinet --- a cabinet that after nine months of the reign of George III(Pitt lasted but twelve months) was readier to oppose Pitt than follow him.(87) On the question of Canada - Guadaloupe, Pitt preferred Guadaloupe. Franklin's celebrated pamphlet supplied excellent grounds on which to oppose Pitt. To oppose Pitt was to cultivate George III. The cabinet majority preferred Canada! "He had been overruled," declaimed Pitt the next year. "He had acquiesced. He had submitted."(88)

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(85) Sparks IV.2; Hunt(Dict. Nat. Biog. VII.369).
(86)"A remarkable pamphlet" -- (Lecky III.270).
(87) Vide p.19 chapter 2.
(88) Vide p.20 chapter 2.

How hard had it been to overrule Pitt? How hard had it been to acquiesce? How hard to submit? These words were spoken, when Pitt was in opposition, in a period when the Commons rang with rhetoric, and by a Ciceronian "Commoner" with a weakness for turgidity.(89) For these reasons we may partly discount the force of his words, if we wish to really understand Pitt's mind, these few months before he was ousted. We must remember that influential West Indian planters like Beckford, Hodges, and Price, men who were at the same time London councillors, and hearty supporters of Pitt, were against Guadeloupe, the acquisition of which would lower prices and profits on their molasses, rum and sugar. Beckford, Lord Mayor of London (91), in particular was a personal friend of Pitt and had written one of the many pamphlets himself,(92) supporting Canada.

Pitt knew the arguments of the Pamphlet. With a characteristic ability in feeling his audience Franklin had dressed his arguments for a trading nation and for a Leader who was proud to represent the trading element of the nation.

(89) Harrison p.132.

(90) Williams II.148.

(91) Harrison p.134.

(92) Graham p. 4; Williams II.83. On the friendship of Pitt for Beckford, the most definite statement is made by Israel Mauduit, the agent for Massachusetts and pamphleteer. In the copy of the fourth edition of his "Considerations" (Vide Appendix A), preserved in the British Museum, there are numerous notes in Mauduit's "own clear handwriting"(Grant, Am. Hist. Rev. Vol. XVII p. 735) In one of these Mauduit says:-

"During the whole of Mr. Pitt's administration, no one had so much of his confidence as Mr . Beckford. He was made to believe that he held the City by Beckford's means, and gave free admission to him, while he kept himself inacessible to everyone else. The revealer of his will in the House of Commons was Mr. Beckford, for Mr. Pitt himself seldom went thither. I heard him making most fulsome panegyric on Mr Beckford's abilities; and three times following insult the whole House for presuming to laugh at Mr. Beckford's disinterestedness. Beckford dreaded the increase of our sugar islands, lest that might lessen the value of his lands in Jamaica."

Now if Beckford's friendship and desires were as influential over Pitt as Mauduit and others have made out, Franklin's Pamphlet must have supplied Beckford with admirable corroboration, and Pitt with additional conviction.

For these and their Representative, Franklin's figures were couched in their own language -- figures. The unenviable present comparison, the accurate figures made for Guadaloupe, merited attention.(93) The growing contrast of development deserved consideration. The golden vision of a continent-wide market "for centuries to come" was most attractive.(94) And if that was a vision, the immense financial savings from the removal of backwood frontiers was a fact.(95)) As for colonial independence, Franklin's rationality made it, as Franklin (96) himself thought, out of the question. And Pitt, reasoning from his own attitude toward the colonies, agreed with Franklin.

There is no attempt here to make out Pitt as a man without a mind of his own, and the effect of the pamphlet an overnight conversion. But this is believed: that the pamphlet brought out with striking force the case for Canada, and that Pitt, essentially open-minded and clear-headed, was softened in part by the logic of the Pamphlet's attractions.

Where it was a question of Guadaloupe against Canada per se, he still thought as he had thought before.(97) --- that Canada was comparatively worthless. But Franklin had brought out something else. Whatever little Canada itself might be worth, its retention would mean "for centuries to come"(98) a marvellous market for British manufactures, in the continental expansion of heretofore coastal colonies. If the trade to North America could be-according to the redoubtable Franklin and Jackson--doubled another £7,414,057(99), it completely eclipsed the whole of the West Indies with their £3,767,841 --- let alone the argument for Guadaloupe by itself. Canada versus

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(93) Vide p.28 Chapter 2.
(94) Vide p.26 " ".
(95) Vide p134 chapter 2 fn.
(96) Vide p.30 " ".
(97) Vide p.20 " ".
(98) Vide p.26 " ".
(99),Vide p.28 " ".

Guadaloupe was one thing; North America versus Guadaloupe was another thing again. Whatever thought Pitt had given to the consequent expansion of the American colonies, the full attractiveness of the expansion was here painted for him by the "cleverest American of all times."

Pitt represented the traders and moulded the peace terms for traders. Franklin's figures talked trade. By 1761, when the second edition of the Pamphlet appeared with Franklin's name(100),it was already known who had written it, just as Douglas and Burke, the authors of the two other outstanding pamphlets were soon ferreted out in inner political circles of the day. Franklin was certainly not unknown to Pitt. Nor was Jackson, the intimate(101) secretary of Pitt's brother-in-law, George Grenville, and Franklin's collaborator(102). Both authors of the pamphlet were men whom Pitt occasionally advised with, it has been said, in person. It has even therefore been suggested that the Canada Pamphlet was the invited expression of their opinion (103). William Temple Franklin(104), claims that his father was consulted by Pitt during the peace negotiations. There is no reason to doubt this, as we know Pitt had a high opinion of Franklin's judgment upon colonial questions.(105)

What then, in review, is the connection between the Treaty of Paris and the Benjamin Fanklin? It is the connection first, between Franklin and Pitt up till the issue of the terms of July 1761; Second between Franklin and the rest of Pitt's cabinet which after Pitt resigned, maintained the July terms unaltered as regards Canada - in the ratification of 1763.

To demonstrate these two connections, we have shown that Pitt was not ignorant of the pamphlets and their contentions.(106) We have shown - by its

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(100) Vide p.15 chapter 2.
(101) Fay p.365.
(102) When Shelburne formed a ministry in July 1782, Jackson was made a lord of the treasury, which office he held till the following April.-- Dict. Nat. Biog. vol. XXIX p. 105.
(103) Reid(Can. Hist. Assoc.1926; p. 27).
(104) Vide pp. , , chapter 1 p. 12 chapter 2.
(105) Vide p.1 chapter 2.;Sparks I.248.
(106) Vide p.21 chapter 2.

wide currency, its repeated republication, its enumerated perfections, the eulogy of its ablest opponent, and the fame that has come down to us -- that Franklin's was the most outstanding pamphlet of the day.(107) We have shown therefore, Pitt's acquaintance with the contents of the Canada Pamphlet. Again, we have shown Pitt's original preference for Guadaloupe.(108) We have shown the alienated alignment of the cabinet against Pitt after nine months of George III(109) We have shown some of Franklin's arguments against Guadeloupe -- arguments "ingenious, skilful, spirited, cogent, dextrous, farsighted, attractive."(110) We have shown therefore the successful usefulness to the said cabinet,(DDD) of Franklin's arguments and information. We have shown Franklin's influence on public opinion(111) Lastly we have shown Pitt's respect for Franklin(112) and for Franklin's opinions on colonial questions.(113)

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(107) Vide p.36 chapter 2.
(108) Vide pp. 20, 21 chapter 2.
(109) Vide p. 19 chapter 2.
(110) Vide pp.22, 34 chapter 2.
(111) Vide p. 35 chapter 2.
(112) It is true we find little reference in this connection to Benjamin Franklin in the two-volume and most recent biography of Pitt, by Professor Basil Williams.(1914) But let us stop a moment here. By 1760, Franklin had invented the lightning rod and the universal colonial stove. He had been honoured personally by the King of France. He had been given a high award and made a member of the Royal Society of Science in London. His famous almanac had for twenty-five years enjoyed by far the largest circulation of any publication, in the colonies. He had come to England his reputation already made as a philosopher and political writer. He had received the freedom of Edinburgh and the doctor's degree from the University of St Andrews. Shortly afterwards he was similarly honoured (at his own leisure) by Oxford, and his son was made Governor of New Jersey out of compliment to the father. Among the learned alone, his intimate friends, included David Hume, Priestly, Robertson, Fothergill, Kames and Adam Smith. He knew well, among other politicians, Lord Stanhope and Lord Shelburne. He was the phenominally successful postmaster-general of the American colonies(Vide p.1 chapter 3) And he was now in his fifty-fourth year. Yet Pitt's biographer casually refers to him at this time as "the young and almost unknown agent for Pennsylvania!" (Williams II.83) We need not therefore perhaps be too dismayed by Professor William's lack of emphasis regarding Franklin.
(113) Vide pp. 1,2 chapter 2.

We have shown the manner in which Franklin's trade argument particularly appealed to Pitt.(114) Thus we have shown how the Canada Pamphlet weakened Pitt's original preference for Guadeloupe and shook Pitt's determination for it, before the cabinet. We have now shown the nature of Franklin's connection with Pitt. Again, we have shown that the cabinet -- in the King's and Bute's desire to get peace and smash Pitt -- used the Pamphlet as a means to oppose Pitt on Guadeloupe. The terms of July 1761 show the cabinet's success. Being the cabinet's own terms - as regards Guadeloupe and Canada - they were not changed after Pitt was gone. We have now show the nature of Franklin's connection with the cabinet. So that, having traced him with Pitt and with the cabinet, we have shown the very important nature of Franklin's connection with the Treaty of Paris and the cession of Canada.(115)

"I state to you the importance of America," said Pitt in one of his later speeches. "It is the fountain of our wealth, the nerve of our strength, the nursery and basis of our naval power."(116) How much was Franklin behind these words?

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(114) Vide pp. 37, 38 chapter 2.

(115) Here is a digest of opinion on the part played by the Canada Pamphlet in the Treaty of Paris:

1929: "England, convinced by Franklin's arguments, prepared to annex Canada." (Fay p.288).

1926: "No other pamphlets had a marked influence upon the Minister's policy regarding Canada." - Reid(Can. Hist. Assoc. p. 26).

1924: "By far the ablest of all pamphlets did much to influence public opinion and the Ministry." - Mason(Amer. Antiq. Soc. XXXIV,2.257).

1923: "Canada has him in great measure to thank for her being the brightest jewel in the British crown." - Riddell(Penna. Mag. Hist & Biog.XLVII.106).

1910: "Tradition reports this pamphlet had considerable weight in determining the ministry to retain Canada." -- Webster(Ency. Brit. 11th Ed. XI.25).

1907: "His ideas as set forth in the Canada Pamphlet brought about the retention of Canada." -- Smyth X.211 .

1864: "Some have gone so far as to say that England owes that inestimable possession to Franklin, who first advocated its conquest and then urged its retention." - Parton I.423).

1844: "Believed to have been mainly responsible in causing Canada to be held at the peace." - Sparks IV.2).

(116) Williams II.83 .

It has been pointed out that in the middle of the eighteenth there were two school of economists. The older school regarded the colony as a source of supply; the more modern desired a colonial market for home industries. It has been learnedly argued(117) that when Pitt preferred Guadeloupe, he acted in accordance with the theories of the older school. When he preferred Canada he fell in with the newer school. Now instead of picturing Pitt,here, as an economic casuist wrestling with academic principles and arm-chair theorists, it is more to the point to restore him to the scene of immediate reality, the inner councils of the ministry: George III, Bute, Bedford, bolting colleagues, Franklin's case for Canada.

The ousting of Pitt and the new war with Spain are matters of history. The war-machine fashioned by Pitt in his hey day continued to function after the removal of the master mind. The year 1762, is only less glorious than 1759. Martinique, Grenada, St Vincent, St Lucia, Havana and Manilla were added to the conquests of 1759. Yet the peace preliminaries signed in that year were less advantageous than the terms originally rejected by Pitt.(118) The consequence was a loud clamour by trading classes, politicians, fighting forces(119) -- and Pitt(120). Pitt would now have retained everything.(121)

But the Preliminaries assured the acquisition of Canada, so Franklin had now therefore his more natural little use for war. Furthermore if all the conquests from France and Spain were kept, it would only end in an alliance of all Europe against England - and, possibly, Canada would be lost again. Yes, Franklin was losing his ardour for war.

His return home to Philadelphia in November 1762, coincided with the news of the British success in Cuba. Franklin still rejoiced as a Briton

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(117) G. L. Beer; British Colonial Policy,136.
(118) Green p.195.
(119) Ibid p. 197.
(120) For Pitt's speech on the Preliminaries, vide p.20 chapter 2.
(121) Harrison pp.137, 138.

but now trembled as an American - for Canada. These mingled emotions are noticeable in his letter (122) to his London friend, Whitefoord.(123)

"I congratulate you on the taking of Havania (sic). It is a conquest of the greatest Importance, and will doubtless contribute a due Share of Weight in procuring us reasonable Terms of Peace; if John Bull does not get drunk with Victory, double his Fists, and foolishly bid all the World kiss his _____; till he provokes them to drub him again into his Senses. It has been however the dearest Conquest we have made in this War, when we consider the terrible Havock made by Sickness in that brave Army of Veterans, now almost totally ruined."(124)

Fortunately, the King and Bute were able to bribe parliament to ratify their inefficient negotiotations with France, and in February 1763, the Treaty of Paris ended the war -- and New France. Jubilation rang through the American colonies, a jubilation which Franklin had particular reason to echo and upon which to congratulate himself. Whenever Franklin wished to congratulate himself, he characteristically dashed off letters "congratulating" his friends(125). This time it was his friend, William Strahan, of the London Chronicle:

" I congratulate you", ran the glad message,(126) "on the Signing of the definitive Treaty, which, if agreeable to the preliminaries(retaining Canada), gives us Peace the most advantageous as well as glorious that was ever attained by Britain. Throughout this Continent I find it universally approved and applauded; and I am glad to find the same Sentiment prevailing in your Parliaments and the unbiased part of the Nation. Grumblers there

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(122) XLV.276 MSS. draft in A.P.S.(partly defaced - perhaps by Dr. Sparks.).
(123) Caleb Whitefoord was an intimate friend, and, in London, lived next door to Franklin on Craven Street.
(124) Some 5,000 eventually died of wounds or disease, Albemare himself being a sick man the rest of his life.(Corbett II.282).
(125) Vide p. 2 chapter 2, to his sister, Jane, on the capture of Louisburg; p. 2 to his partner Hall, on the Approaching siege of Quebec; p.43 , to his friend Whitefoord, on the capture of Havana.
(126) Smyth X.214 (May 9, 1763).

will always be among you, where Power and Places are worth striving for, and those who cannot obtain them are angry with all that stand in their Way. Such would have clamoured against a Ministry not their particular Friends, even if instead of Canada, and Louisiana they had obtained a Cession of the Kingdom of Heaven."

Chapter three.

The Post Office. It has been said that Pitt's career from 1757 to 1761 is the history of England. So it might almost be said, the history of the early post office in British North America is the biography of Franklin.

In the earlier eighteenth century, colonial postmasters were appointed from among the publishers of the towns. In 1737 the negligent accounts of a competitor, Andrew Bradford,(1) caused Spotswood, the postmaster-general of England to appoint Franklin in Bradford's place as postmaster of Philadelphia. After fifteen years Franklin rose to be one of the two deputy-postmasters-general of the American colonies, having for some time before acted as post office comptroller(2), visiting and instructing postmasters throughout the country. It was in this guise that "the little postmaster from Philadelphia" had visited the blustering red-faced Braddock in 1755.(3) In 1761, the commissions were renewed, but William Hunter, an invalid(4) in England of whom very little is known, died;(5) and he was succeeded as Franklin's associate by John Foxcroft, Franklin's son-in-law.(6) Nothing is known to warrant the belief that Foxcroft possessed unusual qualities.(7)

The details of Franklin's reorganization of the post office of the Thirteen Colonies is outside the scope of this paper. It can only be remarked that under him, what had been a half-century of failure was turned into an immediate success.(8) He gambled the private outlay of hundreds of

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(1) Bigelow I.261; Russell 146.
(2) Macdonald p. 154.
(3) Thackeray, The Virginians, Vol.I.chapt.IX. According to James Parton, (Vol.I p.349) Franklin stood five feet, ten inches, in his shoes. And Franklin was solidly built with a reputation as a swimmer, established in England as far back as 1726.(Sparks I.65; Fay p.103).
(4) R. L. Butler p.47.
(5) Ibid. p.71.
(6) Chas. Henry Hart: Who was the Mother of Franklin's Son? (A brochure in Widener Library, Harvard University); Appleton P.C. Griffon: Benjamin Franklin and John Foxcroft.(Colonial Society of Massachusetts, April 1896); S. G. Fisher p. 104.
(7) W. Smith p. 26.
(8) Ibid p. 27.

pounds,(9) straightened routes, added to the postriders, sped up the service, advertised unclaimed letters, opened the mails to all newspapers,(10) organized the first city delivery,(11) introduced the penny-post in towns(12)(13) --- and made the post office pay a revenue.(14) He rose above an indolent reliance on his monopoly. By his generous outlay, remapping of routes, and choice of good subordinates, he "drew to the post office first a large amount of business that was falling into other hands, and, second, called into business another class of correspondence altogether".(15)

Thus by the time of the peace of 1763, Franklin had been postmaster general of the colonies for ten years. Before the conclusion of the Treaty of Paris on February 10, the British merchants who had filtered in to Quebec since 1760 had petitioned for a regular means of correspondence with the other British dominions. Through Governor Murray, a memorial had been forwarded urging the need of "safe and speedy conveyance of letters.(16) Anthony Todd, Secretary of the Post Office turned the memorial over to the American deputies, pointing out "that they cannot better exert themselves on any subject which will do them greater service than rendering the intercourse of letters every day more and more safe, expeditions and frequent to their fellow-subjects."(17) How to extend the American continental system to Canada was

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(9) In 1757 the post office was £900 in debt to Franklin and his partner(Macdonald p. 154).
(10) Oswald p.109.
(11) R. L. Butler p.55.
(12) Parton vol. I p.332. It had originated in England in the time of Charles II
(13) During the American Revolution, by changing the frank on letters from "Free -- B. Franklin" to "B free Franklin", it has been claimed he set up a precedent for making propaganda out of postmarks which other governments have been happy to follow.(P. Russell p.244; Morse p. 207).
(14) After his dismissal in 1774, Franklin wrote that the American post office had been made by Foxcroft and him to yield "three Times as much clear Revenue to the Crown as the Post Office of Ireland", and that after his abrupt dismissal, "they have received from it -- not one Farthing!"(Sparks I.174; Macdonald p.155).
(15) W. Smith p. 26.
(16) A.H. Smyth, X.176; R. L. Butler p. 82 (Mason Collection MSS. Todd to Gov. Murray, November 19, 1762).
(17) A. H. Smyth, X.176; R. L. Butler p. 82 (Mason Collection MSS. Todd to Franklin and Foxcroft, March 12, 1763).

left to Franklin and Foxcroft, both of whom were naturally keen to develop all means by which the new possessions might be united.(18) Before leaving England, Franklin proposed to despatch special messengers from New York to Canada upon the arrival of each packet. The Board in England accepted his plan and Franklin ordered this service to be carried on until a regular post could be set up: Roads from New York, via Lake Champlain, to Montreal were fairly well established so that riders did not meet the usual difficulty of blazing new paths through the wilderness. Conditions were favourable, except that the post would not defray expenses at first. As Franklin explained, however, commerce showed a tendency to rise rapidly and ultimately would pay a profit.(19)

Under the French regime, mail delivery in Canada had been in charge of Maîtres de Poste, who conveyed letters as well as travellers from one post-house to another. This rudimentary service was continued under the military council in Canada until 1763.

In the spring of that year, shortly after the news of the peace of Paris, Franklin set out on a tour through the northern colonies to inspect and regulate the post offices there, and to organize those of Canada; and, writes Franklin, "the joy bells were still ringing when I left Philadelphia on my journey northward.(20) He returned in November, travelling, all told a distance of sixteen hundred miles,(21) in the course of which at New York he was entertained by General Amherst, commander-in-chief of the army in America, who received him "with flattering civilities."(22)

When was Franklin in Canada? It seems easiest to trace his itine-

(18) A. H. Smyth, X.176; R. L. Butler p. 82 (Mason Collection MSS. Franklin to Todd, April 14, 1763).
(19) Butler p. 84(Mason Collection MSS. Franklin to Todd, April 14, 1763).
(20) Parton I.240; Wm Smith p. 1.
(21) Smyth X.213.
(22) Sparks I.271; Smyth IV.203.

rary through his correspondence,(23) whence we are led to judge that Franklin made the first of his two visits to Canada in October 1763.

On his arrival at Quebec, he at once went about arranging for the postal service with Three Rivers and Montreal and for the regular exchange of mails between these places and New York.(24) The head post office was placed at Quebec, the subordinate ones at Three Rivers and Montreal. Couriers were to run between Quebec and Montreal, weekly, and from the latter to New York, monthly, in time to place there Canadian mails on board outgoing packets sailing regularly to Falmouth, England. The service to New York was provided for at least eight months out of the year, when the roads would be passable, the courier travelling by way of Lake Champlain, the portage to the Hudson, and down that river. The establishment of the Canadian post as well

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(23) June 2, 1763, Philadelphia; letter to Wm Strahan, June 10, Woodbridge, New Jersey; to Wm Strahan, June 16, New York; to his wife, Mrs Deborah Franklin. July 19, Providence; to Wm Greene. August 1, Boston; to Mrs Catherine Green. August 8, Boston,to Wm. Strahan.. September 5, Boston, to Mrs. Catherine Greene. September 22, Boston, to W. Strahan.. November 28, Philadelphia, to Jonathan Williams. There are additional letters from Philadelphia dated December 11, 19; January 11,16; February15; March 14. A letter to Anthony Todd of the Post Office in London is dated January 16, 1764, and would seem to be about the time he made the report of his tour to the British post office. The hiatus in the record of his frequent correspondence comes between September 22 when he was in Boston and November 28, when he was back home in Philadelphia. There is no record according to his correspondence, or his biographers, of his being anywhere specified during these two months. Either there has been a strange loss of his letters for that period, or, more likely, the mails of Canada -- where he must have been at the time -- were not yet conducive to the easy flow of correspondence.

(24) Butler p. 84; W. Smith p.42.

as the extensions and readjustments within the old system were all part of this great tour of 1763. The report of it was submitted to London by Franklin in January, 1764, accompanied by carefully prepared maps, which unfortunately are no longer in existence.(25) In this way Canada was incorporated into a vast system stretching to Florida and England, the whole being under the control of Franklin and his associate. And we read, it was "owing to Franklin's promptness that the post office was the first of the institutions of government which was placed on a settled footing after Canada became a British province(26)It has been stated that among the reasons for Franklin's performance with the post office was his success in surrounding himself with able subordinates. Thus, while he himself was engaged in multifarious activities, the efficiency of the service continued unabated. Perhaps the most distinguished of Franklin's subordinates was Hugh Finlay, the later doyen of the Canadian mails.

Franklin met him at Quebec in 1763. Finlay, a young Scotchman, had been in the country some three years, spoke French fluently, and on this account had been for some time acting in the capacity of justice of the peace. He is said to have been recommended to Franklin, by the postmasters general; since, however, the Canadian office fell under the jurisdiction of American deputies, a commission(27) was made out for him by Franklin just as the latter was starting out on the tour of inspection which was to take him to meet and pass judgment on this Finlay. The meeting was apparently successful, for under his charge, Franklin placed the post office at Quebec and the two lesser ones at Three Rivers and Montreal.(28) Under Franklin, Finlay employed the Maîtres de Poste in the customary capacity of providing horses. The mail system was thus fortified by the use of existing posthouses and the services of experienced agents. A few years later the courier service among Quebec,

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(25) Smyth X.176.
(26) W. Smith, p.l.
(27) R. L. Butler, p. 84 (Mason Collection MSS. Franklin to Todd, June 10, 1763).
(28) W. Smith p. 42.

Philadelphia, Halifax, New York, Boston, Montreal, and Virginia, was quite equal, if not superior, to the service in England.(29)

There are evidences of correspondence with Finlay, in the file of Franklin's correspondence. Here is an example,(30) unsigned, but in Finlay's handwriting.(31)

"Postage from Quebec to Montreal 63½ Leagues at fourteen pence ---

£3" 14" 1 ditto from ditto p(per ?) Agreement ----------

1" 17" ½ Diff^ce p(per ?) week --------

£1" 17" ½

52 Weeks at 37/½^d is £96„ 6„ 2 p(per ?) annum Saved to the Revenue.

"Now without I fulfill(sic) the agreement with these Postmen on my part it is void on theirs and they will refuse to carry the Couriers at Seven pence p(per ?) League and I cannot force them without an Ordonnance of the Governor & Council for that purpose." -----

This sounds like dickerings with the aforesaid Maîtres de Poste. Then there are copies, in Finlay's hand, of his letters to Chief-Justice William Heay;(32) to James Cots, Clerk of the Quebec Council;(33) and to Sir Guy Carleton's secretary.(34) In July, 1773, Franklin writes from England to Foxcroft that he supposes "Mr. Finlay will be some Time at Quebec. By the next Packet you will receive a Draft of Instructions for him."(35)

While Franklin had, since his inauguration of office in 1753, done so much to advance communications through re-routing and other technical improvements, there remained one great difficulty, mail charges. During the summer of 1762, Colden the postmaster of New York had sent a postrider to

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(29) W. Smith p. 42; Journal kept by H. Finlay, survey of the post roads on the continent of North America, 1773-1774.
(30) LVI(i) 82 MSS in A.P.S.
(31) Miss Laura E. Hanson, Librarian of the American Philosophical Society, agreed with me regarding the identity of the handwriting.
(32) XLVII.37 MSS in A.P.S.
(33) XLVII.38 " " " .
(34) XLVII.39 and 40 " .
(35) Smyth VI.103.

Quebec on two or three special occasions, but the merchants there had -- on the arrival of even these, the earliest colonial posts -- complained against the excessive fees they had to pay on letters carried in this way. These charges were very exorbitant, being calculated under the Act of Queen Anne, fixed by parliament in 1710, on the basis of mileage. It was statutary in all parts of the British empire as well as in North America, but it hit Canada particularly hard.(36)

Franklin's economic theory was that the mail carriage would rise in bulk with the fall in charge for service, so that revenue would increase rather than diminish.(37) This he urged on the post office in the mother country, and his opinion, as that of probably the most eminently successful postal authority in the empire, was listened to with attention.(38) A few days after Franklin's arrival in London on his third and lengthiest visit to England, the secretary of the British post office, Anthony Todd, called on Franklin, leaving the following card.(39)

"Mr. Todd presents his Compliments to Mr. Franklin, and would be glad to see him any Morning to shew him the proposed Clauses for the inten-

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(36) W. Smith(The Post Office,1763-1841", Canada and Its Provinces, Vol.4, p. 730) says that though Franklin "quite appreciated the value of a good service and was alert to improve in every way possible the arrangement of the system under his control", yet "Franklin made no attempt to effect a reduction in the rates." This last statement is wrong as will be seen from my text immediately below.

(37) Butler p. 100(Mason Collection MSS.).

(38) Two days before leaving Philadelphia for England, Franklin at the same time sent on to the secretary of the General Post Office the last bit of news he had available: "Col. Bouquet marched from Pittsburg, the 4th of October, with 1500 Men, down the Ohio, to attack the Shawana Towns; the Peace made by Col. Bradstreet at Presquisle(sic) not being confirmed. We have not since heard from either of their Armies." (Bigelow X.308).

(39) [illegible] I.6,MSS in University of Pennsylvania Library.

ded Act of Parliament. Monday the 24th December 1764."

The amending law, following the line of Franklin's reasoning,(40) was passed shortly after by Parliament in 1765. The modification of the postage rates was authorized, providing reduction on long distance delivery and bringing a substantial relief to the merchants and other correspondents of Canada, from the hitherto prohibitive tariff.

Following the successful passage of this act, we are not surprised to come across secretary Todd again,(41) a few months later:

"Mr Todd presents his Compliments to Mr. Franklin and acquaints him that Lord Bessborough & Lord Grantham met at the Office on Friday at noon to open their Patent.

General Post Office,

18 July 1765."(42)

At the time this commission was issued, Franklin was in England and occupied with the affairs of the Stamp Act. Following the uproar in the colonies after the passage of this Act, there took place the "very remarkable"(43)

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(40) Butler p. 100.

(41) I.86,MSS in U. of P. Library.

(42) In the "Commission Book, 1759-1854"(page 53), belonging to the General Post Office, London, may be seen the renewal of Franklin's commission:-

."Know ye, that we, the said William, Earl of Bessborough and Thomas, Lord Grantham, reposing especial Trust and Confidence in Benjamin Franklin of Philadelphia and John Foxcroft of New York, Esquires, and having received good Testimony of their Fidelity and Loyalty to his Majesty, and of their Ability and Sufficiency to manage and better regulate the Posts on the Continent of North America, and of their Inclination and Capacity to improve and advance His Majesty's revenues therin, do by these Presents nominate, depute, constitute, authorize and appoint them, the said Benjamin Franklin and John Foxcroft and the survivor of them, our Deputy Postmasters and Managers of the Posts in all His Majesty's Provinces and Dominions on the said Continent of North America, except North Carolina, South Carolina, Georgia, East Florida, West Florida, the Bahama Islands and tehir Dependencies to have, hold, exercise, and enjoy with all other Powers, Privileges, Profits, Advantages and Authorities thereunto belonging unto them, the said Benjamin Fanklin and John Foxcroft and the survivor of them, from the day of the date hereof, for and during the term of three years, or till they receive a new Commission from us, or till this present Commission be superseded." Signed. Sept 25, 1765, Bessborough and Grantham." -- (Smyth X.177.) A transcript of the same Commission Book is in the Archives at Ottawa - M 665, page 408.

(43) Lecky, vol. III p.342.

examination of Franklin before the committee of the House of Commons regarding political conditions and prospects in America. Franklin, as(44) the agent of Pennsylvania in 1766, was vigorously for the repeal of the noxious measure. Of the 172 questions asked largely by American supporters in Parliament and answered by him, the following(45) are of interest to us. According to Franklin(46) the questions below were asked by a Mr. Huske, a friend of the Americans, to show the impracticability of distributing the stamps in America.

"Question: Don't you think the distribution of stamps by post to all the inhabitants very practicable, if there was no opposition?

Answer: The posts only go along the seacoasts; they do not except in a few instances, go back into the country; and if they did, sending for stamps by post would occasion an expense of postage amounting in many cases to much more than that of the stamps themselves.

Question: Are you acquainted with Newfoundland?

Answer: I never was there.

Question: Do you know whether there are any post-roads on that island?

Answer: I have heard that there are no roads at all, but that the communication between one settlement and another is by sea only.

Question; Can you disperse the stamps by post in Canada?

Answer: There is only a post between Montreal and Quebec. The inhabitants live so scattered and remote from each other in that vast country, that posts cannot be supported among them, and therefore they cannot get stamps per post. The English colonies, too, along the frontiers are very thinly settled."

In a letter(47) to Joseph Galloway, a prominent Pennsylvanian, Frank-

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(44) Sparks IV.200.
(45) Smyth IV.414; Sparks Iv.163; Butler p. 106.
(46) Sparks Iv.199; Walsh's "life of Franklin contained in Delaplaine"s Repository.
(47) Bigelow, 5th Ed. II.126.

lin vouchsafed the following information in December 1772:

"I met one of the Commissioners of the Stamp Office, who told me he attended with a Memorial from that Board, to be allowed in their Accounts the Difference between their Expense in Endeavouring to establish those Offices in America, and the Amount of what they received, which from Canada and the West India Islands was but about fifteen hundred Pounds, while the Expense, if I remember right, was above twelve thousand Pounds, being for Stamps and Stamping, with Paper and Parchment returned upon their Hands, Freight, etc."

In 1768, in addition to Pennsylvania, Georgia pressed the offices of agent upon Franklin. Franklin was therefore busier than ever, and he delegated the routine of the American post office more and more to Foxcroft. That Franklin's superiors preferred him back in America producing more increases in the revenue, is obvious from the following communication(48) preserved in the General Post Office in England, and written in June, 1768, by Todd to Thomas Bradshaw.

"Lord Sandwich signified lately to the Duke of Grafton that if there were no good reason for suffering Mr. Franklin, one of the Deputy Postmasters general of North America remaining here, the Postmasters General were of opinion he ought, after some years absence, to return thither to his Duty."

Colour is lent to the wishes of the Postmasters general by the fact that from 1764 to 1774 during which period Franklin represented eventually four colonies(49) in England, the whole period was unproductive of any signal change in the post office.(50) Under the supervision of Foxcroft, who seems to have been a capable enough manager, the general routine followed that established before. The administration fell on him and James Parker, Franklin's former "man-of-all-work"(51) and comptroller-general of the posts. On the

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(48) Smyth X.178.
(49) Pennsylvania, Georgia, New Jersey, Massachusetts.
(50) Butler p. 125.
(51) Fay p.326.

death of latter in 1770, the position fell to Finlay, postmaster of Canada. While in England, however, Franklin kept in constant touch with Foxcroft regarding the affairs of the post office. The following note(52) from Foxcroft in 1770, is typical:

"I have this moment received the inclosed Bill of Exchange for fifty pounds Sterling from the Quebec Office which I have given Cred^{t} for, and Debted you with. I hope it will be duly Honour'd. I shall expect you acquainting me with its fate.""

In January, 1774, following Franklin's acquisition of the correspondence of Governor Hutchison of Massachusetts, and the publication thereof, Franklin was censured before the Privy Council. Two days later he was relieved, without explanation, of his position as colonial postmaster-general.(53) "They find it necessary to dismiss you from being any longer their Deputy for America", ran the terse communication from the eternal Todd. A week later, Finlay succeeded Franklin.(54)

Though Franklin was now out of harness, Foxcroft still continued to refer to his father-in-law on postal matters and to keep him informed. So did Finlay. Seven months after the first Continental Congress had met,(55) while Franklin was in the middle of the Atlantic on his way home to a now rapidly

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(52) III.32 MSS in A.P.S.

(53) Todd to Franklin, January 31, 1774. Transcript from "Commission Book" M 665, page 408, Archives at Ottawa. D.W. Parker(Guide to the Materials for U.S. History in Canadian Archives, Carnegie publication, page 148) also refers to this transcript. On the same page however, Mr. Parker writes that the commission of Benjamin Franklin and John Foxcroft was issued in 1753. This is a mistake. Foxcroft became Franklin's associate-deputy in October 1761.(R. L. Butler, page 71; Commission Book, 1759 -1854, page 23, 26). It was William Hunter who together with Franklin was constituted deputy-postmaster-general in 1753(W. Smith, page 27; Macdonald, page 154; etc., etc.).

(54) Butler p. 125.

(55) September 5, 1774.

emerging independent America, thanks to the foundations laid down by Franklin Foxcroft could still write(56) as follows:

"I think the Post Office escapes the Political Storm which now Rages, thus far none of our Riders have met with the least Interruptions and have the pleasure to inform you that in consequence of some New Regulations we made last winter the Posts are very Regular once a Week as far as St Augustine (Florida) and twice a week between this City and Quebec."

But Franklin had not really yet quite severed his connection with the Canadian post office. Almost immediately on his return in May, 1775, the second Continental Congress gave him, absolute charge of the Revolutionary postal service at $1000. per annum(57) As a result, the next year, in 1776, the Americans having taken Montreal, Franklin again established a post office there, appointing as postmaster the local George Measam, who afterward entered the American service.(58) In the ledger kept by Franklin, as postmaster-general of the United Colonies, the account of the postmaster of Montreal appears in its place among the other colonial post offices. The postage on letters from New York to Montreal was fixed at four pennyweight, and to Quebec at five pennyweight.(59) Until relief arrived, Finlay was confined within the walls of Quebec, and Foxcroft's usefulness was equally curtailed by the fact that he and Dashwood, the departmental secretary, were held prisoners at New York.(60) While the British were thus deprived of all the usual means of communication, the American service was put into a high state of efficiency.

We may conclude with the words of William Smith when he says that, "in this, as in other respects, the colonists were fortunate in having the services of Franklin."

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(56) Foxcroft to Franklin, New York, April 4, 1775.) IV.48 MSS in A.P.S.
(57) Sparks I.398; Fay 387. Morse(P.207) makes it £1000, which is a mistake.
(58) Am. Arch. 5th Series, vol I p. 725.
(59) Placard signed by Franklin, Papers of the Continental Congress, No. 61, p. 21.
(60) W. Smith p. 66; C. O. 5, vol. 135.

(The Quebec Gazette.) It has been stated that "Canada owes to Franklin its first press, that of Brown and Gilmour established in Quebec in 1764".(61) Let us look into the grounds on which we can support such an assertion.

We know that with the publication of the Quebec Gazette, June 21, 1764, that city became "the cradle of Canadian journalism".(62) The famous journal ran for 110 years(63), seventy-eight years in English and French, and thirty-two in English alone. There were only two interruptions in its long existence; one in 1765, following the Stamp Act, and the other in 1775, owing to American invasion.

It has been written that "William Brown, was a native of County Kirkcudbright, in Scotland, who came to America as a youth. After having worked for some time in Virginia, and even conducted a workshop in the Barbadoes for William Dunlap, the master-printer of Philadelphia, who, besides being his patron, was believed to be his uncle, he decided, about 1763, to go and try his fortune on the Canadian side of the border which had just passed under English rule. He was not more than 27 years of age at that time. His first care was to look for an associate, and he soon found one in the person of a fellow-worker of Philadelphis, Thomas Gilmore. The deed of partnership between the two friends is dated the 5th August, 1763, and we read in it that each had deposited in the hands of William Dunlap a sum of £72, as initial capital. Brown the leader set off for Quebec, and shortly afterwards Gilmore embarked for England, to make the necessary purchases of a press, with type and paper."(64)

There are one or two questions which should here be taken into consideration. The main one is the relationship between Franklin and William Dunlap. We have just seen Duhlap, uncle of William Brown, portrayed as "the mas-

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(61) Louis Carrier, article on Fleury Mesplet, Montreal Gazette, June 2 1928.
(62) Camille Roy: French-Canadian Literature(Canada and Its Provinces, vol. XII p.437.
(63) T. G. Marquis. English-Canadian Literature(op. cit ") vol. XII p.520.
(64) The account of Fauteaux, chap. III, pp. 11, 12.

ter printer of Philadelphia", and "patron" of Brown and Gilmore. As a matter of fact Dunlap was only a hanger-on of Franklin.

A native of Ireland, Dunlap had come to Philadelphia and there married some relative of Franklin's wife in the early fifties of the century.(65) Our earliest reference to him is found in April 1755. Following Franklin's offer to equip General Braddock(66) with horses, waggons and drivers, Franklin writes to Miss Susanna Wright, that "the Dutche Advertisement(67) is composing and will be printed in two or three Hours, as Mr. Dunlap tells me." As Franklin had been the successful colonial publisher for some twenty-six years -- and from subsequent evidence -- we may discard any idea that at the time of the above letter Dunlap was anything but humbly working in the employ of Franklin.

From the study of Franklin's biography his known nepotism in office is easily evident. Owing doubtless also to the emphatic ouvertures of Mrs. Franklin, we are not surprised to come across the following letter (68) in 1757, a month or two before Franklin left on his second visit to England. It is dated at Philadelphia, April 14, and addressed to Dunlap from "Your affectionate Uncle, B. Franklin".

"I now appoint you Postmaster of Philadelphia, during our Absence, as it will be some present Employment for you till our Return; when I hope to put you in a better Way, if I find you diligent, careful & faithful." --

Here follows an illuminating warning.

"I would not have the Office remov'd on any Account from my House during my Absence, without my Leave first obtain'd."

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(65) Smyth III.439,440.
(66) Vide p. 14 chapter 1.
(67) To the German farmers of Pennsylvania for waggons with which to equip Braddock's army.(For the English translation of the advertisement see Sparks I. 185).
(68) XLIV.14 MSS in A.P.S.

Another caution follows. "As Mrs. Franklin has had a good deal of Experience in the Management of the Post Office, I depend on your paying considerable Attention to her Advice in that Matter."

A further caution: "I leave left little Money with Mrs. Franklin for the Support of the Family(69), & have all --(faded) -- of the Post Office for the -(torn)- of the Absence, I expect and -(faded) - amount with her for, and pay her, every Monday Morning, the Postage of the preceding Week, taking her Receipts for the Same and retaining only your Commission of Ten - p(per) Cent."

Apparently the integrity and discretion of the Irish relative had yet to be proved, even after an acquaintance of several years. But of Franklin's interest in him there is no doubt. "I believe I did not see Mr. Dunlap when I came away, so as to take Leave of him; my Love to him", he writes to his wife on April 5.(70) And again in January, 1758, from London to the same correspondent: "My duty to Mother, and Love to Sally, Debby, Mr. Dunlap, and all Friends that enquire after me."(71)

Thanks to his induction by Franklin as postmaster of Philadelphia, Dunlap seems to have got started in his career. This we gather from Franklin's missive(72) to his wife, dated at London, June 10, 1758.

"Cousin(73) Dunlap has wrote me an Account of his purchasing Chattin's Printing-House. I wish it may be advantageous to him without injuring Mr. Hall.(74) Franklin went on to give Dunlap permission to use his type, with

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(69) A veiled hint of the consequently rapid discovery of irregularities on Dunlap's part?
(70) Smyth III.379.
(71) Smyth III.429.
(72) Smyth III.439-440; Sparks VII.169.
(73) Cousin in the older sense of the word common in the eighteenth century i.e., relative. Fay(p.242) would therefore seem to imply they were cousins-german.
(74) David Hall had been sent out to Franklin in Philadelphia, by William Strahan in 1774, as a well-deserving journeyman printer. When Franklin withdrew from an active management of his publishing house, he left Hall in charge, in an equal partnership. As the association of the two continued for eighteen years(Sparks, VI.30) Hall and Franklin were still partners in Philadelphia, when Franklin wrote this letter.

Mr. Hall's consent. Here followed another concession. "The Post Office if 'tis agreable(sic) to you, may be removed to Mr. Dunlap's House, it being propos'd by our good Friend, Mr. Hughes."

Dunlap is said to have begun printing at Lancaster,(75) near Philadelphia. Apparently it was not a success, so he moved to the city itself. Franklin's foremost biographer asserts that Franklin set Dunlap up in business in Philadelphia.(76)

At first in 1759, Dunlap seemed to get along. We have a record of the following notice(77) in Franklin's newspaper, the Pennsylvania Gazette, on September 6.

"At the Theatre, on Society Hill, on Friday Evening, the Seventh instant, will be presented(by particular Desire) Douglass. Tickets to be had of Mr. Dunlap. Box 7s 6d, Pit 5s, Gallery 3s."

In the spring of 1764, following new difficulties between the Assembly of the colony and the Penn proprietors, Franklin wrote a pamphlet on the subject, which pamphlet produced various results. It was endorsed by a sympathetic resolution containing three thousand signatures; and it resulted in, first, the bitterest election in Franklin's career, and second, it brought about his third visit to England. Obviously then this pamphlet enjoyed wide popularity and even wider interest. Its publication spelled a considerable profit for the printer, and printer Hall had been associated with Franklin for eighteen years! Despite all this, Franklin gave the pamphlet to his nephew, Dunlap(78).

Dunlap did not find business, however, too successful. It is known

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(75) Oswald p. 140.
(76) Smyth X.170,171.
(77) Smyth IV.2 f.
(78) "Cool Thoughts on the Present Situation of our Public Affairs, in a Letter to a Friend in the Country. Philadelphia: Printed by W. Dunlap. MDCCLXIV." ----(Smyth IV.226).

that he got himself in debt to the post office(79), and apparently made off. We next hear from him in Barbadoes(80) whence he offers to make over all his property(about £600) in satisfaction for his arrears, and whence he solicits his Uncle Benjamin to obtain him the "vacancy of the office of Searcher of His Majesty's Customs for the post of Bridgetown," the capital of the Barbadoes.

Reviewing this career, we are impressed with two things. First, Dunlap's was a very mediocre one and the successful part of comparatively short duration. Second, without Franklin there would have been no career, no "master printer of Philadelphia," no "patron" of Brown and Gilmour. It is most probable that, if there was any financing of the two young men done, it was all or in part, done by Franklin, either directly, or through the relationship of Dunlap.

This would sound highly hypothetical, were it not so representative of a very common phase of the life of Franklin

There are records of sixteen or seventeen other printers, near and distant, who were set up directly by entirely by Franklin, in "widely separated parts of the colonies and the West Indies".(81) In 1733 Franklin wrote, "I sent one of my Journeymen to Charleston. I furnished him with a Press and Letters, by which I was to receive one Third of the Profits, paying one Third of the Expense." The Partnership in Carolina having succeeded. "I was encouraged to engage in others and... establishing them with Printing-Houses in different Colonies." By 1743 Franklin had printers" in three different Colonies," and purposed to set up a fourth, "if I can meet with a proper Person to manage it." Five years

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(79) XLVI.17 MSS in APS; also I.103,117,118 MSS. in A.P.S.
(80) II.5 " " " (February 1,1766).
(81) Benjamin Mecom in Antigua, and others there before him;"Jemmy" Franklin at Newport, Rhode Island; James Parker at New York; Armbuster, J. Bohm and Samuel Hoffman in Franklin's German printing house; Thomas Whitemarsh and Peter Timothée in Charleston, South Carolina; William Smith in the Dominican Islands; Daniell in Kingston, Jamaica; Millar and Samuel Holland in Lancaster; and others in New Haven and Georgia.--(Smyth X.170,171; Fay, p. 171, 233, 242, 243.).

later in 1748 he sent an outfit to Antigua under a journeyman who had "worked with me". Summing up his experiences with these few of the many printers he helped, Franklin could say that "most of them turned out well, being enabled at the End of our Term, six Years, to purchase the Types of me and go on working for themselves.(82) Unfortunately the Autobiography closes in 1757 and makes no reference to partnerships of this nature after 1741. The field of Franklin's annotations was expanding too rapidly. But his character did not change. His interest in, and sympathy for, struggling young printers who recalled to him his own early battle, continued throughout his life.

We see then that the uncle of William Brown was the nephew -- by marriage -- of Benjamin Franklin,(83) and equally evident, that the "patron" of Brown and Gilmour was the dependent of Benjamin Franklin. Whatever patronage there was must have come from the obvious source.

Then is one more point to be taken. Following the signing of the partnership contract, we are told that Brown left for Quebec, where he remained till joined by Gilmore after the latter's return from England. The contract is dated August 5, 1763. Brown was in Quebec then by October 1763. So was Franklin(84), during his only visit to that city, in connection with the post office.

These factors all taken together entitle us to hazard the belief that Franklin was involved in the setting up of the two first printers of the Province of Canada.

Franklin was in England between 1764 and 1775. This is the decade that saw the outlook of French Canada change from an ethnic pseudo-assimilation to that of a constituted divergent identity. To this the seal was set by the

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(82) Franklin's Autobiography, Sparks I.143; Ford, p. 207, 208.
(83) This is likely enough. In 1763, Brown was at the most twenty-seven years of age, and Franklin close to fifty.
(84) Vide p. 4, chapter 3.

Quebec Act of 1774. What connection, can we trace between Franklin and the Magna Carta of New France?

First it should be observed that among Franklin's many learned friends in London was Francis Masères, the "trim little lawyer" who had been attorney-general of Quebec from 1766 to 1769, and whose recommendations for a Quebec act had been as profound as they were different from those of Carleton. On June 17, 1772, we find Franklin and Masères writing to each other. Franklin at Craven Street dealt with life annuities(85). Masères at the Inner Temple with Canada.(86)

"I desire", writes Masères, your acceptance of the copy I herewith send you of a draught of an act of parliament for settling the Laws of Quebec. It has cost me a good deal of time and pains, and has been prepared merely of mine own accord, & without directions from anybody to do so, in order to expedite the settlement of that province concerning which the king's advocate, attorney, and solicitor-general who were ordered this time last year by the king in council to prepare a plan of laws criminal and civil, for the use of that province, have not yet made their report. I have no reason to flatter myself that this draught of mine will be brought into parliament, nor do I know anything to the contrary of it. But every thing relating to that province seems to be in suspense: and nobody knows what to expect."

These were doubtless Masères's proposals for the Quebec act, and were sent to Franklin for general propaganda purposes. He later sent Franklin (87) additional copies for his son, William Franklin, in New Jersey, and for Frank-

(85) Amer. Archives, Second Series, Vol. 1, p. 80, MSS. Division, Library of Congress.

(86) III.104 MSS. in A.P.S. Masères was the author of "Collections of Commissions and other Public Instruments relating to Quebec since 1760," printed in 1772.

(87) "Mr. Masères presents his compliments to Dr. Franklyn(sic) and sends him two more copies of the Quebec instruments and the draught of a toleration act of which he desires the doctor to transmit one set to his son, governor Franklyn of New Jersey, and the other to Mr. Galloway, of Philadelphia, the Speaker of the house of Assembly, with Mr. Masères' compliments." XLI.65, MSS, in A.P.S.).

lin's friend, Joseph Galloway, the speaker of the Pennsylvania assembly. Of Masères's activity in behalf of his "Quebec instruments" we are indirectly made aware by Franklin in November, in a confidence(88) to his son. "I was this Day at Lord Dartmouth's Levee, who show'd me particular Respect in sending for me out of the Crowd long before my Turn, and apologizing for having kept me so long by Means of Mr. Masères's detaining him on Canada Affairs."

Masères was unsuccessful in the face of Carleton, and we hear no more from Franklin until the actual Quebec Act had passed through the House of Lords and come up in the House of Commons. On the occasion of a bill so radical in spirit and so vital to the colonies we would expect Franklin to have pulled various strings-- at least to have danced attendance at the sessions of Westminster. Instead, he seems at that late hour to have barely got possession of the details of the Bill..

The reasons for his ignorance lies partly at least in an explanation (89) he makes in 1773. He had been accused of negligence in not reporting to Massachusetts(90) legislation in parliament directed against that colony. "In Private", he writes,"let me observe that in a Parliament that during the whole Session refused Admission to Strangers, wherein near 200 Acts were passed, it is not so easy a Matter to come at the Knowledge of the Purport of every Clause in every Act, and to give Opposition to what may affect one's Constituents, especially when it is not uncommon to smuggle Clauses into a Bill, whose Title shall give no Suspicion, when an Opposition to such Clauses is apprehended. I say it is no easy Matter."(91)

In 1839, wrote J. Wright: "So strictly was the standing order enforced for the exclusion of strangers, and so rigidly were those persons punished who ventured to make public the speeches of the members, that none

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(88) Smyth V.446 (November 3, 1772).
(89) To Thomas Cushing, speaker of the Assembly of Massachusetts.
(90) In 1770, Franklin had become agent for Massachusetts, as well.
(91) Smyth VI.84 (July 7, 1773) .

but the merest outlines of the proceedings on this most important bill(92) have been given to the world."(93)

Only on June 1, 1774, were the terms of the Quebec Act sent to the speaker of the Massachusetts assembly -- both by Franklin and by the brother (94) of Franklin's absent assistant-agent for Massachusetts, Arthur Lee.(95) "I enclose", writes(96) Franklin, "the Quebec Bill, some Papers containing the two Protests of the Lords, a List of those who voted against the Bill, and an Abstract of the Resolutions for laying Duties on that Province."(97)

Franklin was largely an agnostic.(98) He did not therefore share all the horrified indignation of Puritan America at parliament's investiture of Catholic Canada. It was the Revenue Act that hurt Franklin.

To his Tory son in New Jersey he explained this(99). "The Bill for laying Duties on Spirits and Liquors imported into Quebec appoints three-pence a Gallon in what is from Britain, six-pence on what comes from the West Indies, and twelve-pence on all from any part of North America, or from any foreign Country; so that after all our Expenses in helping to conquer Canada for this Crown, we are put on the Footing of Foreigners, in our Trade with it. Will this, in a future War, encourage us to assist in more Conquests?"

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(92) i.e., the Quebec Act, 1774.
(93) Cavendish's Debates (Editor's preface).
(94) Sheriff Lee, who adds: "The bill has been twice read & committed(sic) in the lower House, tomorrow it is to be before a committee of the whole House & I have no doubt will pass into a law as it now stands, tho' Council are be(sic) heard & witnesses examin'd on the part of the British Merch^ts ag^t the use of French laws." ---(Ottawa Archives: Colonial Office 5 vol. 118.).
(95) Fay p. 346.
(96) Sparks VIII.122.
(97) i.e., the Quebec Revenue Act, 1774.
(98) Morse 37.
(99) Smyth X.274 (Albemarle: Memoirs of the Marquis of Rockingham II.299)(June 30,1774).

The reaction of the Act on Franklin's friends was typical of that on the bulk of the American colonists. It was the religious question that hit the popular imagination. The following song(100) was sung in the streets of Franklin's home town:

"Then heigh for the penance and pardons,
And heigh for the faggots and fires;
And heigh for the Popish church-wardens,
And heigh for the priests and the friars;
And heigh for the rare-e show relics
To follow my Canada Bill-e
With all the Pope's mountebank tricks;
So prithee, my baby, he still-e.
Then up with the papists, up, up,
And down with the Protestants, down-e;
Here we go backwards and forwards
And all for the good of the Crown-e."

More grim is a letter (101) from a friend in Boston, the day following the opening of the first Continental Congress, in Philadelphia: "Six regiments are now here, and General Gage, it is said, has sent for two or three more from Canada. Whether he thinks these sufficient to enforce submission his letters to the ministry will inform them, and time, everybody else. A sort of enthusiasm seems universally prevalent, and it has been greatly heightened by the Canada Act for the encouraging and establishing Popery."Pro aris et focis, our all is at stake', is the general cry throughout the country."

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(100) To the tune of a current favourite answering to the name of "O my Kitten, my Kitten", and published in the Philadelphia, Pennsylvania Packet, August 29, 1774.

(101) Sparks VIII.128(September 6,1774) From James Bowdoin, whom Franklin had known for twenty-four years, and who subsequently became governor of Massachusetts.

Where was Pitt, the great apologist of the colonies, during the passing of the Quebec Act? Franklin informs(102) us. "Lord Chatham, being ill at the Time, could not be present, or he would probably have voted on the Side against the Bill." When Pitt was somewhat better, he approached Franklin for suggestions as to the terms on which the colonists would accept a reconciliation(103). Franklin drew up a list of seventeen terms. The eleventh term stipulated:

"The Quebec Act to be repealed, and a free Government granted to Canada."

The reasons: "That we, having assisted in the Conquest of Canada, at a great Expense of Blood and Treasure, had some Right to be considered in the Settlement of it. That the establishing an arbitrary Government on the Back of our Settlements might be dangerous to us all; and that, loving Liberty ourselves, we wished it to be extended among Mankind, and to have no Foundation for future Slavery in America."

Franklin then held several meetings at Hayes with Pitt, coaching the latter in the American side of the argument. On February 1, 1775, Pitt unsuccessfully proposed a plan of reconciliation in the House of Lords, Franklin present under Pitt's personal arrangement.(104)

In the more direct, if undercover, negotiations through the great merchant, Barclay, and Dr. Fothergill(105), in later February, the ministry's reply on the question of the Quebec Act carried a concession: "The Quebec Act might be so far amended, as to reduce that province to its ancient limits."(106)

On February 16, it was put to Franklin more definitely: "The several

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(102) See note 96 page 21.
(103) For Franklin's negotiations with Pitt, Barclay, Fothergill, Howe, and Hyde, see Bigelow, Fifth Edition, Vol.II, p. 268 and on; Smyth VI.330-383 and Sparks V.1-83; "An Account of the Negotiations in London for Effecting a Reconciliation between Great Britain and the American Colonies.
(104) Smyth VI.360 contains detail of the trouble to which Pitt went to make Franklin comfortable.
(105) As well as with Lord Howe and Lord Hyde.
(106) i.e., return the Ohio valley to the English colonists.

provinces, who may think themselves aggrieved by the Quebec Bill, to petition in their legislative capacities; and it is to be understood, that so far of the act, as extends the limits of Quebec beyond its ancient bounds, is to be repealed." The Ohio valley restoration however did not satisfy Franklin. The next night he laid down his fiat, regarding Canada: "We cannot endure Despotism over any of our Fellow Subjects. We must all be free, or none."

The negotiations continued on. It appears North and Dartmouth softened sufficiently. But the Bedford element was too determinedly inimical to the colonies. And most of England had been alienated by colonial violence. Meantime Franklin's wife had died in Philadelphia, in December. She had capably administered all Franklin's business at home during the past ten years, and his private Affairs now feel into a deplorable state. Under all these circumstances he set off home, the negotiations coming to nothing.

A noticeable Canadian thread runs through the pattern of American difficulties. Here it crops up again in a letter from Franklin's "nephew"(107) "You will see by the Fate of the of the N York(sic) and Quebec Petitions, that it is not because what came from the Congress was illegal, that Application did not succeed since both have been treated alike: I think this must cure the N York Dissension if there remains any."

Pitt and Camden, however, instigated by Franklin, continued the fight against the Quebec Act. But it was in the face of a weighted parliament, as witnessed in the communication(108) from Samuel Wharton:

"Lord Camden should have been much pleased to have seen you before you embarked. In a few Days after the Hollidays(sic), His Lordship moves for the total Repeal of the Quebeck Act; and if Lord Chatham's health will admit of it,----

(107) XXXVII.33 MSS in A.P.S.(London, May 20, 1775, from Jonathan Williams, Jr., whose father had married Franklin's niece, Grace Harris.).
(108) J. G. Rosengarten: Some Letters of Franklin's Correspondents(Penn. Mag, of Hist, and Biog., April 1903).

He will certainly second the Motion: - and in the House of Commons, Sir George Saville -- moves to amend this shameful Act. --- There have been several Conferences, between Lord Camden and Sir George upon the Subject; But although the latter wishes the total Repeal, -- Yet some of the Rockingham's(sic) think it is too much to attempt, and therefore in a friendly Way it is settled between them --- To move in the different Houses, in the different Ways, I have mentioned. The Fate of these Motions, there can be no doubt about; -- But yet, it is thought Right to lay a proper Ground for Repeal."

Among the Franklin papers in the American Philosophical Society, there is a letter(109) to an unknown "Madam", and dated at London, June 1st 1775. Among other things it reports that "on the Seventeenth of last month, Lord Camden made his Motion, in Respect to the Quebec Act, and carried in a Bill for the Repeal of it, as you will perceive(sic) in the Ledger, under date of the Twentieth ultimo -- and that his Speech upon the occasion. It is agreed, as well by the Friends of America, as Even by Administration themselves, -- was uncommonly argumentive and eloquent; -- In a word, -- It equalled any, He ever made and while he was speaking, the most thorough attention and silence pervaded every part of the House -- In the Ledger, under the above date, -- you will likewise see a good account of the Substance of this Speech, as taken by Dr. Bancroft(110) whom I, that day, got introduced into House(sic), -- I should also tell you, that Lord Shelburne spoke most ably and boldly; and said, a Day would soon arrive when so unconstitutional and disgraceful a Statute must be repealed. But it was remarkable that not one of the Ministers said a word about it, except Lord Dartmouth."

Of the "account of Dr. Bancroft," referred to above, we hear more from that gentleman himself two months later, on August 7, 1775. And with it

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(109) XLV.107, MSS. in A.P.S.

(110) Dr. Edward Bancroft was for many years one of Franklin's intimate friends(Sparks IV.453).

he brings to an end our contacts between Franklin and the Quebec Act. In his letter(111) to Franklin, he refers to the "pernicious views of the Government manifested in the Quebec Act and the expressions which lately escaped from the ministerial speakers against Lord Camden's motion. If it be proved," Bancroft suggests, "as may easily be done, that the countries of the Indians within those limits do not belong to the Crown of Great Britain but to the different Indian nations, treated as Indian allies, these countries will then be detached from the Province of Quebec & rescued from the despotism which must otherwise be imposed on them."

Franklin has been accused of fomenting the attack and acquisition of Canada, with an eye to a subsequent colonial independence. His sojourn in England from 1764 to 1775, as conscripted ambassador from the colonies during this decade of mounting hostility, is the circumstantial evidence generally used to accuse him, -- and his vital part in the Revolution, to condemn him. As for his extraordinary popularity when in France, on it have been based charges of a Machiavellian duplicity.

This involves the period of the fall of Quebec, the Canada Pamphlet, the organization of the post office, Quebec's first newspaper, and the Quebec Act. We are interested in the mind of Franklin during these years;. Was his interest in the development of Canada, a secessionist or an imperial one? "No one", he had written in 1760, "can rejoice more sincerely than I do, on the Reduction of Canada; and this not merely as I am a Colonist, but as I am a Briton." Was this sincere?

It was. Even after the success of the Canada Pamphlet had been assured, his sentiments are eloquently anglophile. So enamoured of England had he become by 1762, that he returned home reluctantly, envying the "petty Island" its "sensible& virtuous & elegant Minds", and flirting with the idea of set-

(111) J. G. Rosengarten(Penna. Mag., April 1903.).

tling his affairs, so that "in two years at farthest.... I may then remove to England -- provided we can persuade the good Woman(wife) to cross the Seas(112). Only the determination of "his Debbie" kept him for subsequently emigrating from America.

Franklin remained a sincere loyalist. When the Stamp Act came, he disliked it, feared its results if a failure and its ramifications if a success, -- yet he saw the logic on the British side. Of all American leaders, he made the least outcry against it.(113). Only when the extent of the Act's riotous aftermath reached him, and it fell his duty to represent his constituents,(114) did he line up at their head, in England. Answering the charge of disaffection for the mother-country, on the part of himself and his people, Franklin categorically repudiated it. They had always had, said he(115), "not only a respect, but an affection for Great Britain; for its Laws, its Customs and Manners, and even a Fondness for its Fashions, that greatly increased the Commerce. Natives of Britain were always treated with particular Regard; to be an Old-England Man was, of itself, a Character of some Respect, and gave a Kind of Rank among us."

Franklin was proud of his "English lineage, of English greatness, and of English liberty"(116). All the differences between England and the colonies were viewed by him in the softening light of differences within the circle of a family. A versifier of considerable ability, he expressed his attitude in the following song:(117)

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(112) Smyth IV.182.
(113) He even proposed his friend, John Hughes, a merchant of Philadelphia, as tax-collector for Pennsylvania.
(114) During what might be called his ten-year'consulship', he had to speak as agent for such varied provinces as a very moderate Pennsylvania, very Tory New Jersey, very radical Massachusetts, and very polyglot Georgia.
(115) Franklin's Examination before the House of Commons. -- Sparks IV.169.
(116) Lecky III.297.
(117) Bruce II.200: Sparks VII.224(Sparks thinks Franklin wrote this song not

"The Mother Country.

"We have an old Mother that peevish is grown;
She snubs us like Children that scarce walk alone;
She forgets we're grown up and have Sense of our own;
Which Nobody can deny, deny,
Which Nobody can deny.

"If we don't obey Orders, whatever the Case,
She frowns, and she chides and she loses all Pati-
Ence, and Sometimes she hits us a Slap in the Face,
Which Nobody can deny, etc.

"Her Orders so odd are, we often suspect
That Age has impaired her sound Intellect;
But still an old Mother should have due Respect,
Which Nobody can deny, etc.

"Let's bear with her Humors as well as we can
But why should we hear the Abuse of her Man?(118)
When Servants make Mischief, they earn the Rattan,
Which Nobody can deny, etc.

"Know too, ye bad Neighbours,(119) who aim to divide
The Sons from the Mother, that still she's our Pride;
And if ye attack her we're all of her Side,
Which Nobody can deny, etc.

"We'll join in her Lawsuits, to baffle all those
Who to get what she has, will be often her Foes.

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(118) George Grenville.
(119) Claude-François-Louis Régnier, Comte de Guerchy, the French ambassador in London, till 1767, who with his successors courted Franklin for long and in vain.

For we know it must all be our own, when she goes,(120)

Which Nobody can deny, deny,

Which Nobody can deny."

Even after the growing seriousness of the Townshead Acts, the suspension of the assemblies of New York and Massachusetts, the invocation of the statute of Henry VIII(121) and the forced removal of British troops from Boston, Franklin still penned strikingly loyal and optimistic sentiments to the speaker of the Massachusetts Assembly. Thus in 1771, while on the subject of discipline being maintained in the militia, he added,(122) "And what a Glory would it be for us to send, on any trying Occasion, ready and effectual Aid to our Mother Country!" A year after the burning of H.M.S. Gaspee, and a few months before the Boston Tea Party, Franklin could still advise (123) a Boston Winthrop that "as between Friends, every Affront is not worth a Duel, so between the governed and governing every Mistake in Government, every Encroachment on Right is not worth a Rebellion... remembering withal, that this Protestant (our Mother, though lately an unkind one,) is worth preserving, and that her Weight in the Scale of Europe, and her Safety in a great Degree, may depend on our Union with her."

There followed the annexation of the Ohio valley to Canada in the Quebec Act, and the closing of the port of Boston. Most Americans were arming themselves for the struggle. Yet, in August 1774, when Pitt asked did the Americans want independence, Franklin could answer an emphatic negative.(124) Presumably he was judging from himself. The extent of the violent bitterness

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(120) Presumably, when America would grow to be the centre of the empire.(vide p. 10 chapter 2, letter of January 3,1760).

(121) For the punishment in England of offenders outside the realm i.e., in America.

(122) Bruce II.191 (Franklin to Cushing, 1771).

(123) Sparks VIII.78,79. (July 23, 1773. John Winthrop, great grandson of Governor Winthrop, was a professor at Harvard and a member of the elective governor's council of Massachusetts.).

(124) Lecky III.412; Fay 372.

of his American countrymen came as a surprise for Franklin when he reached home in 1775. So far was he from sharing in New England's intransigeance, that the day before his departure, he wrote(125) to Arthur Lee: "I may possibly return again in the Autimn, but you will continue henceforth the agent for Massachusetts, an office which, I cannot again undertake."(126) And to one of his friends he spoke of his return in the autumn as not merely possible, but probable. A solution of violence seemed absurd to Franklin. He would have staked his entire fortune on the probability of an eventual Anglo-American reconciliation.

We can quickly dispose of the charges of duplicity in his relations with the French. Speaking of the French ambassador, De Guerchy, in 1767, he confided(127) to his son, William, that "he is extremely curious to inform himself in the Affairs of America; pretends to have a great Esteem for me on Account of the Abilities shown in my Examination; has desired to have all my political Writings, invited me to dine with him, was very inquisitive, treated me with great Civility, makes me Visits, etc. I fancy that intriguing Nation would like very well to meddle on Occasion, and blow up Coals between Britain and her Colonies; but I hope we shall give them no Opportunity."

In 1768 the successor of De Guerchy wrote to Choiseul: "He is a man of rare intelligence and well-disposed to England; but fortunately, is very little consulted."(128)

And though he was openly courted by the French charge d'affaires before his departure home in March, "in the first few months of 1775... he refused to have correspondence with any official at Versailles or Paris,. He remained a faithful subject to his British Majesty."(129)

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(125) Sparks I.391.
(126) A very strong statement from Franklin whose lifelong motto was "Never to seek an Office and never to refuse to undertake one."
(127) Edinburgh Review (From Wm.Temple Bache's published papers of Benjamin Franklin), vol. LVI, p. 285; Smyth V.47; Sparks VII.357.(August 28,1767).
(128) Bancroft III.300.
(129) Fay,p. 376.

Long before Durham, Buller and Wakefield were born, Franklin exemplified the spirit creative of the modern British Commonwealth of Nations. Loyal as he was to the land of his fathers, the colonies were not to him mere feudal appanages of Britain. He considered the mother country and colonies to be connected as England and Scotland were before the Union, each having its assembly or parliament, under the king as a common sovereign. "The British Empire", said he, "is not a single State; it comprehends many; and, though the Parliament of Great Britain has arrogated to itself the Power of taxing the Colonies, it has no more right to do so, than it has to tax Hanover. We have the same King, but not the same Legislatures."(130)

Following the confusion raised by the Stamp Act, it became a question among inspired liberals whether all difficulties might not be adjusted, and a permanent union be established between the two countries, by admitting representatives in Parliament from the colonies.

Franklin's attitude of 1766 toward such a plan and his understanding of the bull-headed Britisher of the early empire are breathed in this answer (131) to a correspondent:

"If an Union were now established(which methinks it highly imports this Country to establish) it would probably subsist so long as Britain shall continue a Nation. This People, however, is too proud, and too much despises the Americans, to bear the Thought of admitting them to such an equitable Participation in the Government of the whole. Bringing Representatives from the Colonies to sit and act as Members of Parliament, thus uniting and consolidating your Dominions, would in a little time remove these Objections and Difficulties, and make the future Government of the Colonies easy."

The discussion continued with a friend on each side of the Atlantic. To an American(132), Franklin writes in May: "My private Opinion concerning a

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(130) Sparks I.308.
(131) Sparks IV.156 (January 6, 1766).
(132) Sparks VII.315 (To Cadwallader Evans, May 9, 1766.).

Union in Parliament between the two Countries is that it would be best for the whole. But I think it will never be done. If we had, no more Representatives than Scotland has, we should be sufficiently strong to prevent, as they do for Scotland, any Thing ever passing to our Disadvantage."

Here Franklin adds his own idea of the desired union, a federation: "It would certainly contribute to the Strength of the whole, if Ireland and all the Dominions were united and consolidated under one common Council for general Purposes, each retaining its particular Council or Parliament for its domestic Concerns."

Next year in April comes a letter(133) to a British friend: I am fully persuaded with you, that a consolidating Union, by a fair and equal Representation of all Parts of this Empire in Parliament, is the only firm Basis on which its political Grandeur and Prosperity can be founded. Ireland once wished it but now rejects it." But if Ireland did, Franklin did not. His ardour and optimism began to grow. He earnestly desired a state of imperial relations where "the People of Great Britain, and the People of the Colonies, would learn to consider themselves, as not belonging to a different Community with different Interests, but to one Community with one Interest."(134)

The discussions widened. Tucker, the Dean of Gloucester, an old opponent of Franklin(135) as well as the colonies had mimicked all unionists in a pamphlet(136). Could the colonies, queried Tucker, "hope to procure any Advantages from one Hundred Representatives? Common sense answers in the negative."

"Why not, as well as Scotland from forty-five, or rather sixty-one?" retorted Franklin in 1768. "Common sense, on the Contrary, says, that a Body of one hundred Votes in Parliament will always be worth the Attention of any

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(133) Sparks VII.329 (To Lord Kames, April 11, 1767.).
(134) Smyth III.239 .
(135) Vide pp. 12, 35 chapter 2.
(136) "A Letter from a Merchant in London to his Nephew in North America. London, 1766."

Ministry; and the Fear of offending them will make every Minister caustious of injuring the Rights of their Country, lest they join with his Opposers in Parliament."(137)

As matters grew worse the discussions of a federation grew more lively. Detailed schemes were thought out, as is evident from the following manuscript,(138) dated in 1770, and to be found among Franklin's papers in Philadelphia.

"To those whom it may immediately concern in Regard of their several Stations in the Legislative, & the Administrative ----

"Suffer it to take place and remain on your minds, as an important truth that the jarring interest, and want of Unity, between Great Britain & her Colonies, is the grand Foundation whereon the Enemies of these once happy dominions build their prospect and Confidence of Success against us; & that so nothing would move Strongly, or more happily tend, to remove such threatening Prospect & Confidence, & in lieu thereof to Substitute on the part of our Ene-

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(137) Franklin's marginal note on "Good Humour, or a Way with the Colonies": (Eiselen pp, 26,27; Sparks IV.212).

(138) LXIX.92 MSS. in A.P.S.
Smyth(X.291) says this is Franklin's own plan and assigns 1775 as the date of its issue. Both are wrong. Franklin's plan of July 21, 1775, ("Articles of Confederation and Perpetual Union" --- Sparks V.91-96) was one of North American and West Indian colonies, and Ireland, uniting apart from England. The explanation for Smyth's peculiar mistake may be the following: "Amor Patriae's" plan is folded like a piece of foolscap. Suppose the four sides of the plan to be numbered 1, 2, 3, 4, in the usual way. Sides one and four contain the tabulated figures given for America and Ireland; side two contains the preamble and pen-name; and side three is blank. Smyth, in opening the two leaves, may have observed side three blank, and somehow missed the opposite side two. At any rate "Amor Patriae's" handwriting is not Franklin's. Sparks(VII.330) suggests it is the plan of another person, and I agree with him. It may even be a copy of a plan by Masères who in the same year as the date of this plan, 1770, wrote "Considerations on the expediency of admitting Representatives from the American Colonies to the House of Commons, 1770." (Courtney, Dict. Nat. Biog. XXXVI.408).

mies a permanent dread or fear of Offending in the future, than a happy and durable Union between the Mother Country and her Colonies, including Ireland, therewith."

(Here follows a plan of proposed taxation, in detail.(139))

"I therefore humbly recommend the Annexed Plan of Union & Representation to be seriously consider'd.

"Amor Patriae

Grace Church St London

17 Nov: 1770

"Plan of Union by admitting Representatives from the American Colonies & from Ireland into the British Parliament.

"America			Ireland		
Massachusetts Bay -	each four	20	Each Province 4 members	----	16
Pensilvania -			Dublin -		2
Virginia -			Cork -	each one	7
S. Carolina -			Kinsale -		
Jamaica -			Waterford -		
			Limerick -		
New York -	each three	9	Kilpenny -		
Maryland -			Wexford -		
Canada -			Wicklow -		

See next page.

(139) Provision was to be made that neither the colonies nor Ireland should be taxed for protection and defence separately or apart from England; and that the revenue arising from the regulation of colonial trade should be exclusively appropriated to the particular uses of the colonies, for the purpose of defraying the expenses of civil government and other colonial charges. The mode of election in the colonies was to be left to the assemblies.

America (cont'd)

Connecticut E. & W. Jerseys	each two	4
New Hampshire - Nova Scotia - Rhode Island - Lower Counties of Pennsylvania. N. Carolina. - E. Florida. W. Florida.	each one	8
Barbadoes - Antigua - St Christopher - Bahamas -	each one	4
Bermuda - Monserat - Nevis -	In Rotation	1
Grenada		2
Newfoundland and St Johns -		1
Dominica - St Vincent - Tobago -	In Rotation	1
Commons		50
Lords for the Principal Provinces & Ireland, as soon as found convenient, to be created by the Royal Prerogative.		10

Ireland (cont'd)

Dundalk Drogheda. Youghall		2
Galway - Belfast - Londonderry	each one	3
Commons		30
And a proportionate Number of Lords, to be Elected by the Irish Lords from among themselves.		10

"Ft.(140) in the whole.

American	Commons	50
	Lords	10
Irish	Commons	30
	Lords	10
		100 "

The fall and winter of 1774 were devoted to efforts on behalf of reconciliation. Together with Pitt, Howe, Barclay and Fothergill, Franklin manfully strove to halt the impending dissolution. In his extended negotiations with them he drew up successive "Hints" which were shown to the ministry. All these emphasized his argument that an understanding was still possible if parliament would give up its claim to suzerainty. To make the reconciliation a permanent one, a congress of the colonies was to be established in Philadelphia. If the king would exclusively employ this congress to govern America, there would no question of the loyality of the colonies and everything would be ironed out smoothly.(141) Thus Franklin urged the theory of the Statute of Westminster, one hundred and fifty years before a Conservative British parliament ratified it(142). For Franklin it was but a return to his early vision(143) of an "Anglo-

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(140) i.e., "Fecit."

(141) On the question of plans of union, we must distinguish between the ideas of Galloway in the first Continental Congress, and the ideas of Franklin. While in a general way Galloway's plan of reconciliation fell in with Franklin's ideas, it contained, however, one term by now(Sparks I.378) repellent to Franklin: That Parliament should have the right to revise the legislation of Congress.(Lecky III.419) On the other hand Franklin wished Congress to be as autonomous of Parliament as Ottawa today is of London. Neither was to possess the right to revise the other. The King and Parliament should be supreme in England; the King and Congress should be supreme in America. His imperial connection was admittedly lean -- but no leaner than that which binds the British Empire today. And his imperial sentiment was just as strong as that of modern English descendants in Canada and Australia.

(142) Since writing this, I have come across a similar expression of opinion delivered by James Brown Scott in April, 1932.(Proceed., Amer. Phil. Soc., Vol. LXXI, No. 4, p. 217.).

(143) Vide pp. 9,chapter 1, p. 10,35 chapter 2.

Saxon empire, governed in Europe by the King and the British Parliament, and in America by the King and the American Parliament. The two bodies would cease to be rivals under such circumstances and would collaborate.(144) So enthusiastic was Franklin for such a settlement that he was willing to pay the East India Company out of his own pocket for the 340 chests of tea Boston had thrown overboard.

Franklin was the last of all imperialists to give up his dreams of federation. "Long, did I endeavour", he wrote(145) to Lord Howe three weeks after the Declaration of Independence, "with unfeigned and unwearied Zeal, to preserve from breaking that fine and old noble China Vase, the British Empire; for I knew, that, being once broken, the separate Parts could not retain even their Share of the Strength or Value that existed in the whole, and that a perfect Union in these Parts could scarcely be hoped for. Your Lordship may possibly remember the Tears of Joy that wet my Cheek, when at your good Sister's in London, you once gave me Expectations that a Reconciliation might soon take place." When the onset of physical violence nullified his negotiations, he carried home with him from England, in 1775, two large gold medals, given by John Sargent, one of his friends, to be bestowed as prizes on subjects to be proposed by the governors of what is now the University of Pennsylvania. Franklin, the founder(146), and one of the governors, named as <u>first</u> subject, "The Motives to, and Advantages of, a perpetual Union between Britain and her Colonies." And According to Franklin's son, the governor of New Jersey, "Five pieces on the subject were produced. They were all printed and read in America with approbation, and were reprinted in England."(147)

On April 19, 1775, the fighting At Lexington took place. On May 5,

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(144) Fay 372.
(145) Sparks V.101.
(146) Morse p. 37; Sparks II.133 and V.140.
(147) Sparks I.159.

Franklin arrived at Philadelphia. The next day he was unanimously elected to the second Congress by the provincial assembly. Here, faced with the alternative of being washed aside with the waning moderates, he plunged desperately into midstream with the militants. Yet more than a month after the battle of Bunker Hill, Independence Hall was to him but a means to an end, and that end -- a British federation. On the 21st of July he brought forward a last plan,(148) sugar-coated for his extreme colleagues as a proposed constitution for the United Colonies.

According to Article three, "each Colony shall enjoy and retain as much as it may think fit of its present Laws, Customs, Rights, Privileges, and peculiar Jurisdictions within its own Limits." Article five stipulated that "the Power and Duty of the Congress" included "entering into the Reconciliation with Great Britain." Article thirteen laid down that "every Colony from Great Britain upon the Continent of North America may be received into the Confederation, viz. Ireland, the West India Islands, Quebec, St John's, Nova Scotia,, Bermudas, and the East and West Floridas." In general it concluded that "the Union is to continue firm, till the Terms of Reconciliation proposed in the Petition(149) of the last Congress to the King are agreed to. On the Arrival of these Events, the Colonies will return to their former Connexion and Friendship with Britain; but on Failure thereof, this Confederation is to be perpetual.(150)

The plan failed in Congress. Apocalyptic New England rode through it rough shode to war. But as an effort to unite Americans, French-Canadians, Nova Scotians, West Indians, and Irishmen, it shows Franklin's true state of mind. "If England had accepted this plan", opines Franklin's latest biogra-

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(148) "Articles of Confederation and Perpetual Union, proposed in General Congress."

(149) "We cheerfully consent to the operation of such Acts of the British Parliament as are bona fide restrained to the regulation of our external commerce for the purpose of securing the commercial advangages of the whole Empire to the mother-country and the commercial benefits of its respective members." --- from the Petition of the first Congress. (Lecky III.409).

(150) Sparks V. 91-96.

pher,(151) it could have become the basis of an imperial parliament". Nor is his foremost biographer(152) more backward: "His ideas, fructifying the mind of Cobden and inspiring the thought of Molesworth, have triumphed in the glorious fabric of the imperial connection of greater Britain resting on its firm foundation of colonial democracies as Franklin foresaw and defined them."

It but remains now to observe Franklin's enforced transition from loyalist to rebel. Intoxicated with her success in the Seven Years War, England's arrogance towards colonials nettled him. "Every Man in England seems to consider himself as a Piece of a Sovereign over America; seems to jostle himself into the Throne with the King, and talks of our Subjects in the Colonies."(153)

The first intimations suggesting the use of British troops found him incredulous. He called on his acquaintance with the recent commander-in-chief.(154) Anonymously he wrote(155) to the London Public Advertiser, that if ordered on "this murdering Service against their Countrymen", then (aside from the rank and file) "some of the ablest Officers may choose, with Sir Geoffrey Amherst, rather to resign their Commissions."

Mention has been made of Franklin's agency in the publication of Governor Hutchison's letters urging armed repression. The result was in 1774, the vituperative impeachment of Franklin before the Privy Council. All England rang with the details, how Wedderburn had pounded the table with his fist and for an hour called Franklin to his face a "thief", an African Zanga. "The Attack in the Cockpit" was the greatest insult in the long chequered life of Franklin.

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(151) Fay 386.
(152) Smyth X.211.
(153) Sparks I.309 (January 6, 1766).
(154) Vide p. 3, chapter 3.
(155) Smyth V.163 (August 25. 1768).

It "awakend all his middle-class hatred of the nobility."(156) "From this time on the most sagacious of American leaders had a deep personal grudge against the British Government."(157)

Two days later he was summarily discharged from the post office. The king too had rejected him.

In 1775 towards the close of his labours with Pitt and Fothergill, the only reward he earned was -- despite Pitt's responsibility for his presence in the gallery there -- to be slandered from the floor of the House of Lords. And the charges of American knavery stirred to momentary rage even the strikingly placid nature of a Franklin.(158)

Under the circumstances, Franklin's patient imperialism is rather remarkable. "I was fond to a Folly of our British Connection," he confessed (159) to an English friend, after the War of Independence came. "It was with infinite Regret that I saw the Necessity you would force us into of breaking it. But the extreme Cruelty with which we have been treated has now extinguished every Thought of returning to it, and separated us for ever. You have thereby lost Limbs(160) that will never grow again."

In summing up, we may note the opinion of Philip Guedalla: "That his quest for an Anglo-American understanding was, on the whole, sincere is manifest from the positively imperialist ring of his sentiments. Was he not opposed to the restoration of Canada to foreign hands on the strength of a John Bull conviction " that the foundation of the future grandeur and stability of the British Empire lie in America". He drafted a basis for conciliation

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(156) Fay 368.
(157) Lecky III.386.
(158) Parton II.65.
(159) Ford p. 457.
(160) Franklin's famous cartoon, "The Colonies Reduced", pictured the trunk of a bedraggled Britannia, with her arms and legs cut off and scattered about her, and a mute helplessness in her tragic eyes. The background of the picture also is very clever. The cartoon was republished by the Political Register. (See plate opposite p. 320 in Fay.).

with Lord Chatham, no enemy of his country. As the dispute continued he prescribed 'Rules for Reducing a Great Empire to a Small One(161) with the full bitterness of disappointment; and when taxation was in the air, when

'We have an old mother that peevish has grown;
She snubs us like children that scarce walk alone;
She forgets we're grown up and have sense of our own",

Franklin could still sing in a loud British voice:

'Know too ye bad neighbours, who aim to divide
The sons from the mother, that still she's our pride;
And if you attack her we're all of her side,
Which nobody can deny, deny,
Which nobody can deny.'

"Deny, alas! they could and did; and some of the denial was to come from Franklin himself. For his diplomacy in London was hardly equal to the strain; and, in the outcome, events moved faster than argument."(162)

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(161) See Sparks IV.387-398.
(162) Guedalla, pp. 230, 231.

Chapter Four.

1775?

October 21, 1774 turned out to be a windy fall Friday. Appropriately it was spent by the first Continental Congress in Addresses, Addresses whose coal variability eclipsed that of the season of the year. First, Congress adopted the Address to the people of England. It was against the Quebec Act and the establishment of a "Religion that has deluged your Island in blood and dispersed impiety, bigotry, persecution, murder and rebellion through every part of the world.(1) Second, Congress appointed a committee which brought in the Address to the people of Quebec. God, said Congress to them, not the Quebec Act, had given liberty of conscience to the Canadians. Further, "We are too well acquainted with the liberality of sentiment distinguishing your nation to imagine the difference of religion will prejudice you against a hearty amity with us. You know that the transcendent nature of freedom elevates those who unite in the cause above all such low-minded infirmities."(2)

To the delegates of Massachusetts was assigned the dispersing of the Address in Canada. In February 1775, Massachusetts despatched lawyer John Brown to journey through Vermont and Canada, to ascertain conditions and the temper of the people. Writing from Montreal on March 29, he reports:- "I have delivered your letters to Messrs Thomas Walker and Blake.. from whom I received the following statement of affairs .. Governor Carleton is no great politician; a man of some morose temper; a strong friend of Administration.. Application has been made to him for printing the address from the Continental Congress, and a refusal obtained.. Through the industry and exertion of our friends in Canada, our enemies are not at present able to raise ten men for Administration. One thing I must mention to be kept a profound secret. The Fort Ticonderoga must be seized as soon as possible, should hostilities be commenced by the King's troops."(3)

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(1) Amer. Arch., 4th Series. I.920.
(2) Amer. Arch., 4th Series, I.930, 934. Vide p.21,fn,chapter 4.
(3) Amer. Arch., 4th Series. II.243; Vt. Hist. Soc., 1872, App. IV.97.

Thomas Walker, James Price, John Blake, and William Haywood had been leaders in the opposition to the Quebec Act.(4) Before the invasion was over, Carleton's list of proscriptions saw in addition the names of others like Joseph Bindon, William Mac Cartney, the Livingston brothers, Edward Antill and Moses Hazen.(5) The names of the American sympathizers on Carleton's rebel list are practically all English, or rather those of recent emigrants, from New England. Carleton before the House of Commons said that out of about 150,000 inhabitants of Canada in 1770, only 360 were Protestants, i.e., Anglo-Saxons.(6) There was only one Canadian then -- the French-Canadian habitant.

From Carleton we learn further on April 3, that "there are some People lately come into this Province from New England.. One is gone to Quebec, as I am informed a second is at Three Rivers and a third remains here.(7) I am told there are three more at Laprairie"; and a gathering had taken place there for no good purpose.

On April 5th a meeting was held in Montreal for emissary Brown. Says Carleton: "Most of the merchants as well as most of the English, Scotch and Irish of this Town assembled... Walker, a great Republican, harangued the meeting.. moved a Committee of Observation.. and two Delegates to the Continental Congress," which was to meet on May 10th 1775, in Philadelphia --- when Franklin, fresh from England, joined its activities.

The sympathizers assembled in the coffee-house dared not adopt Walker's proposal. Three days later an explanation(8) for this follows from the "Montreal Committee to the Massachusetts Committee".

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(4) Carleton to Dartmouth, November 11, 1774 (Atherton II.64, 65).
(5) Carleton to Germain, May 9, 1777. Carleton's list contained twenty-nine names; of these people two were Scotch, four English, one a native from France who had lived in New England till the Cession -- and twenty-two were Americans. Not one was Canadian! (Report, Can. Arch.,1888, pp XIV, XV.).
(6) Cavendish, p. 103.
(7) i.e., at Montreal. Carleton to Dartmouth (Can. Arch., Q 11, p. 164).
(8) Vt. Hist. Soc., Oct. 8. 1872, App. III. The "Montreal Committee", signatories of the letter, are "Thos. Walker, John Welles, Jam^{s}. Price, William Haywood.

"We have received your letter of the 21st of February by Mr. Brown.. Alas, we are the more objects of pity and concern than yourselves.. deprived as we are of the common rights of the miserable, to complain. You have members, strength and a common cause to support you in your opposition. We are still more divided here by interests, than by our religion, language and manners, and the apprehension of evils to come upon us in a short time, for the unlimited powers of the Governour(sic) strikes all opposition dead. Indeed, few in this Colony dare vent their griefs but groan in silence, and dream of lettres de catchet(sic), confiscation and imprisonment. In a word we are British inhabitants of this widely extended Province united in their sentiments. We have neither numbers nor wealth sufficient to do you any essential service... We cannot join.. in the ensuing General Congress, which, were we to attempt the Canadians would join the government to frustrate. You will please to bear in mind that not only those who hold the helm of government, but also those who make wealth or ambition the chief object of their pursuit, are professedly our enemies, and would be glad to reduce you to the same abject state with themselves. Nevertheless, the bulk of the people both English and Canadian, are of quite contrary sentiments, and wish well to your cause, but dare not stir a finger to help you... However, should the Government handle them too roughly, and attempt to force them upon dangerous and disagreeable service to which they have already shown an unreconcilable aversion they may perhaps dearly repent it.

"The case is quite differently with the noblese(sic) or gentry. The pre-eminence given to their religion, together with a participation in the honors and offices, in common with the English, not only flatters their national pride and vanity, but is regarded by them as a mark of distinction and merit, and lays open the way, to fortune.. Of liberty and law they have not the least notion.

"As to the savages that dwell round about us... we conceive their chiefs know their interests better than to interfere as a nation in this family

quarrell.

"We... beg to be informed in what manner we can be serviceable to your cause without bringing down ruin on our own heads. It may not be amiss just to hint that the idea the Canadians seem to have of this Colony at present is, that it is to be a French Government, holding under the Crown of Great Britain, from which they mean to exclude every Englishman save the Covernour(sic) and Lieutenant-Gouvernour."

On April 19, hostilities commenced with Lexington. Montreal was well posted of the news. The local sympathizers, in constant communication, urged on Congress the ease of the conquest of Canada. On May 10th, Ticonderoga fell to "Great Jehovah" and Ethan Allen. Crown Point followed in a week's time. On May 24th, Arnold wrote(9) from there to Walker asking him "to advise me of the numbers of Troops with you... their movements and designs.. and if joined by any Canadians or Indians." And now followed visitations on Fort St Johns.

The first news of the American success was brought in to Montreal by Moses Hazen.(10) Colonel Preston and a hundred men despatched to cut off the precipitous Ethan Allen were anticipated by the merchant Joseph Bindon, another Montreal American. Carleton's efforts to raise garrisons for St. Johns and even Montreal, very largely failed: "I have many doubts whether I shall be able to succeed," he wrote(11) on June 7th. "It is the fate of Protestant and Catholick Colonies to be strongly linked together", echoed Congress, in its second "Letter to the Oppressed Inhabitants of Canada".(12)

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(9) Can. Arch., Q 11 p. 184, 196.

(10) An American sympathizer. A native of Massachusetts, he had served at Louisburg in 1758, risen to Captain of the Rangers in 1759 before Quebec and been praised by Wolfe. He retired in 1760 on half-pay as a lieutenant in the 44th Foot. With other Montreal merchants he petitioned against the Quebec Act. At St Johns he owned a large farm, sawmills, a potash house, and a forge. (Atherton II.66).

(11) Can. Arch., Q 11, p. 184; Constitutional Documents, 1760-1791, p.453 (Carleton to Dartmouth).

(12) Amer. Arch., 4th Series, II.1038, 1833, 1836. (May 29, 1775).

The summer was spent in rallying the loyal forces in Canada. By September, St Johns was garrisoned by 505 men, Chambly by eighty-two, and Montreal by another hundred., Arnold had moved to the Kennebec. Montgomery besieged St. Johns desultorily.

Ethan Allen and Brown, on a roving mission to recruit or convert Canadian and Indian, concocted the ambitious raid on Montreal from two sides. Brown and his 200 deserted. Allen and his eighty were overwhelmed at Longue Pointe(13). Carleton was now encouraged to deal with the leading local American "pour encourager les autres." Barricaded at l'Assomption, following an exchange of fire and leaving behind a smouldering home, Walker and his wife, wrapped up to cover their night attire, were brought to Montreal on October 6, where on orders from Colonel Prescott, Walker was put in irons. Seven hundred Canadians and Indians now came forward. But, off toward St. Johns, the flotilla was beaten back from the shore by Seth Warner, with fifty killed. The grand stroke had failed.

The loss of Chambly on October 17 brought on the surrender of St. Johns on November 3rd. A week later Carleton heard Montgomery was crossing the St Lawrence.

"The Town was now in the greatest confusion", wrote Thomas Walker's wife in her diary(14), while her husband was being transferred to the hold of one of Carleton's eleven little ships. "Ev'ry thing having been put on board the Vessels, the Inhabitants were told that if they did not engage to Defend the Town, he the Govr would set it on fire. however they refus'd; & the Vessels... sailed without firing the Town. The same Night, Genl Montgomery landed his Troops on an Island just above the Town call'd Isle S(sic) Paul." Another week and Carleton's fleet was blocked by the batteries at Lavaltrie,

(13) When Colonel Prescott ordered Allen's Canadian followers to be bayoneted, Allen offered his own breast in their stead.(Ethan Allen's Narrative.).
(14) Mrs. Walker's Narration, p. 51,

Carleton escaped, the fleet was brought back, and Walker, chained in the hold of Lisotte's schooner, was immediately released.(15)

Meantime with Bindon's help, Price's partner passed through the embrasures to communicate the city's weak condition to Montgomery, who entered on the 13th. Two weeks later, November 28th, he set out for Quebec, leaving behind Brigadier Wooster in command. Arnold and Montgomery -- and Canadians under the Montreal merchant, Colonel Livingston,(16) and the Quebec barber, Major Duggan -- closed in on the citadel of Quebec.

Still another month of jubilee was in store for the invading Americans. "For this week past", gloats(17) General Horatio Gates to Franklin on December 5th, "Fortune has showered upon us from all Quarters, & last Night, word was brought out of Boston by some Inhabitants who left it yesterday, that a Vessel was Just arrived there from Quebeck. The Master of which Declared that Our Troops, assisted by near 6000 Canadians took Possession of that Capital a day or Two after the Middle of November, that thereon all the Ships belonging to the Ministerialists Slip'd their Cables & push'd Down the River, thus is the whole Province of Canada most gloriously Added to the United Colonies. You will in your Wisdom, no doubt immediately let them take their places accordingly. I wish Two or Three Battallions(sic) could be sent from them this Way, & this like Number of Ours replace theirs to garrison Quebeck, which with the Earlier part of the Spring should be fortified in the very best Manner...__

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(15) Can. Ant. & Num. Journal, Oct. 1915, p. 180.

(16) Vide p. 2, chapter 4. The three Livingston brothers -- one lieutenant colonel, one major, one captain -- were Montreal brothers-in-law of Montgomery(Wood: Can. & Provs., III.81) Other Montrealers who joined the American forces were Hazen and Antill. On February 10th Hazen, commissioned colonel, issued a recruiting proclamation in French.(Can. Arch. B.27, p. 385, 397). On March 10th, he writes to Colonel Antill similarly engaged at Quebec, that recruiting is slow.(Can. Arch. B27, p. 387). Franklin's Canadian agent, Prudhomme la Jeunesse(Vide p.18, chapter 4) became a captain over an emigrant band of Canadians later in August.(Am. Arch., 5th Ser., I.1094.).

(17) IV.73. MSS. in A.P.S.

"The Brilliancy of General Montgomery's Character will be the Admiration of Our Friends, & the Astonishment of Our Enemies". Then he goes on to praise his future benefactor at Saratoga in 1777. "Colonel Arnold's resolute & persevering behaviour... is a most meritorious Example. These Two Men should be held in High Estimation, & rewarded Accordingly -- Col. Arnold begun with Taking Ticonderoga, & the Vessels then at St Johns: -

"In case General Carleton & Lord Pitt fall into your Hands, as I cannot but think they will you will consider well how to dispose of them. That Capt Allan taken at Montreal of the Connecticuts, should be directly returned, or Mr. Carleton should go to Gaol."

Such welcome tidings proved a source of equally great elation to Franklin. In turn he passed the good news on, four days after hearing from Gates, to the later American charge d'affaires in Holland. "We have", he cheerfully advises(18) Charles Dumas, "an Army of near twenty-five thousand Men, wherewith we have been able not only to block up the King's Army in Boston, but to spare considerable Detachments for the Invasion of Canada, where we have met with great success, as the printed Papers sent herewith will inform you, and have now Reason to expect the whole Province may soon be in our Possession."

But Gates and Franklin turned too soon. Eurydice was not yet theirs. The spell of success was already broken. The year 1776 dawned on a dead Montgomery and a repulsed Arnold borne wounded from the field. From then on things went from bad to worse. Winter, small-pox, hunger, lack of specie, all reinforced Carleton's vigilance and skill. "For God's sake," Arnold implored Wooster, "order as many men as you can possibly spare consistent with the safety of Montreal.""

But Wooster had his own troubles. "There is little confidence to be placed in the Canadians; they are but a little removed from the savages, and are fond of being of the strongest party."(19)

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(18) Amer. Arch., 4th Ser., IV.352; Bigelow II.351.
(19) " " " " , IV.669.

So wrote Wooster to Schuyler, commander of whole the Northern front, on January 5th 1776, regarding his only recently proclaimed "Friends and Brethren.(20) "We are in the greatest need of cash, he continues. "Mr. Price(21) has hitherto supplied us; indeed, I know not how we could have subsisted as an army, without him; he has already assisted in every way possible. General Montgomery, in his last letter to me, begged that Price might be mentioned, in the strongest terms, to Congress."

Regarding the vital part played by Price there is ample testimony. On January 14, Arnold wrote to General Washington.(22): "Mr. Price is our only resource, and has exerted himself"; again, on the 24th to Congress(23) itself: "We have been obliged to beg, borrow, and squeeze, to get money for our subsistence; and but for Mr. Price, who has been our greatest resource, we must have suffered."

But Price was reaching the end of his resources. Five days after the Quebec assault, he writes(24) to Schuyler: "I fear the Army here will be in great want of cash; our house has advanced them, since their arrival here, upwards of £20,000. We are now almost out of that article, and am sorry to say I do not find any of the merchants here willing to lend; however, I hope this inconvenience will be remedied by a speedy supply from the Treasury."

With great effort Wooster despatched 131 men(25) from Montreal in the last week of January, to reinforce Arnold. "Our flour is nearly expended", ran his letters. "Our credit sinks daily... Things must be provided immediately, or the consequences will be dreadful... The clergy refuse absolution to

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(20) From Washington's proclamation disseminated by Wooster.
(21) Vide p. 2, chapter 4.
(22) Amer. Arch., 4th Series., IV.674.
(23) Amer. Arch., 4th Series., IV.838.
(24) MSS., Papers, C. C., vol. XVIII. part 1.(Library of Congress); Amer. Arch., 4th Series. IV.668.
(25) Atherton(II.79) says 120 men; LXIX.99, MSS. in A.P.S. gives 131 men. Vide p.33, chapter 4.

all those who have shown themselves our friends and preach damnation to all those who will not take up arms against us." Other troubles arose from the absence of hard money. At Quebec and Montreal men were forced to serve even when legally freed. There were bickerings between Schuyler and Wooster. In the middle of January Wooster felt constrained to forbid uncomplimentary free speech on pain of removal, and was ordered by his superior, "to suffer the merchants of Montreal not to send any of their woolen cloths out of the town." As it was, "forty sleds of indignant tories made the journey to Albany",(26) the banished including Carleton's councillor, St. Luc de la Corne. Christmas Eve, Wooster closed the churches. "I regard the whole of you as enemies and rascals" was his answer to expostulating citizens. It was even plotted to overcome his garrison. Advices to Schuyler indicated great confusion in Montreal and Canada; nothing but terror was keeping the Canadians.

And yet, Wooster could naturally enough write(27) to Congress: "I need not mention the almost infinite importance of keeping this Province. Mr. Walker and Mr. Price will tell you what dependence is to be had in the Canadians." These two were on their way to Philadelphia, when Schuyler wrote to Congress from Albany, February 21st:

"I thought it highly expedient to direct the Commissary-general to send Deputies into Canada, in order to put that branch upon a proper footing there. I fear that for want of such persons as understand the business all will run into confusion, if it is not so already. Mr. Livingston has just informed me that Mr. Price intended to apply for the Commissary-generalship in Canada. I immediately sent a note to Mr. Price, but he had left town; if he had informed me that he had such an intention I should not have hesitated

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(26) Atherton II.80. So decided was Wooster on the necessity of sending "tory leaders" out of the province that he would have removed even Etienne Montgolfier, Superior of the Sulpician Seminary, Seigneur of the Island of Montreal, and ranking ecclesiastic in the city.(Vide p.21, fn chapter 4 .) .

(27) Amer. Arch., 4th Series. IV.1132 (February 13, 1776).

to have recommended the appointment, as such an officer is much wanted in Canada, and Mr. Price is certainly entitled to it."

Walker and Price reached Congress and fared variously. From the diary of Richard Smith under the date of March 16th we learn that "A Note of Hand from Gen. Wooster to Thos. Walker of Montreal Esqr for 50 Half Joes with Interest, was presented for Payment. Chase(28) and others objected to paying Interest as our Officers might run Us into an enormous Debt. it was postponed. The Accounts of Mr. Price of Montreal were offered for Adjustment and referred to the Com^{ee} of Claims. This Gent^{n} and his Partner Mr. Haywood have lent great Sums to our Army there."(29) A week later Congress resolved "that the fifty half johannes equal to 400 dollars(in specie) be paid to Mr. Walker in full for so much by him lent to General Wooster, for the use of the army in Canada, and that general Wooster's note be taken up and cancelled."(30) Richard Smith(31) further tells us that on March 28, "A petition of Thos. Walker of Montreal setting forth his sufferings from Prescott(32) and Carleton and praying Redress was considered and left undetermined. Mr. Walker soon after returned to Montreal without Redress and his Case on Oath was published in Bradford's Paper about 2 May."

Price was more successful. Next day, the diary continues:(33) "On Motion of Lee a report was taken up on Canadian affairs and after Debate, Mr. Price was elected Deputy Commissary with a Salary of 60 Dollars a Month." On April 3rd, Congress resolved(34) "That there be advanced to Messrs. Price and Haywood, the sum of 64358.6 dollars on account of supplies to the army in

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(28) For Samuel Chase, vide p.16,chapter 4.
(29) Letters, C. C., I.395.
(30) Journals, C.C., IV.233.
(31) Letters, C. C., I.411; also Journals, C. C., IV.238.
(32) Vide p. 5 chapter 4.
(33) Letters, C. C., I.412.
(34) Journals, C. C., I.304. Later, when Congress found insufficient specie to pay Price and Haywood, it resolved "a rate of five per cent interest for the balance"(Amer. Arch., 5th Ser., I.1604, 1606.).

Canada, to be accounted for on the settlements of their account; and that General Wooster be directed to forward the accounts and vouchers lodged in his hands." Further, following the report of the committee on supplying the straitened troops in Canada, Price and Haywood received $16,000 in specie to start with, on April 12;(35) and on the 22nd(36) the two were "empowered to draw Bills of Exchange on the President of Congress for the sum of 48,358.6 Dollars, payable on the 5th of July next in specie., the balance of a sum specified in the resolve of the 3rd."

Before turning back to Congress and Franklin let us cast an eye across Canada. At one end, Montreal is under an unpopular martial law. At the other Arnold is holding on to the siege of Quebec, grimly if dispiritedly. How weak he is we learn from Ayot, his Canadian captain at "Point Levi." In a combination of bad French and good spirit Ayot advises on March 16, that the report of their fewness had been scattered through the parishes on the south bank with the consequence of the rising of Seigneur Beaujeu and his, Ayot's, success against him.(37)

Last, between the two bigger cities, stood Three Rivers, Captain Goforth commanding. From him came now a letter(38) to Franklin dated the "23rd feb. in ye morning." It is an assortment of information, oddness and general interest and is for this reason given here at length.

"I have been inform's that it is a Custom in the polite world when about to address a Stranger to apologize for So doing. But in order to Evade the Necessity of Such Tedious Business I have only to prove that I am perfectly well acquainted with you, which I shall Evince by assuring you that a Number of years ago when in Providence and looking out of a window I Saw you pass by. But Perhaps you may notwithstanding my good Acquaintance and the

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(35) Amer. Arch., 4th S., V.1668.
(36) Amer. Arch., 4th S., V.1685.
(37) Smith II.241 (J. H. Smith).
(38) IV.80 MSS. in A.P.S.

great right I have to the freedom ask why it is that I write. I answer because I am understood you are a great man that you Can Turn the Common Course of Nature that you have power with the Gods and Can Rob the Clouds of their Tremenious(sic) Thunder. Rise once more my old Trojan Collect the Heavy Thunders of the United Colonies and Convey them to the Region of the North and Enable us to Shake the Quebeck walls or on the other hand inform us how to Extract the Electric fire from the Centre -- then perhaps we may be able to draw a Vein (39) athwart their Magazine and send them upwards Clothd(sic) as Elijah was with a Suit of Fire one or the other of these must be done or we shall be drove to the Necessity of another Frolick of boarding the Town.

"As this is now the third time I have been sent forth after the Tories in this Province -- the which has given me a Small View of the Situation of the Country as also of the Circumstances Conditions and Disposition of the people. An Idea of which I would fain Convey you therefore would Just Say I apprehend their Disposition is to be for freedom their Condition and Circumstances in General very poor being not opulent and very unlearnt -- as to their Situation it is distress'd and pitiable for Notwithstanding the Breathings that they and all the Human Race must have for freedom yet from a fear that we shall either be forced out of the province by the Ministerial Troops on the one hand or that we shall leave them to fall a sacrifice on the other when we have Carried our point with great Britain they are reduced to the greatest distress. That they may be relieved from Slavery I hope we Shall Soon be in possession of Quebeck and they have members in the Congress and a Civil Government Established. I would think it an Excellent Expedient in order to Open their Eyes and raise their appetite for freedom that twenty or thirty Protestant Clergymen of Different Denomination Should be Sent into the

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(39) Weather vane?

Province who were orthordox(sic) both in Religion and Liberty and whose greater Concern would Rather be to promote the Church of Christ and to Cloath Human Nature with happiness than to gain Customers to Support any Sectarian purpose. I am of Opinion many of them might get moderate livings from the people but what do you think of a few missionaries --- Should you Imploy(sic) any Show no Respect to denominations --- As to forms I think the people have as good a right to Compose now as in past ages and if you think that George the third has Sinned the Unpardonable Sin Race(sic) his name of the Commonprayer book and put in the name of the Congress which I suppose is as much connected with Episcopacy as he is and instead of giving them a Sallery(sic) from the Society in England give them a Sallery from the Society in Philadelphia. and I'll warrant they will promote Whigizm(sic). As the Canadians bestow little Learning on their Sons I would beg leave to recommend the Sending to this province forty or fifty different young men as Schoolmasters -- the Consequence will be that the Protestants Sons will be qualified for places of Profit and Honour and by a very natural Consequence fall into them. Doctors also are much wanted and might be use full(sic) the Same way -- this will be Proselytering without Prosecution.

"The regular officers are Violent in abusing the Canadians because they are not true to Tyranny -- Our people Seem in some measure to be quite out of humour with them because Some have Changed Sides but of this I think no man Strange who is in the least acquainted with the history of the Civil wars in England. However I think it will be necessary for a number of Considerations to have at least an army of ten thousand men in this Province, to Secure the Province to ourselves and Relieve the people from their fears--- Since I began this letter I have understood that Messers(sic) Walker and Price from Montreal have gone to Congress who Can give you the best information of this Province. Mr. Walker has been maim'd(40) for dareing(sic) in

(40) A reference to the affair of "Walker's Ear" in 1764.

these Corrupt times to be an honest majistrate(sic) and his Property burnt(41) for dareing to be a friend to the United Colonies. --

"Sir I am afraid I have tired your Patience and therefore Shall Conclude wishing you when your time Comes a Pleasant and Easy Passage into the other world as I'm -(illegible)- by the purser's Books that it Cant be long before you will be under way.

"William Goforth Captain in the first Batalion(sic) of the New York Forces, Commander of three Rivers and Father of Solid Boys in the Northern Army.(

(P. S.) "I am not without my fears that the Northern Department will yet be neglected Cos(sic) it has from the begining of the Champain(sic) in Every Respect Except that of Provisions for which the Congress must have Credit. As I am in command at this place it is natural to Suppose I must know what forces are Come to our assistance. Since the defeat at Quebec which I can assure you notwithstanding the Bastle you perhaps think you have made does not amount to more than -(illegible)- Exclusive of the garrison which were at Quebeck and Some which have been moveing(sic) towards the Scene of action. See the inclosed note -(illegible)- the lake Sometimes is Impossible 20th March if we have not the heavy apparatus for a Siege nor men enough to Storm we shall Soon be very pretty in this part of the world."

"23rd feb. in ye morning."

Meantime in Philadelphia, while a secret committee was despatching Franklin's predecessor in France, Silas Deane, eyes were turning at last to Canada. The ragged army was wasting away, discipline was forgotten, the credit of Congress diminished, the people indifferent or inimical. Congress now resorted to the expedient so successful in the case of Washington and the chaos aroung Boston a few months before.(42) On February 17th, a "Committee

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(41) Vide p. 5 chapter 4.
(42) Parton II.116.

of Three (two of whom to be Members of Congress)" was determined: Franklin was chosen as Chairman(43), Samuel Chase, of Maryland, and Charles Carroll of Carrollton, Maryland, being the other two members. Mr. Carroll was to "be requested to prevail on his kinsman, John Carroll, to accompany the Committee to Canada... and further it was "Resolved that eight tons of Powder be immediately sent."(44)

By March 20, elaborate instructions(45) were agreed on by Congress. By these the commissioners were clothed with extraordinary powers. They were authorized to receive Canada into the union of colonies, and organize its government on the republican system of the thirteen. "You are further to declare" ran the draft,"that we hold sacred the rights of conscience, and may promise to the whole people solemnly, in our name, the free and undisturbed exercise of their religion, and to the clergy the full, perfect and peaceable possession and enjoyment of all their estates; and the government of everything relating to their religion, and clergy shall be left entirely in the hands of the good people of that Province, and such Legislature as they shall constitute; provided however, that all other denominations of Christians be equally entitled to hold offices... and be totally exempt from the payment of any tithes, or taxes, for the support of any religion... As to the terms of the Union, insist upon the propriety of their being similar to those upon which the other Colonies unite. Should they object to this, report to this Congress those objections and the terms on which alone they will come into our Union...

"You are to make a strict and impartial inquiry into the cause of the imprisonment of Colonel Dufee, Lieutenant-Colonel Nefeu, Major St. George Dupree, and Major Gray; and of John Fraser, Esq., late a Judge of Police at Montreal, and take such order concerning them as you shall judge most proper.

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(43) Amer. Arch., 4th Ser., IV.1692, 1689.
(44) Journals, C.C. I.290; Amer. Arch., 4th Ser., V.411.
(45) Smith II.330 (Justin H. Smith, hereafter referred to as "Smith" in the following chapters. Not to be confused with William Smith in chapter three.

"All officers and soldiers are to yield obedience to you...

"You are also empowered to sit and vote as members of Councils of War in directing fortifications and defences to be made or to be demolished.

"By order of Congress: John Hancock, President."

Two days later the commissioners were advanced "four hundred pounds in continental money, over and above the six hundred to be paid them in specie.(46) Financial instructions called for considerable labours by the three Commissioners. They were "desired and empowered to settle the Accounts of Messrs Price and Haywood, to the 5th of February last, or to employ proper persons to examine the same, and return a certificate to Congress of the balance justly due to Messrs Price and Haywood, from the United Colonies, to that date, with the vouchers for expenditures and supplies by orders of General Montgomery and General Wooster." They were further "to return to Congress a list of such persons as are accountable to the United Colonies for any part of the articles or expenditures comprised in Messrs. Price and Haywood's Accounts, with the respective sums such persons are chargeable with and deliver copies thereof to the commanding officers, that the proper deductions may be made from the pay of the officers and men."(47)

Of the three commissioners, Chase was one of the "most conspicuous and able members of Congress, an ardent lover of liberty and justice, persuasive and where possible conciliatory."(48) Charles Carroll is described by John Adams as "a gentleman of perhaps the largest fortune in America... two hundred thousand pounds sterling, educated.. in France.. of great learning, complete master of the French language, and a professor of the Roman Catholic religion."(49) Carroll could demonstrate in his own person that a Catholic

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(46) Journals, C. C., IV.233.(£400 in continental money was $1,066 2/3; £600 was $1,600.).
(47) Amer. Arch., 4th Ser., V.1685.
(48) Riddell(Penna. Mag. Hist. & Biog. vol XVIII, No. 190, p. 134); Vide p. 10 chapter 4.
(49) Adam's Letters p. 134; Smith II.331.

was able to rise to eminence in Congress and the country. On the request of a Popery-hating Congress, along with the Commissioners came from Catholic Maryland, Father John Carroll, cousin of Charles Carroll, and a member of the Society of Jesus suppressed three years before by the pope. John Adam's wife, Abigail, wrote that the idea of taking along the priest was regarded everywhere, even in Puritan Quincy, as a "masterly stroke." His learning and ability, his patriotism and zeal, his noble presence, his Catholic orthodoxy, his Jesuit diplomacy, and his persuasive eloquence, acquired and practised in Europe "seemed enough to bring even the Canadian priesthood around." Much was expected from the two Catholic denizens of Maryland. "'Tis said the Canadians were not a little influenced in the part they have taken, by the Catholics from Maryland." had written(50) Admiral Graves while Montgomery was on his way to Quebec in the previous December.

Such were the able companions of Franklin on his second visit to Canada.

There was one more traveller to Canada in the party. Congress had advised the "Inhabitants of Canada" on January 24th, that two battalions were to be sent to join the American army in Canada.(51) As the newly-appointed Franklin and his two colleagues were setting out from Philadelphia, Congress empowered them on March 23rd to raise six companies of troops,(52) and issue military commissions.(53) On March 25th Congress requested Washington to "despatch four battalions into Canada," and "four of the strongest" were selected.(54) On March 27th Franklin wrote to the commander at New York: "There are <u>five</u> of us, and we purpose staying at New York two nights."(55)

Who was the fifth? Justin Smith says it was the Prussian, de Woedtk.

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(50) Graves to Stevens, December 4, 1775: Pub. Rec. Off., Admiral's Desp., N. Amer., Vol. VI; quoted in Smith II.332.
(51) Amer. Arch., 4th Ser., IV.1653.
(52) Journals, C. C., IV.223.
(53) Parton II.116.
(54) Smith II.333. The battalions sent were those of Poor, Paterson, Greaton, and Bond.
(55) Sparks VIII.180.

This assumption adds colour to a letter(56) from Gates to Franklin dated at "Headquarters, February 23rd" -- a week after Franklin had been appointed Commissioner to Canada.

"This will be delivered to you by the Baron de Woedtkee(sic) who appears to be a Gentleman and a Veteran, Characters you will esteem him for. he has with him other recommendations to your Notices, from some of your Paris acquaintances; if I had never fallen Out with Royalty I should detest it upon the poor Baron's account for the Tyrranical treatment he has received from The King of Prussia." And the grandiloquent Gates continues, "May he enjoy in this Land of Freedom, that Comfort which has been denied him in Germany; & may this Land, continue to Embrace with her wanted Cordiality, every Oppress'd Subject from every other Quarter of This Globe."

All the above evidence leads us to assume that Brigadier, the Baron de Woedtk accompanied the Commissioners on his way to command the new military forces in Canada.

On March 11th, Franklin wrote to Schuyler advising of their coming, adding the postscript:(57) "The bearer, M. La Jeunesse(58), has been considered by the Congress as a friend to the American cause, and he is recommended to your protection on his return to Canada." Nine days later the party left Philadelphia. At New York Lord Stirling(59) was instructed to provide them a sloop, and on April 2nd, the real journey began.

The four hundred miles between New York and Montreal found the party almost a month en route, from the 2nd to the 29th, owing to the badness of the roads, the season of the year, and the obstruction to navigation on Lake Champlain occasioned by broken ice. Five days were spent in the little sloop,

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(56) IV.81, MSS. in A.P.S.
(57) Sparks VIII.179.
(58) Vide p.6 fn chapter 4.
(59) Brigadier-general in the American Army and stationed at New York where, for a short time he had the chief command after the departure of General Lee(Vide Washington's Writings, III.318).

beating their way past West Point to Albany; and thence they continued by jolting country waggon thirty-two miles(61) overland to Saratoga where Schuyler's home was. At this point, Franklin, his three score years and ten greatly enfeebled and dispirited by the rigours of the voyage, stopped for a few days. "I am here", he writes(62) from Saratoga on the 15th, "on my Way to Canada, detained by the present State of the Lakes, in which the unthawed Ice obstructs Navigation. I begin to apprehend that I have undertaken a Fatigue, that, at my Time of Life, may prove too much for me; so I sit down to write to a few Friends by Way of Farewell." Eventually they reached Lake George. Here Schuyler who had gone ahead, had a bateau ready for them, "thirty-six feet long, eight feet broad and one deep, with a mast, a blanket-sail, and an awning in lieu of a cabin. On the 19th, they embarked in the large flat-bottomed boat, and sailed the whole length of Lake George through the floating ice in about a day. Up the upper end of this lake, six yoke of oxen drew their bateau on wheels across the four-mile neck of land which separates the two lakes at Ticonderoga; and after a delay of five days, by the 24th they were afloat on Lake Champlain.(63) Sailing and rowing, sleeping under the canvas cover at night, and going ashore to cook their meals, (64) they made St. John in four days. Here they embarked in calashes, drove all day, and the 29th at length saw them crossing the St. Lawrence to their long-sought-for destination, Montreal.

Three days before, on the 26th, General Thomas(65) reached this city on his way to take command before Quebec. Arnold had been summoned back to

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(61) Russell. p. 247.
(62) Bigelow, 5th Ed., II.356; Sparks VIII.181(Saratoga, to Josiah Quincy).
(63) Parton, II.120.
(64) Fisher. p. 268.
(65) On the 11th, Carroll's diary(Mayer p.58) mentions generals Thomas and Schuyler setting off from Saratoga to Lake George, five days before the Commissioners did so. This opens the question: Was it Thomas and not de Woedtke who accompanied the Commissioners from Philadelphia? There is no mention in the diary of either of these as a travelling companion.

Montreal in reality to supersede Wooster and meet the Commissioners. Thus records Charles Carroll(66) in his journal on April 29th: "We were received by General Arnold, on our landing, in the most polite and friendly manner; conducted to headquarters(67), where a genteel company of ladies and gentlemen had assembled to welcome our arrival. As we went from the landing place to the General's house, the cannon of the citadel fired in compliment to us as commissioners of Congress. We supped at the General's, and after supper were conducted, by the General and other gentlemen to our lodgings,--- the house of Mr. Thomas Walker, --- the best built and perhaps best furnished in this town."(68)

John Carroll's version in a letter(69) on May 1st is more detailed. He speaks of a "great body of officers and gentry" at the pier and of "other military honours". "At the general's house", he continues, "we were served with a glass of wine; while people were crowding in to pay their compliments; which ceremony being over, we were shown another apartment, and unexpectedly, met in it a large number of ladies, most of them French. After drinking tea, and sitting sometime, we went to an elegant supper, which was followed with the singing of the ladies which proved very agreeable, and would have been

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(66) Mayer, p. 92. So busy were the Commissioners that Carroll apparently did not find time to return to his journal or diary till May 11th. Thus there is no entry of what transpassed in Montreal during Franklin's presence there.

(67) The Château de Ramezay. Built opposite the great garden of the Jesuits in 1705 by Governor Claude de Ramezay, it is still in existence. It housed de Longueuils, Contrecours, d'Eschambaults. After 1763 the British Government bought it for two thousand guineas. The last resident governor was Lord Metcalfe; and it remained the official residence till 1849, when Montreal ceased to be capital following the burning of Parliament House by rioters over the Rebellion Losses Bill. It is now the property of the Antiquarian and Numismatic Society of Montreal.

(68) Walker's house was originally built by Bécancourt and had been the depot of the Compagnie des Indes. It passed finally into the Mc Gill family. It stood immediately west of the Chateau de Ramezay and opposite the present City Hall. In 1903 it was demolished to make way for the extension of the Bonsecours Market.

(69) Amer. Arch., 4th Ser., V.1167 (John Carroll to his mother).

more so if we had not been so much fatigued with our journey. The next day we spent in receiving visits, and dining with a large company." But he should have added that the same day they all also got busy at once.

On their arrival, the ex-Jesuit had presented a letter of introduction from Father Farmer of Philadelphia to Father Pierre Floquet, another ex-Jesuit, and the last of the Canadian Superiors of that Mission. Carroll received permission from the Vicar-General, Monsignor Montgolfier, to celebrate mass and did so in the house of Floquet.(70)

Carrol now Attacked the clergy, only to run up before an impenetrable barrier -- the clergy had nothing to gain from a change of allegiance. They feared the intolerance of the Americans as exemplified by Wooster and by Congress's Address to the people of Great Britain in 1774.(71) In many

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(70) Guilday pp, 102, 103. Montgolfier was, like Bishop Briand, a strong supporter of the British cause. For this he had been nearly deported by Wooster(Vide p. 9 fn chapter 4) The only explanation for the privilege extended to Carroll by him is the presumed jeopardy in which he still stood of hostile action by Wooster and Carroll's companions. Floquet was a supporter of the American side because on the suppression of the Jesuits by the Pope, the British conqueror had promptly confiscated the property of the Society in Canada in 1773. This he naturally resented. There was no hope of a restoration from that quarter, and the sole chance of relief lay in the success of the Americans. Montgolfier on the other hand headed the Sulpicians with their vast holdings on the Island of Montreal. Like Bishop Briand, he and the property under him had been amply recognized and respected by the British representatives. From the Americans they had nothing to gain and everything to lose. Consequently, while the Jesuit was pro-American, the suffragan Sulpician was pro-British. In June 1776, after the departure of the Americans, Floquet was suspended a divinis by Bishop Briand, for having a "Bastonnais heart."

(71) Vide p.1 chapter 4. ---flattering the Catholic Church before Quebec and execrating it behind her back ---
When the two Addresses were translated before a numerous audience of principal Canadians by one of their own number, the Canadians gathered there "could not contain their resentment, nor express it but in broken curses. "O the perfidious double-faced Congress! Let us bless and obey our benevolent Prince, whose humanity is consistent, and extends to all religions; let us abhor all who would seduce us from our loyalty, by acts that would dishonour a Jesuit, and whose addresses, like their resolves, are destructive of their own objects."(Amer. Arch., 4th Ser., II.231).

of the colonies it was not safe even to harbour a Catholic.(72) They pointed to the treatment of the Acadians. Their missionaries among the American Indians -- Râle, for example -- had been cruelly treated(73). Only in Maryland and Pennsylvania(74) were Catholics suffered, and of these, only in the latter did they have full civil rights and privileges(75). All Carroll had to offer were the promises of an enemy in straits. On the other hand the clergy pointed to actual British toleration, good treatment, churches honoured and missions respected. Even Carroll was surprised when Catholic public religious exercises were by British courtesy "actually furnished a military escort to accompany the grand procession on the festival of Corpus Christi."(76) Thus, the injunctions of Bishop Briand could not be forgotten; and by the well-established principle that allegiance was a due return for protection, the British government could claim not merely neutrality but active support from the Catholic Church in Canada. Even the clever amiable Carroll found himself at a loss before this array of arguments. Soon he even discovered that his appearance on behalf of the Americans actually seemed offensive to the bulk of his northern co-religionists.(77)

While Carroll was with Floquet and the others, the three Commissioners and Woedtk assembled on the 30th at a council of war of which Arnold was president.(78) Here they heard the whole of the dismal truth with regard to the affairs of Congress in Canada. Not many hours passed before they

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(72) Shea's History of the Catholic Church in the U.S., p.498; quoted by Riddell(Penna. Mag. Hist. & Biog., Vo;. XLVIII, No. 190, p. 149.).
(73) Smith II.334.
(74) It is noticeable that only these two states were represented in the Committee of Three. Franklin was from Pennsylvania, Chase and Carroll from Maryland.
(75) Guilday pp. 70, 71.
(76) Campbell(U. S. Cath. Mag., III.244).
(77) Mayer, p. 30 fn.
(78) Parton II.120; Amer. Arch., 4th Ser., V.1166.

realized that lack of specie was the incubus of their cause. Not all Charles Carroll's wealth was of avail, unless it was in hard cash. An urgent request was sent to Philadelphia to send £20,000 in specie. Congress could only lay hands on one-twelfth of this for Canada.(79) The political arguments to the Canadians were therefore of no avail. "The great Continental Congress was before their eyes and the great Continental Congress was bankrupt", its paper money discredited. The debts contracted looked to the Canadians like a dead loss. "The brutality of American soldiers impressed the French all the more since the British regiments had been held in such strict order;"(80) yet

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(79) On the arrival of the request, Hancock signed the following reply: "By the enclosed resolves... you will perceive that every step has been taken to procure hard money that could be devised. I have forwarded to General Schuyler, by this conveyance, the sum of sixteen hundred and sixty-two pounds one shilling and three pence, in hard money, which was all that was in the Treasury."(Amer. Arch., 4th Ser., VI.550) By the time this specie reached Schuyler, the American troops had abandoned Montreal. Hancock's letter was preceded on the 22nd by a resolution of Congress: "That the specie now in the Treasury and as much more as can be procured not exceeding the sum of $100,000 to be immediately remitted to the Commissioners for the payment of debts due from these Colonies in Canada and for the preservation of publick credit." (Amer. Arch., 4th Ser., VI.508).

(80) Fay p. 395. In a letter of April 1st to Schuyler, Hazen explains the changed feelings of the Canadians for the Americans: "Their clergy have been neglected and sometimes ill-used; they have in some instances been dragooned, with the point of the bayonet, to furnish wood for the garrison at a lower rate than the current price." Moreover, half the imperfect certificates given in payment were later dishonoured by the Quarter-Master-General. Hazen send on also a letter from Goforth at Three Rivers, which detailed outrages committed by the troops on their march to Quebec. "A priest's house", wrote Goforth, has been entered with great violence, and his watch plundered from him. At another house, they ran in debt about twenty shillings, and because the man wanted to be paid, ran him through the neck with a bayonet. Women and children have been terrified, and forced, with the point of the bayonet, to furnish horses for private soldiers without any prospect of pay." (Amer. Arch., 4th Ser., V.869; quoted in Riddell p. 153.).

with small pox everywhere(81), provisions exhausted and no military chest in camp, it was hard to expect the ragged levies to behave properly or remain at the end of their short terms of enlistment. Even the faithful French Ayot(82), more at home than the Americans, sent word that "pay must be supplied for the Canadians".(83) It even came to a discussion of calling in for Canada the assistance of France. But here the three "Apostles of Liberty" advised Walker first "they would come to a reconciliation with Great Britain on any Terms."(84) Helpless without hard money from Congress, the Commissioners employed all their endeavours to correct abuses in the army and to reconcile the portion of the population which had been friendly toward the American cause, to the contributions and exactions which conditions rendered necessary.

But perhaps the best evidence is furnished by the reports of the Commissioners to Congress. The first report(85) is dated May 1st, two days after their arrival:

"After some difficulty and delay in getting through the ice of Lake George, we arrived here on Monday night.. and were received by General Arnold..It

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(81) On May 1st, the American army in Canada stood at 3,000 men, but small-pox made only 900 fit for duty. -- (Ramsay's History of U. S. II.74; quoted by Campbell.) On that very day Arnold's successor before Quebec, General Thomas, writes to Congress from Deschambault that he "examined into the state of the Army, and found by the return, that there were one thousand nine humdred men, only one thousand of whom were fit for duty, including Officers, the rest were invalids chiefly with small-pox. Three hundred of those effective were soldiers whose enlistments expired the 15th ultimo, many of whom refused duty, and all were very importunate to return home. There were general posts to be supported with this small number, at such distances from each other that not more than three hundred men could be rallied to the relief of any one, should it be attacked by the whole force of the enemy, by means of rivers and obstructions. In all our magazines there are but one hundred and fifty tons of powder, and six days provisions. The French inhabitants were much disaffected, so that supplies of any kind were obtained with greatest difficulty from them."(Amer. Arch. 4th Ser., VI.451). Five days after this inspection took place, the British fleet sailed up to Quebec; and shortly after, General Thomas himself died from small-pox.

(82) Vide p. 11 chapter 4.

(83) Smith II.338.

(84) Vide Appendix G.

(85) Amer. Arch., 4th Ser., V.1776.

is impossible to give you a just idea of the lowness of the Continental credit here, for the want of hard money, and the prejudice it is to our affairs. Not the most trifling service can be procured without an assurance of instant pay in silver or gold. The Express we sent from St. John's, to inform the General of our arrival there, and to request carriages for La Prairie, was stopped at the ferry, till a friend passing changed a dollar bill for him into silver; and we are obliged to that friend(Mr. Mc Cartney)(86) for his engagement to pay the calashes, or they would not have come for us. The general apprehension that we shall be driven out of the Province as soon as the King's troops can arrive, concurs with the frequent breaches of promise the inhabitants have experienced, in determining them to trust our people no further. Therefore the utmost despatch should be used in forwarding a large sum hither,(we believe twenty thousand pounds will be necessary,) otherwise it will be impossible to continue the war in this country, or to expect the continuance of our interest, with the people here, who begin to consider the Congress as bankrupt, and their cause as desperate. Therefore, till the arrival of money, it seems improper to propose the Federal union of this Province with the others, as the few friends we have here will scarcely venture to exert themselves in promoting it, till they see our credit recovered, and a sufficient army arrived to secure the possession of the country. Yesterday we attended a Council of War the minutes of which we enclose. The places proposed are proper to prevent the further progress of the enemy in case they should oblige us to raise the siege of Quebeck... We hope tomorrow to obtain an account of our debts that ought instantly to be paid. If besides what is necessary for that purpose, we had a sum to manage, by opening a bank for the exchange of Continental bills, it is supposed that we might thereby

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(86) Vide p. 2, chapter 4.

give a circulation to these bills".

"At the Council of War, held at Headquarters, April 30, 1776:

Brigadier-General Arnold, President.

The Hon. Benjamin Franklin,
The Hon. Samuel Chase,
The Hon. Charles Carroll,
Brigadier-General Woedtke
Colonel Moses Hazen(87)
Colonel de Haas
} Members.

"Agreed, that it is immediately necessary to take post and fortify the shore and island at the Falls of Richelieu....

"Agreed, that it is necessary immediately to fortify the Post at Jacques Cartier...

"Agreed,to build immediately, at Chambly, six gondolas, of a proper size to carry heavy cannon."....

Eventually, the Commissioners unanimously censured Wooster for conditions in Montreal, and they declared him unfit for his command.(88) He is noticeably absent for the council of war held on the 30th. Everything was in confusion, they went on to say, There was no discipline in the army. "Such is our extreme want of flour that we were obliged yesterday to seize by force sixteen barrels to supply the garrison with bread. We cannot find words to describe our miserable condition."(89)

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(87) Vide p. 2, chapter 4. For a time Wooster's successor as commander of Montreal.

(88) "The honourable Commissioners from Congress on their arrival in Canada did ex officio supersede my orders and released Col. Dupee, Major Gray and St. George Dupree to go to Montreal where Major Gray put on his sword and cockade and strutted around like a victorious conqueror." -- Wooster to Congress, July 5th 1776(Amer. Arch., 5th Ser., I.12) Vide Appendix C. page 2.

(89) Quoted in Atherton II.83. To give the invaders their due, the expense book of the commissary under Arnold, with entries from February to May, 1776, shows that very large sums were disbursed by the Americans for beef and other supplies. During the war bread was very dear and wheat was scarce. A brown loaf cost thirty sols or 1s. and 3d. a pound; white, 25 sols, or 1s. ½d. a pound.(Transcript issued by the Ant. & Num. Soc., Montreal; quoted in Atherton II.76.).

The next few days were spent in moving about. Back in Montreal on May 6th, they addressed Congress a second time.

"Unless this very essential article(hard money) arrive soon, our forces will suffer exceedingly from the want of many necessaries, particularly flour... It is very difficult to keep soldiers under proper discipline without paying them regularly. This difficulty is increased in proportion to the distance the troops are removed from their own country. The want of money frequently constrains the commanders to have recourse to violences in providing the Army with carriages, and other conveniences, which indispose and irritate the minds of the people. We have reason to conclude that the change of sentiments, which we understand has taken place in this Colony, is owing to the above-mentioned cause, and to other arbitrary proceedings. If hard money cannot be procured, and forwarded with despatch to Canada, it would be advisable, in our opinion, to withdraw our Army, and fortify the passes on the lakes, to prevent the enemy, and the Canadians, if so inclined, from making irruptions into, and depredations on our frontiers...

"At Fort George we had an interview with the Deputies of the seven Indian tribes of Canada to the Great Council at Onendaga; they were on the return home from this Council... Since our arrival at this city we have had another conference with the same Deputies(90)... We are informed that our debts in this Colony amount to ten thousand pounds, exclusive of what is due to Mr. Price."....

The increasing straits of the Commissions is seen from their second letter,(91) at the end of the week: "We have tried in vain to borrow some hard money here, for the immediate occasion of the army, either on the public, or on our own private credit. We cannot even sell sterling bills of exchange

(90) While the Americans were present, "Kocanawaga" (Can . Arch., Q. 11, p. 193) readily agreed to a strict neutrality.
(91) Amer. Arch., 4th Ser., V.1237; Parton II.121.

which some of us have offered to draw.(92) It seems it had been expected, and given out by our friends, that we should bring money with us. The disappointment has discouraged everybody, and established an opinion that none is to be had, or that the Congress has no credit enough in their own Colonies to procure it. Most of our friends are drained dry; others say they are so, fearing, perhaps, we shall never be able to reimburse them. They show us long accounts no parts of which we are able to discharge, of the supplies they have furnished to our army, and declare that they have borrowed and taken up on credit so long for our service, that they want themselves. The tories will not trust us a farthing... Accordingly we have daily intimations of plots hatching, and insurrections intended for expelling us, on the first news of the arrival of the British Army.

"You will see from hence, that your commissioners themselves are in a critical and most irksome situation, pestered hourly with demands, great and small that they cannot answer, in a place where our cause has a majoriry of enemies, the garrison weak, and a greater would, without money, increase our difficulties. In short, if money cannot be had to support your army here with honor... instead of being hated by the people, we report it, as our firm and unanimous opinion, that it is better immediately to withdraw it. The fact before your eyes that the powerful British nation cannot keep an army in a country where the inhabitants are become enemies, must convince you of the necessity of enabling us immediately to make this people our friends.

"Exclusive of a sum of money to discharge the debts already contracted, which General Arnold informs us amounts to fourteen thousand pounds, besides the accounts laid before Congress by Mr. Price.(93) a further sum of

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(92) This from Carroll, the richest man in North America, and from Franklin, the largest publisher!

(93) Now "Deputy-Commissary-General of Stores and Provisions."

hard money, not less than six thousand pounds, will be necessary to re-establish our credit in this colony. With this supply and a little success it may be possible to regain the affection of the people, to attach them firmly to our cause, and induce them to accept a free government, perhaps to enter into the Union; in which case the currency of our paper money, we think follows as a certain consequence."

The end was not long in coming. Even as the Commissioners were writing the latter to Congress, the squadron from England came sailing up the St Lawrence to Quebec, H.M.S. Surprise leading, followed by the Isis and the Martin. The news of this arrival on the 6th and the precipitous rout, that followed there, crowned the difficulties of the Commissioners. "Every military plan and hope staggered under the shock. Montreal became a stormy sea." Retirement from Montreal was to be as swift as it was now inevitable.

At once the Committee on the 10th, dispatched(94) the news to Schuyler: "Colonel Campbell arrived here early this morning from Quebeck. He informs that five ships of war arrived there last monday, about sunrise, viz: two large ships, two frigates, and a tender... Our army are now on their way to the mouth of the Sorel(95), where they purpose to make a stand. Colonel Greaton's battalion is arrived there, and we expect the residue of the brigade, under the command of General Thompson is arrived before this at St. Johns. From the present appearance of things it is very probable we shall lie under the necessity of abandoning Canada, at least all except that part which lies on the Sorel. We may certainly keep possession of St. Johns until the enemy can bring up against that post a superior force, and an artillery to besiege it... We can form no opinion of the force brought into Quebec by the enemy. Colonel Campbell mentions... fifteen sail of ships

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(94) Amer. Arch., 4th Sr., VI.450.

(95) "the river Richelieu, or St. John's, or Sorel(For it goes by all these names)" --- Carroll's Journal(Mayer p. 84).

were in the river, though only five were come up."

Excitement reigned at the Château de Ramezay as Commissioners and officers resolved the details of a course of action. A few minutes after the meeting a report(96) went forward to Congress: "At a council of war it was determined by eleven to three, to retreat to the mouth of the Sorel. This day General Arnold goes down there; and if he can get information of the enemy's real strength, and it should prove inconsiderable, perhaps a council of war, on reconsideration, may think proper to march the Army back to Deschambault, which is now strengthened by Colonels Greaton's, Burrell's, and St. Clair's Regiments... We are afraid it will not be in our power to render our country any further services in this Colony. If our Army should maintain possession of any considerable part of this country, it will be absolutely necessary to keep some power to control the military."

Franklin was sick in body and mind. Age, cold, exposure, and gout, together with the futility of the situation, combined against the septuagenarian. He was not the man to abandon a post for personal reasons like health if his remaining could be of service. He knew, however, that persistence could only secure an honourable death for himself, as well as a premature and useless one. There was the dread that one of the British frigates which were ascending the river, but with an unfavourable wind, would run up and cut them off. Further, he desired to take the alarming situation to Congress in person and expedite that body's action.(97) Chase and Carroll agreed with him as to this course. They, in the prime of life,(98) remained behind with the army a few days longer. The job had dwindled down to participation in the war-council of a rag-tag recalcitrant force.

On the morning of May 11th, thirteen days after his arrival, Franklin

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(96) Amer. Arch., 4th Ser., VI.450.
(97) Parton II.122.
(98) Carroll, was half the age of Franklin.

left Montreal, joined the following day by Chaplain Carroll.(99) To St. Johns Franklin used a calash.(100) Here he and Carroll re-embarked on the bateau, to repeat their original itinerary as far as Albany,(101) whence they continued all the way to New York, at Mrs. Schuyler's insistance, in her husband's postchaise.(102) --- the whole homeward journey being accomplished in half the time of the journey out.

Writing back to Chase and Carroll from New York on the 27th, after the rigours of the return, Franklin confesses,(103) "I find I grow daily more

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(99) Riddell(Penna. Mag. Hist. & Biog., Vol. XLVIII, No. 190, p. 133) says: "Chase and Carroll accompanied Franklin as far as St. Johns where they intended to stay till the military situation should clear." Apparently, however, these two Commissioners did not even see Franklin off, being perhaps called away following the council of war on the 10th. This is deduced from a letter they left him,dated the 11th and containing the following conclusion: "We sincerely wish the perfect re-establishment of your health. Our stay is uncertain. We shall be cautious to retreat in time to St. Johns. We understand there is a small garrison there, and exceedingly negligent; no sentries are posted at night. This information we had from Mr. Price who was an eye witness of this negligence. Do speak to Colonel Hazen about it. --(Amer. Arch., 4th Ser., VI.482) It would seem that possibly Franklin was confined sick, to his room, not even perhaps attending the meeting in the Château de Ramezay,- for Chase and Carroll add: "Our letter to General Schuyler will give you all the information in our power to give respecting the possibility of subsisting our Army in Canada." Bigelow(5th Ed.,,II.359fn.) says: "The Doctor's health was always a convenient excuse when he did not wish to give a better." In view of the Commissioner's letter to Franklin, above, Bigelow's appears a rather ungenerous inference. See also Franklin's letters on May 27th.

(100) Fay p. 396.

(101) "Pray send back", wrote Chase and Carroll to Schuyler on the 17th, "the batteau in which Doctor Franklin and Mr. Carroll returned, and remember us most affectionately to them." (Amer. Arch., 4th Ser., VI.587).

(102) Bigelow, 5th Ed., II.357.

(103) Rev. Dip. Corr., II.94; Mayer, p. 93 fn.; Sparks VIII.183; Bigelow 5th Ed., II.358 (May 27,1776).

feeble, and think I could hardly have got along so far, but for Mr. Carroll's friendly assistance and tender care of me. Some symptoms of the gout appear, which makes me think my indisposition has been a smothered fit of that disorder, which my constitution wanted strength to form completely. I have had several fits of it formerly."

A rest in more congenial circumstances, and Franklin's health eventually returned. Next year he could even laugh at his Canadian experiences. "Canada, where I was a piece of a Governor(and I think a very good one) for a Fortnight," (104) he humously boasts to an English friend.

What of Franklin personally, in the mission to Canada? First we have his account presented to Congress. Of his own money expended in the journey we find according to Parton, that (105) he advanced the sum of $1221; of this $560 was to General Arnold and $124 to Charles Carroll. The beds and outfits of the party cost $164. The whole expense incurred by Franklin and John Carroll being therefore $373. Franklin himself puts it, however, at a higher figure. Ten years later in his "Sketch of the Services of B. Franklin"(106), we find this paragraph: "In the Spring of 1776, was sent to Canada... passing the Lakes while they were not yet free from Ice. In Canada, was, with his Colleagues, instrumental in redressing sundry grievances, and thereby reconciling the P eople to our Cause. He then advanced

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(104) Sparks VIII.200 (To Mrs. Thompson, Paris, February 8, 1777.) There is also a French version of this letter: "J'avais déjà rempli pendant quinze jours au Canada, des fonctions de gouverneur: j'y serais peut-être encore aujourd'hui en cette qualité, si vos maudits compatriotes n'étaient venus m'en chasser les armes à la main." - (E.Z. Massicotte: Le Monde Illustré, Sat., Oct. 5, 1889.)

(105) Parton II.123.

(106) Smyth IX.696. (To Charles Thompson, Secretary of Congress, November 29, 1788.) The "Sketch" was written to obtain from a narrow Congress some kind of reward for all his services to his country.

to General Arnold and other Servants of Congress, then in extreme Necessity, £353 in Gold, out of his own Pocket, on the Credit of Congress, which was of great Service at that Juncture in procuring Provisions for our Army."

Second, Franklin learned something of the early habitant. "When it was ascertained", says Bigelow,(107) "that only one Canadian in five hundred could read, the Doctor wisely suggested when he returned, that if another Mission was to be sent to Canada, it should consist of schoolmasters!"

One of the many assignments to the three Commissioners had been to examine into all the "accounts, vouchers, expenditures, supplies(108)" of the troops in America. An idea of the labours in this field is available from these random remains(109) among Franklin's papers:

(First Paper)

"1776

Jan^{ry}:	31 - Arriv'd	25 men	commanded by Capt. Sabane.
Feb^{ry}:	6 - D^{o}:	19 d^{o}:	commanded by Lt. Smith.
----	11 - D^{o};	25 d^{o}:	commanded by Two Lieut^{s}:
	21 - D^{o}:	17 d^{o}:	d^{o}; by Lt. Walker.
	D^{o}:--D^{o}:	33 d^{o}:	d^{o}: by Capt. Wetherbee.
	22 - D^{o}:	12 d^{o}:	d^{o}: by Lieut. Meacham.

(110)131 Total of Recruits pass'd by this port since y^{e}: 31 Jan^{y}: 1776. Three Rivers Feb^{ry}: 22 1776

G."

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(107) Bigelow, 5th Ed., II.359.
(108) Vide p. 16 chapter 4.
(109) LXIX.99 MSS. in A.P.S.
(110) Vide p. 8,chapter 4.

(Second Paper)

"fournitures faittes(sic) par Mr. Laframboise pour les trouppes au continent en 1776.

Sçavoir

345 gallons de Rum a 4„ 16/„	1656		
43 chemises de flanelle a 6.....	258		
120 (111) ℔ Boeuf a 3/6			
8 pains de 15/....	27		
40 pains de 15/...	30		
156 ℔ Boeuf a 3/6			
10 pains a 15/...	39	8	
2 gallons Rum 4.16			
16 ℔ Boeuf a 3/6	4„	16	
16 ℔ de pain --- 2/6			
36 pains de 6 ℔ 15	27		
100 pains de 6 ℔ 15	75		
96 ℔ de pain 2/6d	12		
102 ℔ de pain 2/6	12	15	
en chilens(shillings?) courant de la province.	2141„	19/..„	

"Receivd[e] Montreal 20 february 1776 of Mons. Louis Voligny an original acct of 20th the above is copy with ten certificates all which we promise to Return after examind.

_____ Signd _____ price & haywood"

((Reverse Second Paper)

"three Rivers March 30 1776

Messrs price & haywood please to pay the contents of this Bill to Mr. Laframboise or his order.

Signed _____ Dav[d] Wooster

B: General "

(111) I have used "℔" for a symbolized abbreviations resembling "lbs." or "lvs"(livres), i.e., pounds.

(Third Paper)

"fournis pour l'armée du continent par Mr. laframboise en Mars 1776.

19 ---------- 34 pains de 6

20 ---------- 76 do

21 ---------- 50 do do

160 pains de 6 ---------- 960 --- 2/ -- 96 ----

"the above was Received from jean Baptiste la framboise Esquire Capt of militia at three Rivers for the use of the continental army by me

William Goforth

commander at three Rivers

three Rivers 30 March 1776

"Messrs price & haywood please to pay the above acc^{t}, and charge the sums to the public acc^{ts}

Signed Dav^{d} Wooster

B: General "

(Reverse Third Paper)

" j'ay(sic) Reçu de Mr la framboise pour la Mars 20 (or 21)

cazerne ----- --------

3 cordes de Bois a 6 ------ 18 --- -----

"the above was Received for the use of the garrison at three Rivers By me

William Goforth commander

at three Rivers. "

Franklin was long kept in touch with the Canada of his Mission by fellow Pennsylvanians, New Englanders, and even foreigners from across the sea. Piscatory gloom is reflected by Colonel David Hartley from Crown Point, July 3rd, following the defeat of the Pennsylvanian troops at "Tries Rivers:"(112)

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(112) i.e., Trois Rivières or Three Rivers. IV.92 MSS. in A.P.S.

"On the 21st ult. Captains M'Clean, Adams and Rippie ---- Lieut[s] M'Ferran, M'Callister and Hogg. Ensigns Lusk and Culbertson, with four Privates crossed to fish in Sight of the Camp. --- Captain M'Clean proposed that they should carry their arms with them, but was overruled as they apprehended there could be no Danger ---- -- Some Indians watched their Motions --- The Officers and Men went to a House just by the Shore. They were surrounded by the Savages --- Captain Adams and Ensign Culbertson were murdered and inhumanly scalped -- two Privates -- were served in the same Manner -- Captain M'Clean and Lieu[t]s M'Ferran M'Callister and Fogg -- besides two Privates were made prisoners and taken away --- Captain Rippie and Ensign Lusk made their Escape --- by a Party of our Men coming immediately to the Spot -- By these accidents our Battalion has suffered much -- the officers Prisoners are the best we had we stand in great need of their being immediately released. The Gentlemen taken last were undoubtedly carried directly to the Regulars at Montreal".

Next February James Bowdoin(113) advises(114) Franklin that "two Frenchmen arrived at Ticonderoga" with intelligence regarding the strength of the different British Posts at Isle aux Noix, St Johns, La Prairie, "Chamillè, Bojar Ville, and Point au fair."(115)

We have mentioned the Baron de Woedtk as accompanying Franklin and the others to Montreal and attending the council of war on April 30th in the Château de Ramezay.(116) This soldier was a high officer of Frederick the Great with whom he had fallen out. From the Americans he had received a field commission with the rank of brigadier-general, and perhaps owing to his fluency with the French language been sent north to Canada. Interestingly,

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(113) Vide p.22fn, chapter 4. Bowdoin was now President of the Revolutionary Council of Massachusetts Bay.
(114) V.75, MSS.in A.P.S.
(115) "Chamillè" is Chambly; "Bojar Ville" probably Boucherville; and "Point au fair" ---- Pointe Claire? "The Germans(Hessians) are all Cantoned in Quebec", concluded Bowdoin's communication.
(116) Vide pp.17, 18, 26 chapter 4.

here were now in Quebec German troops on the British side, and a German general on the American. Justin Smith dubs Woedtk "a man looked upon as a hero until he proved himself a sot."(117) We have something of an opportunity to judge him for ourselves, in the long report on Canada from him to Franklin, written, like Hartley's above, on July 3rd at Crown Point.(118)

In 1777 we are acquainted with Woedtk's fate by a note(119) in Franklin's mail-bag:

"j'appris que m:de woedtké étoit mort en canada et n'avait Laissé que peu de regrets, j'en suis fâché sincerement j'avois une lettre de recommendation pour Luy, de m:du bourg qui nous invitoit a ettre amis et nous Lier pour La cause commune, voilà tous nos Liens rompus."

Through his Mission to Montreal Franklin came in direct relations with several names familiar in Canadian history of the period, particularly those of Thomas Walker and Fleury Mesplet.

As we have seen (120) it was at the home of the Walkers that Franklin and Carroll were lodged, a large stone house on Notre Dame street, next door to the American headquarters.

Walker at the age of thirty-four had removed from England to Boston, and eleven years later come to Montreal in 1763(121) with a reputed fortune of ten thousands. Here he had continued on bad terms with the military from the outset, and when hostilities broke out to the south, we have seen the part he played.(122) Wooster's highhandedness at Montreal was only in part owing to his own circumstantial difficulties. He fell completely under the

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(117) Smith II.333.
(118) Vide Appendix B.
(119) XLII.103 MSS in A.P.S. The writer, the CHevalier de Kermorvan, was a distinguished Frenchman, and among those of that country who sought service under American colours before the French alliance.
(120) Vide p.20, chapter 4.
(121) Lighthall (Can. & its Provs. XV.142).
(122) The detailed deposition of Walker's arrest at l'Assomption and Carleton's escape at Lavaltrie are in Amer. Arch., 4th Ser., IV.1175; that by a bystander, on Walker's position from 1774 on, is in Ibid. III.1185.

influence of Walker, and this occasioned such actions as the imprisonment of all militia officers who would not resign their commissions, and the deportation to Albany of others like Captain John Fraser,"Judge of the Common Pleas and Counsellor".(123) Even Schuyler, in charge of all operations in Canada, demurred at arrests without cause, sent Judge Fraser's protest on to Congress, adding his own opinion that "Wooster pays too much attention to the advice of Mr. Walker, who has been so ill used by the King's officers that his private resentment will hurt our cause."(124)

Schuyler also took the matter up with Washington who agreed sagely that, "it is natural enough that Mr. Walker's resentment should be up for the wrongs he has suffered; it is incident to humanity, but yet the passions of an individual ought never to prevail so far as to injure the state"(125) When the Commissioners to Canada were appointed, the matter was entrusted to them, and we have seen the course they pursued, much to Walker's chagrin.(126)

When the American failure became patent, the Walkers like the other proscribed American partisans, had no choice but to accompany the colonial forces southward. Franklin and Mrs. Walker left at the same time, while Walker was to follow.

Shortly before Franklin's departure the three delegates from Congress, doubtless ruefully, addressed the following safe-conduct presumably to Schuyler, for their hostess of the past two weeks.(127)

"Dear Sir. "We desire that you will shew to Mrs. Walker every civility in your power and facilitate her on her way to Philadelphia; the fear of cruel treatment from the enemy on account of the strong attachment to, and zeal of her husband in the cause of the united Colonies induces her to

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(123) Amer. Arch., 4th Ser., IV.1174.
(124) Amer. Arch., 4th Ser., IV.1996. Schuyler added in this same letter to Congress that the Committee going to Canada "should be enabled to live with the splendour, which, with Frenchmen, creates respect!"
(125) Amer. Arch., 4th Ser., IV.1515.
(126) Vide p.26, chapter 4.
(127) The original is in the possession of the Antiquarian and Numismatic Society of Montreal and used to hang in the Council Room of the Château de Ramezay; Smyth X.296.

depart precipitately from her home; & to undergo the fatigues of a long and hazerdous journey. We are sorry for the occasion of writing this letter & beg your attention to alleviate her distress; your known politeness and humanity, we are sensible, without this recommendation from us, would prompt you to perform the friendly office. We are with great esteem & sincere regard for yourself and family

"D.r Sir,

Y.r affectionate hum. Servts

Saml Chase

Ch Carroll of Carrollton

B. Franklin "

Accompanied by the wife of James Price, Mrs. Walker joined Franklin and his chaplain, and we have a significant letter(128) to Chase and Carroll from Franklin as to his relations with the lady and her husband on the way to Albany. He speaks of having "left Mrs. Walker with her Husband at Albany, from whence we came down by Land. We passed him on Lake Champlain, but he overtook us at Saratoga, where they both took such Liberties, in taunting at our Conduct in Canada, that it almost came to a Quarrel. We continued our Care of her, however, and landed her safe in Albany with her three Wagon Loads of Baggage, brought thither without putting her to any Expence(sic), and parted civilly, though coldly. I think they have an excellent talent at making themselves Enemies, and, I believe, live where they will, they will never be long without them." These references to Walker bear out Brymner's words that he was a "rash, hot headed man."(129) On the other hand, there is much to be said for one who, from being one of the wealthiest citizens of Montreal, and a judge,(130) was forced to flee for his very liberty of person —

(128) Rev. Dip. Corr., II.94; Mayer p. 93 fn; Sparks VIII.183; Bigelow, 5th Ed., II.358.(May 27, 1776).

(129) Canadian Archivist's Report of 1888, p. XIII.

(130) In the early years of the British conquest the judges were the justices of the peace. Walker triumphed over Governor Murray in this respect.

a 'Loyalist' of another kind. And these were the Commissioners from Congress, whom they had lodged, upon whom they had so much depended, and who had --- through Congress's lack of specie --- proved so unsuccessful. Walker and his wife were not unique in their bitterness as on May 30th his illuminating detailed letter to Samuel Adams shows.(131)

A few days later, in June, we find Mrs. Walker at Boston again in righteous wrath -- but for another reason. This is explained in her communication(132) to Mrs. Meacom, Franklin's "Sister Jenny," in that city, whom she informs that when Mr. Carroll and Mr. Chase left her house at Montreal, they took with them some articles of plate and two plated saucepans! She writes that she spoke about the matter to Mr. Chase, as they passed through Albany, but was referred to Mr. Carroll just as they were stepping in a vessel bound for New York; and had therefore no opportunity of speaking to him. She asked Mrs. Meacom to request Dr. Franklin to obtain those articles for her and would she send them to her address.

Walker was a ruined man. The Americans had fled from Canada. Burgoyne had left Lake George behing in his advance. And then, October 17th, came the débâcle at Saratoga. Hope springs eternal. What price another invasion of Canada? Thus he who had so reviled Franklin at this very Saratoga on that very day a few months back, now on the 25th prescribed the same Franklin in a letter, "Honorable Sir," and himself at the end "very respectfully 133),

"I with a great deal of pleasure," he explains, "embrace this early oppertunity of congratulating you upon this signal Success of the American Arms, in the northern Department and I hope it will be attended with happy Consequences by enabling us to get rid of our powerful Enemies on the Continent & raising us generous and active friends to support our Cause in Europe: I make no doubt the Canadians must be struck with Astonishment at this un-

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(131) Vide Appendix C.
(132) XLVIII.60 MSS in A.P.S.; Hays IV.224.
(133) VII.81, 86, MSS. in A.P.S.

look'd for Event; & that they will heartily join us in any future Attempts upon that Colony; which I ardently wish to see added to the united States."

But Franklin had now other interests than Walker, and had philosophically accepted a more distant mission than Montreal. So we see no more of the unhappy Walker, save a glimpse of him in London in 1785, in company with other malcontents.(134) Still seeking compensation, he died in 1788.(135) His ghost, however, in company with his widow, Blake, Bindon, and others like the Marquis de La Fayette(136) continued to hound Congress for over a decade on bahalf of Canadian refugees. Not till 1800 was anything done by a forgetful legislature, when it tardily recognized that Walker had lost £2,500, and a lucrative business. And now a smart Congress hit on gratuitous means of cancelling its obligation.

The suggestion(137) was that of the financier, Robert Morris: "If a new State were set off at Detroit, and the lands sold to all inclining to purchase, with permission to pay in certified Canadian debts... the lands would pay the debts, and the United States would gain more than the amount of the payment by the very act of making it.... Such a State would.... secure the Indian trade, for it would soon place the principal traders at that spot in the character of American citizens." So a large area of land was opened in remote Ohio where, among other American 'Loyalists' from Canada and Nova Scotia, Mrs. Walker was awarded a tract appropriately enough in the County of Franklin.(138) "And be it enacted that the following person...shall be entitled to... the following land: Martha Walker, widow of Thomas Walker... two thousand, two hundred and forty acres." So runs Section Three in the Act of February 18th 1801.(139)

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(134) Vide p.
(135) Can. Ant. & Num. Journal, July 1910.
(136) Vide p.
(137) Rev. Dip. Corr., I.761; Sparks' D.R.C., VI.672.
(138) Wittke(Can. Hist. Rev., III.329).
(139) Annals of Congress X.1550.

The other name linked with Franklin's in the visit to Montreal is that of Fleury Mesplet, Montreal's first printer. The acquaintance of the two men goes back to London in 1773, where Mesplet, a rather radical son of Lyons, France, had exiled himself. Here, attracted to Franklin by the latter's prominence as American representative as well as his "free thought sentiments," (140) Mesplet sought an interview. With ready sympathies for a struggling fellow craftsman, with religious sentiments in some respects kindred to his own, Franklin furnished a letter of introduction which eventually accompanied Mesplet across the Atlantic to Philadelphia early in 1774.

When the hubbub arose later that year following the passage of the Quebec Act, as perhaps the only French printer in Philadelphia, Mesplet was given the sixteen page Address "Aux Habitants de la Province de Québec," to print. January 1775 found Mesplet in Quebec on a flying visit, after having touched at Montreal on the journey from Philadelphia. The exact purpose of this visit has never been settled. Various motives are presumed, one being that Mesplet came to spy out the land for the advance of the propaganda of the American cause. A cryptic letter addressed to Mesplet at Quebec seems to hear out this contention.:(141)

"Je viens de recevoir une lettre de mon correspondent de St. Dominique et me marque que des bons Nouvelles et que toutes mes envoies sont

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(140) Mc Lachlan(Trans. Roy. Soc. Can., XII.200). Mc Lachlan asserts that in this interview of 1773, "Franklin, the real leader of the revolt of the thirteen colonies, at once became convinced of the advantage of securing the service of a French printer... to send into the Province of Quebec to influence its people." While this assertion flatters Franklin more than ever as the creator of Montreal's first printer, it is, truth to tell, a case of post hoc ergo propter hoc. And to call Franklin "the real leader of the revolt of the thirteen colonies" is to rob the perfervid Samuel Adams of all his unscrupulous glory. For Franklin's attitude in 1773 vide p. 29, chapter 4.

(141) Can. Arch., Series B, Vol. 185, Pt. 1, p. 66; quoted by Mc Lachlan (Trans. R. S. C., XII.234). The letter is dated March 29, 1775, and from Charles Berger, Mesplet's partner who financed him for long.

Rendu au mole de St Micholas en tres bons ports et il me prie de lui faire Savoire la reponse des Messieurs du Canada au Sujet de la lettre du Congres (que vous avez imprime) touchant les affaires de la Nouvelle Angleterre; comme je Sais que vous etes dans le câs de voir tout ce qui est de mieux en Canada et que vous verez ce qu'il vous diront a ce Sujet. Vous avée l'esprit monsieur assez pénétrant pour conservoir ce qu'ils veulent dire ou ce qu'il pence Je vous saurée obligée Monsieur de me donnes une copy sur un feuille vollante sans signé Seulement que le date et le plutot qu'il vous sera possible."

No "feuille vollante" from Mesplet has come down to us. The suggestion has been made(142) that Berger was writing from someone else whose correspondence would be more readily intercepted, and was anxious to have a report for this person of what Mesplet saw in Canada. Who are the "Messieurs du Canada?" Had Mesplet instructions to interview the seigneurs, or the clergy? Or is the reference to the Messieurs de St. Sulpice, Seignieurs of the Island of Montreal? At present all we do know is that Mesplet did call on the Gentlemen of St. Sulpice in the seminary at Place d'Armes,(143) Montreal, with an order to print a small religious book for them.

With the outbreak of hostilities in 1775, we find Mesplet back in Philadelphia. Again he prints there another "Lettre Addressée aux Habitants Opprimés de la Province du Canada." This was about the time of Franklin's return to America in May, 1775, after his absence of nearly eleven years. The next year, in January 1776, the third pamphlet printed at Philadelphia for Congress, "Aux Habitants de la Province du Canada, bears the signature of "John Hancock, President."

Following the occupation of all Canada but Quebec, Franklin had

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(142) Carrier, Montreal Gazette, June 2, 1928.

(143) This seminary, built about the time of the Château de Ramezay, still stands at Place d'Armes, next the Sulpician Cathedral of Notre Dame, largest church in Montreal.

written to Dumas on December 5, 1775,(144): "The short Exposé of what has passed between the Court of Britain & the Colonies,being a very concise and clear Statement of Facts, will be reprinted here for the Use of our new Friends in Canada." The "Exposé" was one of a number of works including an edition of Vattel(145) which Franklin had received from Dumas at the Hague. It is possible that Vattel's treatise being in French, its receipt suggested to Franklin the first idea of establishing a French press in Canada.(146) Here was this Mesplet, who was under obligation to him, Franklin, and who was of both an enterprising and republican disposition? He had printed the two French-Canadian pamphlets well, and, like Franklin in 1763, been in Canada.

Thus when Franklin was appointed Commissioner to Canada on February 17, 1776, we are not surprised that his undertaking included "to establish a free press and to give direction for the publication of such pieces as may be of service to the cause of the United Colonies."(147) On Franklin's recommendation things now moved quickly with Mesplet. February 23rd, "the Committee of Claims reported... due to Monsr. Mesplet for printing the...French letters to Quebec...the sum of £16 - 10 (44 dollars)"; and three days later it was "resolved Monsr. Mesplet, Printer, to be engaged to go to Canada, and there set up his press and carry on the printing business, and the Congress engage to defray the expence(sic) of transporting him, his family and printing utensils to Canada, and will moreover pay him the sum of 200 dollars."(148)

Mesplet did not accompany the Commissioners, as so often stated.

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(144) Vide p. 7, chapter 4.
(145) Emeric de Vattel, the Swiss jurist, whose famous "Droits de gens" went through many editions in various languages, and was translated into English in 1760: "Droits de gens, ou Principes de la loi naturelle appliqués à la conduite et aux affaires des nations et des souverains."
(146) Weld, p. 481.
(147) Amer. Arch., 4th Ser., V.411.
(148) Journals, C. C., IV.168, 172.

Setting out with five wagons from Philadelphia on March 18th, he did not till after a series of mishaps, reach Montreal before May 6, exactly seven weeks later.((149) In his party of six came Alexandre Pouchard, his editor. Not till May 18th was his press set up ready for business in what is now a lane between St. Sulpice and St. Francis Xavier streets.(150)

It does not appear therefore that he could have done more than barely meet again Franklin between his own arrival on the 6th and the ailing Franklin's departure on the 11th. As Mc Lachlan pertinently remarks, "Before he was ready for work his patron, Franklin, had departed, convinced of the

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(149) Mc Lachlan(Trans. R.S.C., XII.204).

(150) Francis J. Audet of the Archives Department at Ottawa recently quotes Thomas Murray of Montreal(who quoted Mc Lachlan): "Mesplet avait sa boutique 'rue Capitale, pres le Marché'. Cette rue, parallèle à la rue Saint-Paul se trouve entre celle-ci et le fleuve et s'étend de la rue Saint-Sulpice à la rue St. François Xavier. Elle traverse alors la place du Marché, maintenant appelée Place Royale." The neighbourhood is that of the present Montreal Sailors' Institute.

The romantic tradition is that Mesplet's press was set up in the vaults of the Château de Ramezay and proceeded to thunder forth Franklinian propaganda. "Franklin tried to have the Canadians paid in proclamations printed by Mesplet a good fellow, but only the priests knew how to read", writes Franklin's biographer Fay, as late as 1929(p. 395). The same mistake appears in one form or another in all works on Franklin where the subject is treated, e. g., Bigelow, 5th Ed., II.359; Riddell(Penna. Mag. Hist. & Biog., April, 1924, p. 139). Justin Smith(1907) says the press of Mesplet brought from Philadelphia "resumed its former state in the basements of the Château ... Mr. Thomas O'Leary, custodian of the... Château, informed the author as to the location."

Being a romantic tradition it is hard to kill! As late as August 6, 1932, the Montreal Star's featured article on the Château de Ramezay carried the following paragraph: "With the commissioners came a French printer, Fleury Mesplet, with his printing press to spread propaganda. The press was installed in the vaults of the Château from which were issued pamphlets to the French-Canadians, who, as it is well known, refused to be won over." The facts are that Mesplet did not come with Franklin, did not set up his press in the vaults of the Château, and did not print anything for Franklin! For proof, vide Appendix D.

failure of his mission." Certainly therefore no papers were printed. It has yet to be proved that Mesplet did any printing whatever in Canada, prior to the evacuation of the American forces.

Between Franklin who departed to France and Mesplet who spent the rest of his life in Canada, there was no further contact, and the ensuing career of Mesplet is beyond our scope.(151)

There is however one more less direct contact. Apparently the letter(152) from Dumas to Franklin --- which had perhaps inspired Franklin to bring Mesplet to Canada --- was brought to America by a pair of Frenchmen, one of whom interests us. This we gather from the opening sentences of Franklin's reply to Dumas. He speaks of having received the latter's "favours of May 18th, June 30th and July 8th, by Messrs. Vaillant and Pochard(sic), whom if I could serve upon your Recommendation, it would give me great Pleasure. Their total Want of English is at Present an Obstruction to their getting any Employment among us. This is a good Country for Artificers or Farmers, but Gentlemen of mere Science in les belles lettres, cannot so easily subsist here, there being little Demand for their Assistance among an industrious People, who, as yet have not much Leisure for Studies."

As there were few Frenchmen in Philadelphia, "of Science in les belles lettres," this must undoubtedly be the Pouchard who became Mesplet's editor before the latter left for Canada.

On the return of the British to Montreal in the wake of the Americans, Mesplet with his editor,Pouchard, who had come with him from Philadelphia, were incarcerated; and, following their release, the latter determined

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(151) Mesplet's trials in getting to Montreal will be found in Papers, C.C., Memorial 41, Vol. VI, folios 305, 364: "Evénements pendant le voyage de Sieur fleury Mesplet, imprimeur, parti de philadelphie, sous ordres exprès du respectable Congress, pour aller, en qualité d'imprimeur, en Canada." See also Journals, C.C., XXV.636 fn.

(152) Vide pp. 7, 44, chapter 4.

to return at once to France. Before leaving, Pouchard despatched an indignant screed(153) in French to Franklin on October 11, 1776: "Priests and lordlings", he angrily despaired, were prostrating themselves before the idol of tyranny; the few honest men who sighed for the return of the Americans were persecuted. He described the imprisonment and indignities suffered by Mesplet, the workman, and himself, during twenty-six days without a trial. Gallantly Pouchard concluded that if Franklin thought his, Pouchard's, sufferings worth the attention of Congress, he begged that it would be directed towards his friend, M. Mesplet. Himself he, Pouchard, was required to quit America for London, but was leaving behind a translation of (Thomas Paine's) "Common-Sense" in the hands of M. Mesplet.

The third name which figures in local Canadian history is that of Pierre Du Calvet, "the wealthiest and wiliest of the Confederates", (154) who lower down the St Lawrence from Montreal included Charles Hay, François Cazeau, Surgeon Pillon and Dr. Laterriere. "Du Calvet", wrote Haldimand to Lord Shelburne, "was mentioned in the List of enemies of the King's Government and adherents of the Rebels, which Sir Henry Clinton sent me from New York"; and Sir Henry's informant was none other than Benedict Arnold himself.(155) Du Calvet was later tried by the military authorities. At the trial among other evidence one witness testified to having heard Du Calvet send a message to the Americans concerning the amount of wheat and flower he had in store for their invading forces. He supplied the Colonial troops that held Montreal in 1775 and held a commission in the Canadian regiment which was to have been commanded by Colonel Hazen in 1776.(155)

Du Calvet therefore languished in prison till Haldimand released him

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(153) IV, 116 MSS in A. P. S.
(154) McIlwraith, p. 205.
(155) Ibid, p. 281.

on the commencement of peace negotiations. At once he departed for London where he entered a law suit against that General for false imprisonment. Aided in England by the political opponents of Haldimand, who included Francis Masères, Du Calvet obtained compensation.

But there was still another source to tap. Du Calvet had claims on the gratitude and indebtedness of Congress. We therefore find him visiting Franklin,now in Paris, and importuning the latter's assistance with that body. This was followed by a pertinacious correspondence on his part.(156)

In one letter dated London, July 20, 1784, Du Calvet repeats the tale of his misfortunes at Quebec during the stay of the Americans in 1776; how, by order of the American generals he supplied them with all kinds of provisions, the money for which was never paid him; how, by order of General Haldimand, he was cruelly imprisoned in 1780 on suspicion of favouring the Americans; the cost and slowness of the lawsuit he is instigating in London. He ends begging Franklin to obtain from Congress the whole or at least a part of the money owing him.

In the letter dated September 14, Du Calvet applies again for the money owing him by the United States. General Haldimand has been recalled from Quebec and he, Du Calvet, only needs money to prosecute his suit with success. In this letter, we find he has interested the Comtes de Vergennes and d'Adhemar in his cause. Will Franklin help him to obtain his just dues?

A week later, on the 24th, he is again writing "concerning the debt due him by the United States ". He has just been informed by M. Lambert, banker of Paris, that he must write himself to Congress and forward the papers proving his claim. He reproaches Franklin for not having kept his promise to write to Congress and thereby causing him a year's delay; and explains the difficulties of settling this affair without Franklin's assistance.

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(156) Hays III. 205-265.

In a letter dated January 4, 1785, the last one of which we have record, he insists that Franklin promised to send copies of his papers to Congress with a recommendation, and thanks Franklin for a second promise to assist him. He supposes he must take back the papers from M. Lambert and send a power of attorney to some one in America.

Besides Vergennes and d'Adhemar, Du Calvet gained the aid of the young Marquis de Lafayette. Under date of Paris, March 15th, 1785, Lafayette writes to Franklin at Passy, enclosing a letter from Du Calvet, whose case he had promised to recommend to Franklin. He hopes a committee has been appointed to consider the claims of those Canadians who assisted the Americans and were never paid.

There is also reference to an undated letter from Masères to Franklin, in which the former attorney general of Canada hopes M. Du Calvet will obtain his money from Congress.

Du Calvet reproached Franklin for neglect unjustly. As early as November 1, 1783, Franklin had written a careful yet sympathetic report to the President of Congress of his first communications with Du Calvet.(157)

There has been with me lately", we read here, "M. Pierre Du Calvet, a Merchant of Montreal, who, when our Army was in Canada, furnished our Generals and Officers with many Things they wanted, taking their Receipts and promissory Notes for Payment; and, when the English repossessed the Country, he was imprisoned and his Estate seized, on Account of the Services he had rendered us. He has shown me the Originals of his Papers, which I think are genuine. He produced also a Quantity of Congress Paper, which he says he received in Payment for some of the Supplies, and which appeared to me of our first Emissions, and yet all fresh and clean as having passed through no other Hands. When he was discharged from Prison, he could not obtain Permission to

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(157) Sparks X. 30; Rev. Dip. Corr., VI. 722.

go into the United States to claim the Debt, but was allowed to go to England; and from thence he came hither to solicit Payment from me. Having no Authority to meddle with such Debts, and the Sum being considerable, I refused, and advised him to take Passage for America, and make his Application to Congress. He said he was grown old, much broken and weakened by near three years' Imprisonment, and that the Voyage from Canada to London had like to have been too much for him, he being sick all the Way; so that he could not think of another, though distressed for Want of his Money. He appears an honest Man, and his Case a hard one. I have therefore undertaken to forward his Papers, and I beg Leave to recommend them to the speedy Consideration of Congress."

Nevertheless Du Calvet did survive a return to this side of the Atlantic, and succeeded before Congress, for he is known to have "boasted in after years that he was the only creditor Congress ever paid".(158) The ocean, however, did do for him in the end. On his return voyage from New York to London he was drowned at sea.(159)

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(158) McIlwraith, p. 292.
(159) Ibid, p. 281.

Chapter Five.

On July 4th 1776, the Declaration of Independence was signed. Thereafter, to support that independence Franklin drew up a brief sketch(1) of the terms of which upon which he supposed peace ought to be made in case an opportunity offered. This sketch he submitted to a secret committee of Congress and it serves to demonstrate how dangerous was the politic Franklin, once his enmity was definitely directed towards an adversary.

First let us consider the terms of his "Sketch of Propositions for a Peace", and then his "Motives for proposing a Peace at this Time."

The terms are straight forward enough. First, independence. Second, "to prevent misunderstandings where territories of different powers border," Britain was to ceded "the Provinces or Colonies of Quebec, St. John's, Nova Scotia", and all other possessions on the continent. In return the Sketch proposed that "the United States shall pay Great Britain the sum of --------- sterling.....per annum for the term of ---------years". Lastly Britain was to enjoy free trade with America, and her West Indian possessions were to be guaranteed to her.

The Motives outlined before Congress for these terms were on a par with any vaunted old world diplomacy! "As", explained Franklin, "the News of our declared Independence will tend to unite in Britain all Parties against us, so our offering Peace, Commerce, and Payments of Money, will tend to divide them again; for Peace is as necessary to them as to us." The promise that the money and increased trade offered English merchants would incline these again to an accommodation. As for American independence "it is, besides, explained Franklin, a prevailing Opinion in England that they must in the Nature of Things sooner or later lose the Colonies, and many think they had better be without the Government of them." Thus the proposition would on this account, have

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(1) Smyth pp. 352, 353, 453, 454.

more supporters and fewer opposers. Then added Franklin, "Such Propositions .... will furnish a Pretence for my going to England where I have many Friends and Acquaintances, particularly among the best Writers and ablest Speakers in both Houses of Parliament." Even if the terms were not accepted, went on Franklin, "I shall be able when there to work up such a Division of Sentiment in the Nation, as greatly to weaken its Exertions against the United States."

These are some of the motives he gave. The course of events, however, prevented the occasion arising for using Franklin's outline. On September 26th, 1776, he was appointed to represent the new United States at the court of France, with all the designs that entailed. "I am old and good for nothing --- you may have me for what you please." With these words, the patriarchal Franklin placed at the disposal of Congress all the money he owned, sailed on October 27th, and, thanks to a stormy passage, slipped past the British ships and made Quiberon Bay a month later.

France and the King were pacific; and de Vergennes, their minister, cautious. So a year was spent by Franklin directing the undercover activities behind the raiders Conyngham and John Paul Jones, and the ammunition running of the romantic Beaumarchais.

But between the growth of the remarkable Franklin cult in France and the electrifying surrender of Burgoyne in America, the need for cover disappeared. December 4th the news of Saratoga reached Paris. December 6th, Gérard, the chief secretary of the French foreign office, was calling on Franklin. February 6th the Treaty of Alliance was signed. By its terms France was to render aid at sea, and if Canada was conquered, it should belong to the United States; if any of the West Indies, they were to go to France. Thanks to Franklin then, full opportunity was thus preserved for the

territorial expansion of the newly-recognized republic by the provision that if it should seize the remaining parts of British North America, it should be permitted to bring them into the confederacy or hold them as dependencies.(2) That the French were not exactly in favour of the conquest of Canada by the Americans is beside the point. The important thing is that the way was closed for French protest against it. Congratulations crowd all over his letter to Thomas Cushing as Franklin points out on February 27th that "the Most Christian King .. guarantees to the United States... the Possessions they... may have at the Conclusion of the War."(3)

Franklin's relations with France were now in the open. "By advices from London" he warns(4) the Comte de Vergennes on April 24th, "we learn that a fleet for Quebec, with goods valued at five hundred thousand pounds sterling, is to sail about the end of this month, under convoy of a single frigate of thirty guns, in which is to go Governor Haldimand."

There followed that summer the visit of Admiral d'Estaing with the French fleet to Boston in September. Here the Marquis de La Fayette visited him. To this young enthusiast, only in the month of his twenty-first birthday, the temptation for a joint attack on Canada proved too strong to be resisted. His infectious imagination conquered first d'Estaing, then Congress. Briefly,his plan was to take Canada with a force of 5,000 French troops and 12,000 from the Continental army. An overland descent by the Americans was to be via Detroit, Niagara, and the Connecticut River; meantime the French were to proceed up the St. Lawrence to Quebec. Congress adopted the plan, worked out in great detail, and sent it on to Franklin in Paris, to be submitted to the French ministry.(5) Gérard, now French minister to Congress

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(2) Moore (Colum. Monthly, Vol. III, No. 3, p. 59); Parton II.305.
(3) Haldimand MSS in British Museum; quoted in Smyth VII.110.
(4) Smyth VII.145.
(5) Secret Journal, Congress, II. III; Secret Journal, Congress, II. III; Journals, C. C., XII. 1043-1048, L. of C.; Tower, II. 14. For full plan vide Appendix appendix.

wrote home of the proposition of "an attack on Halifax and another Canadian expedition."(6) Congress's instructions to Franklin were clear: You shall constantly inculcate...reducing Halifax and Quebec... The plan proposed to Congress for compassing these objects is herewith transmitted for your particular instruction."(7)

From Boston, January 4th, came tidings to Franklin: "D'Estaing is gone... We hope... to see him in the spring and that Canada will be wrested from British power... providing our Finances will wllow us to support an army. If such a Plan of operations is adopted, France must give us the most unequivocal assurances, that she means not to resume the Government of Canada, but to incorporate it with the United States."(8)

Bearing Congress's instructions that Franklin propose the invasion of Canada, La Fayette returned to France, reaching that country on February 11th 1779. He repaired to Passy, Franklin's suburban residence near Paris, and took up the matter with Franklin and John Adams, who had recently joined in Europe.
Franklin. The impression made on the two men differed: "The conversation", (9) wrote Adams to the Marquis on the 21st, "with which you honored me last evening has induced me to give you the trouble of this letter upon the same subject.. You know... they(the enemy) are at present weak in Canada, weak in Halifax.. A strong armament of ships of the line with five thousand troops, directed against Halifax,.. must infallibly succeed... So it must against Canada."

On the other hand, when the young Frenchman broached the proposition to Franklin, the latter "thought the time hardly ripe."(10) Nevertheless in pursuance of the instructions of Congress, Franklin wrote(11) to Vergennes on the 25th, suggesting "four or five thousand Men, conveyed by four Ships

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(6) Hale p. 252.
(7) Rev. Dip. Corr., II.807.
(8) Sparks VIII.307.
(9) Rev. Dip. Corr., III.55.
(10) B.Whitlock p. 195.
(11) Franklin Papers,III.511, MSS. in Library of Congress.

and a few Frigates... Those States (in the north) will find themselves at Liberty to afford some Aid of Men, Transportation, Provisions, etc., in reducing Halifax... The Inhabitants of Nova Scotia, too, except those of the Town of Halifax, are known to be generally well affected to the American Cause, being mostly Settlers who, formerly emigrated to New England... If the Attack succeeded, the fur Trade and a great Vent for her Manufactures would be opened for France, and her Fisheries more easily protected."

On May 26th 1779, Franklin sits down to report(12) to the Committee of Foreign Affairs: "Agreably(sic) to your 7th Instruction, I have recommended the Reduction of Halifax & Quebec. La Fayette joined me warmly in the Application for this purpose, and I hope we shall in due Time see some good Effects from it."

And only then, owing to the hazards of the period, did communications, now aged by several months, reach him. "Since", continues Franklin in the same letter of May 26, "I began writing this Letter, I have received a Packet from the Committee, by Way of Statia and Holland.. containing Letters of December 8... with one from the President, dated January. 3. Several Papers are mention'd as sent with them, and by other Opportunities, but none are come to hand except the Resolution to postpone the Attempt upon Canada; and these are the first Dispatches received here since the Date of those sent by the Marquis de la Fayette."

From John Jay, who had followed Henry Laurens as President of Congress, the letter(13) referred to above merely repeated the unexpected and delayed advice that Franklin would "find also enclosed a copy of an Act of Congress of the 1st Inst. (January) on the Subject of an Expedition against Canada, a Plan of which has been concerted but is now deferred." To Jay, Franklin hastened to reply(14) on June 9th, revealing here his own sentiments,

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(12) Rev. Dip. Corr., III.188; Smyth VII.330; Bigelow, 5th Ed., II.464.
(13) XIII.7 MSS. in A.P.S.
(14) Rev. Dip. Corr., III.215; Smyth VII, 341-342; Bigelow(1888) VI.425. Wharton and Bigelow give the date as June 9th; Smyth as June 2nd.

born of experience. "The other(letter) of January 1st," he advises Jay, "is come to Hand. Besides the Reasons given it for defering (sic) the Expedition to Canada, there is one that would weigh very much with me, and that is our Want of Sufficient Quantity of hard Money. The Canadians are afraid of Paper, and would never take the Congress Money. To enter a Country which you mean to make a Friend of, with an Army that must have Occasion every Day for fresh Provision, Horses, Carriage Labour of every Kind, having no acceptable Money to pay to those that serve you, and to be obliged, therefore, from the Necessity of the Case to Take that Service by Force, is the sure Way to disgust, offend, and by Degrees make Enemies of the whole People, after which all your Operations will be more difficult, all your Motions discover'd, and every endeavour used to have you driven back out of their Country."

Following their declared policy as enunciated in the outset of the Alliance, the French were lukewarm about La Fayette's plan. Through Gérard, de Vergennes had gone about killing the idea in as painless a manner as possible. He suggested to Congress no action before the plan was approved by Washington. As Washington disapproved it very obligingly and Congress was by him persuaded to shelve it, de Vergennes was spared further trouble. But the motives actuating de Vergennes and Gérard in their opposition were not those of Washington — and it may be said, Franklin. For de Vergennes, the difficulty was that if Canada were conquered jointly -- a departure from the French King's opposition to the use of land Forces -- a strong party in France, and perhaps in Canada, would have clamoured for a return of French sovereignty there. But Canada was no longer desired in the French colonial scheme. Of this de Bonvouloir had been instructed to assure the Americans as early as 1775. "Le Canada est'le point jaloux'pour eux," he had then been schooled. "Il faut leur faire entendre que nous n'y songeons point du tout."(15) De Ver-

(15) Doniol, I.129.

gennes had other ideas. Adroitly he saw a greater use to be made of the country by establishing a balance of power in America in which neither England nor America should have a complete ascendancy.(16) Thus France would take the place of England before 1763, as the prop of the Americans against a European opponent in Canada. Hence the lukewarmness of Gérard in 1778, of his successor, de la Luzerne, in 1779, and the definite refusal to participate in 1781.(17) In accordance with the same policy de Vergennes pleasantly but firmly contended later that the country of the great lakes was either a dependency of Canada or the property of the Indians there --- in any case, the United States had no title to it.(18)

Washington on the other hand saw the obvious potential dangers which a joint Canadian invasion threatened to the accord of the two contracting invaders.(19) The constant need for money from France and the instructions from Congress required Franklin to sponsor the proposal to the French, but his personal opinion of the plan is to be remarked above from his conversation with Lafayette in February and his letter to Jay in June.

This, however, by no means signified that Franklin opposed a Canadian conquest. Franklin never gave up the desire for the territory to the north till his dying day. It merely meant that Franklin was, like Washington, in favour of a conquest wholly by American arms. Thus we can readily reconcile Franklin's letter to La Fayette in the following August. Without telling the young noble brusquely of his disapproval of this particular scheme, Franklin could still honestly praise him and the French ministry and the idea of a Canadian conquest -- of a kind: "We can wish for nothing more," he therefore writes(20) on the 19th of that month, "unless our great Want of Money should

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(16) Adams p. 391.
(17) Smith II.563.
(18) Lecky IV.276; also Rev. Dip. Corr., II.526 for de Vergennes' fundamental instructions to Gérard, March 29, 1778.
(19) Rev. Dip. Corr., III.321.
(20) Smyth VII.367; Bigelow, 5th Ed., II.484.

make us wish for a Subsidy, to enable us to act more vigorously in expelling the Enemy from their remaining Posts, and reducing Canada."

Franklin's most important single task in France was to obtain the money to carry on the war of a bankrupt Congress. In this respect his share in the Revolution, if less glittering, was no whit less vital than that of Washington. The spectacular success of Franklin --- a success which hastened on the French Revolution through the financial straits created by the huge loans to America --- was needed, judging by an example from Franklin's letters: "A Gentleman lately arrived from Boston", he writes to another American agent, Arthur Lee, "has presented for Acceptance Bills drawn on us by Mr. Hancock, as President of the Congress, for about 180,000 Livres... The 180,000 is an old Debt contracted by our Army in Canada.(21)

Another source of activity that occupied a great deal of Franklin's time especially during the earlier part of his stay in France, was the clamorous lobby of French and other Europeans seeking service and sudden fame in America. One specimen in April 1778, a certain Desrivières, will suffice; and the element of opera bouffe that enters into his letter(22) in part, is not unusual in the case of other aspirants: "Je suis homme et français," he opens. "Il n'est pas donc étonnant que je prenne intérêt à la cause dès Amériquains dès les commencemens de leur querelle je me hazardai d'écrire de Nantes au Ministre de la Marine que je trouverais moyen de passer au Canada, avec trois ou quatre cent hommes Sans occassioner le moindre Sujet de plaintes aux Anglois; mais soit que l'on craignit que ma capacité ne répondit pas à mon Zéle, Soit d'autres prudentes raisons, je ne fus point écouté." Despairing, went on Desrivières, he had written a pamphlet, ten months ago. Now, stirred up again by English action toward the Colonies, and that of German princes, he urges his candidature, on the strength of his fifteen

(21) Smyth VII.121.
(22) LXII.107 MSS. in A.P.S.

years of soldiering. In conclusion, with true Spartan candour, he sorrowfully reveals that his only fault is a fatal weakness for the fair sex!

A third of the multifarious offices the life at Passy involved for Franklin was the exchange of English for American prisoners in Europe. Ordinarily of no peculiar difficulty, the office here was troublesome because the Americans were for long recognised not as a foreign power but only as rebellious subjects. Here we hark back to Sault-au-Matelot and Près-de-Ville, in Franklin's letter(23) in 1779, to de Sartine, the French Minister of Marine. Referring to a English shipment of prisoners from Senegal, these included, wrote Franklin, "sixteen Americans, who, having been taken by the English in the unfortunate Attack on Quebec, January 1, 1776,(24) had been sent as Slaves to Africa, and they have petitioned to obtain their Discharge, in order to... have an Opportunity of taking Satisfaction for the cruel Treatment they have received."

Franklin had succeeded in his efforts to retain Canada for Britain and the Colonies in 1763. In the dismemberment that followed he was now to try to retain it for the Colonies alone. His correspondence and contact with influential English friends -- in line with the ethics of eighteenth century warfare -- went on almost uninterrupted, and served him incidentally as a finger on the pulse of English public opinion. That government's reverses in the war and the divided sentiment of the nation played into his hand; and Franklin, needless to say, made the most of the situation.

Hutton, a Moravian patriarch and London friend, visited Franklin in January 1778, and took back with him the following advice.(25) "In proposing Peace you should not only grant what Terms you have to but such additional

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(23) Smyth VII. 312 (Franklin to de Sartine, Passy, May 8, 1779.).
(24) Smyth has "1777", but this is of course a slip.
(25) Edin. Rev., No. LVI, Art. 1, p. 291 (Aug. 1817); Bigelow, 5th Ed., II. 410; Parton II. 324.

ones as may show Generosity and your good Will: You might retain all Canada, Nova Scotia and Florida. But if you would have a real friendly as well as able Ally in America, and avoid all Occasions of future Discord, which will otherwise be continually arising on your American Frontier, you should throw in those Countries. You might call them Indemnification for the burning of Towns." Franklin's terms we see thus had not altered from those first proposed by him in September 1776.(26) Peace way easy: independence and evacuation would secure it. A reconciliation was more difficult; it was only to be effected by a cession of British North America. In his thesis on Canada he was, at least part of the time, not unique. In England Shelburne, disciple of Chatham, sponsored it as early as 1778. Slow to consider complete political severance by the Atlantic, regarding the northern country he had, however, no hesitation. "We must.. give Canada, Scotia, the Lakes, Newfoundland, Cape Breton.. to be governed by Congress."(27)

On the other hand, in America, Congress while less conversant with conditions in England was otherwise just as ambitious as Franklin. This its instructions(28) of early 1779, on the question of fisheries for example, show: "In case the allies of these United States will agree to support them in such claim by continuing hostilities, then to insist that Nova Scotia and its dependencies be ceded to the United States, or declared independent."

But it was soon emphasized that France and Spain would not continue a war for the sake of American territorial aggrandizement. Congress accordingly accepted the other alternative in August of that year, in its instructions(29) to Franklin: "Although it is of the utmost importance to the peace

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(26) Vide p. 1, chapter 5.
(27) LIII. 62 MSS. in A.P.S.: B. Vaughan's "memoriter record" of Shelburne's speech, March 5, 1778: Hale p. 236; see also Smyth VII. 151.
(28) Rev. Dip. Corr., III. 60.
(29) Secret Journals, C.C., II. 120; Rev. Dip. Corr., III. 302; Bancroft(1892) V. 537.

and commerce of the United States that Canada and Nova Scotia should be ceded... yet a desire of terminating the war has induced us not to make the acquisition of these objects an ultimatum on the present occasion."

Another friend, correspondent and American well-wisher was David Hartley, a member of the House of Commons. Among the dying struggles of the North government was the attempt to separate France from the American alliance. To do this the innocent Hartley was sent to make overtures to Franklin -- a task agreeable to Hartley; at the same time there was dangled before France a remarkable bait, but one to which she was now grown indifferent. This we learn from various sources,(30) including Franklin's own letter in April 1782, to John Adams in Holland. "While Mr. Hartley was making Propositions to me", advises Franklin, "with the Approbation or Privity of Lord North to treat separately from France, that Minister had an Emissary here, a Mr. Forth, formerly a Secretary of Lord Stormont'S(31), making Proposals to induce this Court to treat without us. I understand, that several Sacrifices were offered to be made, and, among the Rest, Canada to be given to France." When Hartley heard of this from Franklin he was naturally indignant.(32) Further Laurens,(33) eventually exchanged by the British government for Lord Cornwallis, at first brought to Franklin through Adams the tidings that "Lord Shelburne still flatters the King with ideas of conciliation " and "many of the best minds are for giving up Canada and Nova Scotia."(34)

The third British intermediary, and the one through whom the peace treaty developed was Richard Oswald. With his introduction on the scene we may take up the general narrative of the proceedings. Following the surrender

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(30) Lewis p. 34; Smyth VIII. 428, 429; Sparks IX. 210.
(31) Lord Stormont was the British ambassador in Paris up till 1778.
(32) Smyth VIII. 510.
(33) Sent by Congress to join Franklin in signing the eventual peace, Laurens was captured on the high seas by the British and confined in the Tower of London.
(34) Bigelow, 5th Ed., III. 86; Smyth VII. 100; Sparks IX. 256.

of Yorktown had come the downfall of the North ministry which eventually wound up on March 20th 1782. The Whig government that succeeded, while under the leadership of the ailing Rockingham, had been called into action by the king through the mediation of Shelburne; and Shelburne, as one of the two chief secretaries took a leading part, not so much owing to his support in Whig ranks, as his comparative strength with the King. As one of Chatham's foremost understudies, Shelburne had had relations with Franklin during the repeal of the Stamp Act. His ministry had proved the most friendly to the Americans, and subsequent contact had made Franklin his "warm friend" and admirer.(35) The feeling was mutual. Both were disciples of Adam Smith, and Shelburne held views as generous to America as they were respectful to Franklin.

On the succession of the Rockingham ministry, the first step towards negotiations was taken by Franklin in a letter(36) of March 22nd 1782, to his friend, congratulating him on the triumph over the Tories and expressing the hope that it would be productive of a "general peace."(37) The nature of the Shelburne -- Franklin relationship——and the use to which Franklin could put it for a favourable atmosphere——is evident from the same letter, where Franklin goes on to tell Shelburne that their mutual friend, Madame Helvétius, had been made very happy by receiving in good order somme gooseberry bushes which his Lordship had sent her!

The next thing he knew was that Shelburne, without a word to any of his colleagues in the cabinet,(38) despatched an envoy of his own to Franklin. This envoy was Richard Oswald, whom Shelburne introduced as "a pacifical man conversant in those negotiations which are interesting to mankind", to which description of Oswald Franklin shortly added "a plain and sincere old man,

(35) Lecky IV. 227.
(36) Smyth X. 395.
(37) Bigelow, 5th Ed., III. 67; Sparks IX. 239.
(38) Adams I. 358.

desirous of being useful in doing good." While Shelburne has been condemned for all that followed, the greatest blame he merits is for his unexpected ignorance of human nature. In the words of Lord John Russell, "His want of knowledge of men led him into gross blunders which he took for refined contrivances."(39) Despite an advanced breadth of mind and fundamental sincerity, he made two enormous blunders: first, a blind unreasoning expectation that Franklin would in the negotiations act as a neutral rather than a now completely alienated American; second, that the simple disinterestedness of Oswald would meet on a common ground this mythical resurrection of a Franklin dead now for a decade.(40) All that can be said for Shelburne -- and it is from certain aspects a great deal --- is that in his dealings with the American negotiators, he was consistently innocent of subterfuge. And he chose an intermediary who reflected the sincerity of his good will for the Americans. Oswald was a disciple, too, of Adam Smith, owning the esteem of Shelburne and the long friendship of Henry Laurens, Franklin's colleague. Caleb Whitefoord, whose neighbourliness had once been, in Franklin's words, "the Pride and Happiness of my Life," was Oswald's secretary.(41) Like Oswald, Whitefoord was also an American sympathizer. Presumably, what for Shelburne added to Oswald's attract-

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(39) Russell I. 296.

(40) In the period of Shelburne's former connections with Franklin -- the one as colonial secretary, the other as colonial agent -- Franklin had lamented that his conciliatory efforts were of no avail, except to make himself suspect: "In England of being too much an American, and in America, of being too much of an Englishman"(Smyth V. 182). This was now,however, over ten years later, after seven years of warfare in which Franklin had taken a leading part and sacrificed everything; and it was after six years of his sojourn in a worshipping France. Franklin was now solely American, and his old admiration for England had been at least half replaced by one for France.

(41) Smyth X. 396. Vide p. 43, chapter 2.

iveness was that the Scotsman was a retired London merchant, a one-time army contractor and, through his wife, owned large estates in America, on account of which connections with both countries he had once or twice been consulted by the government during the war. This elderly(42) "respectable and amiable private gentleman"(43) was --- for six out of the eight months during which the negotiations continued --- pitted singly against such calibres as Franklin and John Jay, later Chief Justice of the United States, to whom were added subsequently John Adams, a Chief Justice of Massachusetts,and at the end Henry Laurens, then recently President of Congress --- a most formidable array particularly of legal talent.

Oswald did not come immediately as a plenipotentiary. That status he was to owe to Franklin, a month or so later, but in the meantime he was the bearer from Shelburne of the olive branch, or rather, the divining rod to locate general grounds of pacification. Finding Oswald simple, sympathetic and informative, Franklin sent him home, "much pleased with him", and desiring "no other Channel of Communication between us, than that of Mr. Oswald". This Oswald was to prove to Franklin a very agreeable negotiator. The concensus of English and American opinion makes the elderly Scotsman out to have been one of the most amiable of men and at the same time poorest of diplomats. Subsequently, "whatever Franklin advanced, Oswald regarded as worthy of serious, if not of favourable consideration; and by his plaintive eagerness to obtain peace at any price", he subsequently encouraged Franklin and his confreres "to insist upon their demands, since their antagonists were plainly ready to concede everything."(44)

"He will be Witness of my acting with Simplicity & good Faith which you do me the Honour to expect from me," wrote Franklin to Shelburne(45) fol-

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(42) Oswald died a few months after the treaty was signed.
(43) Hodgins(Can. Mag., X. 5, Mar. 1898.).
(44) Perkins, p. 470.
(45) Amer.Arch., V. 1029; Bigelow, 5th Ed., III. 74, 75; Sparks IX. 247.

lowing the initial interviews. But before he allowed Oswald to bear these complimentary sentiments home to Shelburne, Franklin, "extremely desirous to procure the accession of Canada",(46) at once broached that subject. An illuminating "Journal(47) of the Negotiations for Peace with Great Britain" was kept by Franklin from March 21st to July 1st 1782, about which date he was joined at Paris by Jay. While the negotiations were carried on till the end of November, the manoeuvres of this earlier period were a fine beginning of what was nearly the end of Canada, and therefore they merit examination in detail. Intimately Franklin records his interview with the departing Oswald on the morning of April 19th, having "in View the entering into a Conversation which might draw Something of the Mind of his Court on the Subject of Canada and Nova Scotia." After some conversation, records Franklin, "I then touched lightly upon the Affair of Canada... that... by her (England's) continuing to hold it.. such a Situation, to us so dangerous, would necessarily oblige us to strengthen our Union with France. He(Oswald) appeared much struck with my Discourse." These remarks made to Oswald, Franklin had set down on a paper, which, "after a semblance of hesitation"(48) he permitted Oswald to carry away to London to show Lord Shelburne.

What did Franklin's paper contain that caused Oswald -- with most undiplomatic readiness -- to remark that "nothing in his Judgment could be clearer, more satisfactory and convincing than the Reasonings in that Paper"? Franklin's so-called "Canada Memorandum" is short enough to be quoted:

"Notes for Conversation"(49)

"To make a peace durable, what may give occasion for future wars

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(46) Sparks I. 480.
(47) Oswald's Journal in Franklin Papers, 1st Ser., XV., L. of C.; Bigelow, 5th Ed., III. 66-167; Sparks IX. 238-349.
(48) Alvord p. 21.
(49) Facsimile copy in Franklin Papers, 2nd Ser., V. 103., L. of C.; see also Channing III. 352 fn.

should if practicable be removed.

"The territory of the United States and that of Canada, by long extended frontiers, touch each other.

"The settlers on the frontiers of the American provinces are generally the most disorderly of the people, who being far removed from the eye and control of their respective governments are more bold in committing offences against neighbours, and are for ever occasioning complaints and furnishing matter for fresh differences between their States.

"By the late Debates in Parliament, and public writings, it appears, that Britain desires a reconciliation with the Americans. It is a sweet word. It means much more to real peace, and what is heartily to be wished for. Nations make a peace whenever they are both weary of making war. But, if one of them has made war upon the other unjustly and has wantonly and unnecessarily done it great injuries, and refuses reparation, though there may, for the present, be peace, the resentment of those injuries will remain, and will break out again in vengeance when occasions offer. These occasions will be watched for by one side, feared by the other, and the peace will never be secure; nor can any cordiality subsist between them.

"Many houses and villages have been burnt in America by the English and their allies, the Indians. I do not know that the Americans will insist on reparation; perhaps they may. But would it not be better for England to offer it? Nothing would have a greater tendency to conciliate, and much of the future commerce and returning intercourse between the two countries may depend on the reconciliation. Would not the advantage of reconciliation by such means be greater than the expense?

"If then a way can be proposed, which may tend to efface the memory of injuries, at the same time that it takes away the occasions of fresh quarrels and mischief, will it not be worth considering especially if it can

be done, not only without expense, but be a means of saving?

"Britain possesses Canada. Her chief advantage from that possession consists in the trade of peltry. Her expenses in governing and defending that settlement must be considerable. It might be humiliating to her to give it up on the demand of America. Perhaps America will not demand it; some of her political rulers may consider the fear of such a neighbour as a means of keeping the thirteen states more united among themselves, and more attentive to military discipline. But on the mind of the people in general would it not have an excellent effect, if Britain should voluntarily offer to give up this province; though on these conditions, that she shall in all times coming have and enjoy the right of free trade thither, unincumbered(sic) with any duties whatsoever; that so much of the vacant land there shall be sold, as will raise a sum sufficient to pay for the houses burnt by the British troops and their I ndians; and also to indemnify the royalists for the confiscation of their estates?"

Oswald, that "simple-minded well-meaning man on whom he could make any impression he chose",(50) obligingly promised to do the utmost to impress his employer; and Franklin allowed himself to be persuaded to lend Oswald the paper containing these Notes on Canada. That this action was not altogether premeditated(51) by Franklin is evident from what follows in the Journal. In his immediate report of the proceedings to Adams he omitted all references to the last clause of the Notes referring to the indemnification of the 'royalists'. "On reflection," wrote Franklin ruminatingly in his Journal, "I was not pleased with my having hinted a Reparation to Tories for their forfeited Estates."

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(50) Lewis, p. 33.

(51) Despite the scepticism of Professor Alvord and Lord John Russell, Alvord (p. 21) speaks of a "semblance of hesitation"; Russell(Parton II. 460) refers to "pretence".

Franklin had all the more reason to be somewhat nervous in that of the five(52) men commissioned to act for Congress he had taken this action alone. Further not only had he no instructions from Congress(53) to bid for Canada, but certainly none to countenance reparations indemnifying Loyalists. So we can understand him when he adds in his Journal, "I was a little ashamed of my Weakness in permitting the Paper to go out of my Hands." On the whole however Franklin was content with his opening move and its initial reception.

While it is usual to represent this attempt to procure Canada as "a piece of sly diplomacy - an endeavour to get the start of the other side in demanding,and to gain an advantage through the susceptible heart of Richard Oswald",(54) the truth is more than that. Rather than a facile opportunism, it represents an old line of reasoning for Franklin. He could himself remember three of the wars into which his country had been drawn because Canada had belonged to a power different from that to which the thirteen colonies were subject. The dangers to peace of an extended frontier with its unruly elements had been argued by Franklin twenty-two years before in his Pamphlet in 1760,(55) and in his opinions and correspondence ever since the Declaration of Independence.(56) Aside from the desire for territory, Canada undoubtedly did represent to prophetic eyes in 1782 a potential breeding ground for friction and a bar to reconciliation, as for example was witnessed another thirty years later in the War of 1812.(57) Franklin was no more ambitious

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(52) Franklin, Jay, Adams, Laurens, Jefferson. Franklin opened negotiations in April; Jay joined him June 23rd; Adams on October 26th; Laurens on November 28th, two days before the treaty was signed; Jefferson did not reach Europe till after the treaty.

(53) Up to September, the only guide for Franklin were the peace instructions issued by Congress in August 1779, relinquishing Canada.(Vide p. 11,ch. 5) New instructions only came in September. (Jay to Oswald, November 6, 1782; Oswald's Journal in Franklin Papers XII. 533, Library of Congress.).

(54) See Lord John Russell quoted in Parton II. 460.

(55) Vide p. 23, chapter 2.

(56) Vide pp. 1, 10, chapter 5.

(57) i. e., In the temptation to seize Canada while England was absorbed with Napoleon.

than sober in his argument regarding a permanent peace through a Canada cession.

The Notes were then, as arranged, communicated by Oswald to Shelburne, and at the latter's desire left with him for one night. Nobody else except Shelburne's satellite, Dunning(Lord Ashburton), was allowed to see them,(58) and all knowledge of them was withheld from Rockingham, Fox and the rest of the cabinet. On his return to Paris on May 5th Oswald still acting on Franklin's request brought back instructions regarding the Memorandum. Formally they were to the effect that "no reparation can be heard of regarding damages to Americans, and that "no independence" was "to be acknowledged without their (the Loyalists) being taken care of."(59) But a personal letter from Shelburne which accompanied Oswald back advised Franklin further that "Mr. Oswald is instructed to communicate to you my thoughts upon the principal objects to be settled." This the latter proceeded to do. Returning Franklin's Notes borrowed by Shelburne, Oswald advised that these had made an impression and that while the proposed session was to be kept secret for a while, a settlement satisfactory to the Americans might ultimately be made with regard to ceding Canada and Nova Scotia.(60) Two days later Oswald repeated the opinion that "the Affair of Canada would be settled to our Satisfaction" and his wish that it might not be mentioned for awhile.

While Franklin's angling for Canada was consistent enough policy for him, and not mere opportunism, it does not take away for the excellence of

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(58) Fitzmaurice III. 179.

(59) Lewis p. 46; Fitzmaurice III. 179; see also Franklin Papers, 2nd Ser., V. 1046, L. of C.

(60) Fitzmaurice III. 191; Lecky IV. 246. For this Shelburne has been much blamed. "It is impossible to justify Lord Shelburne for his favourable reception of so important a paper as the one he received from Franklin about Canada."(Memorial of Fox, I. 384, quoted by Lewis, p. 46). The French historian observes, "Lord Shelburne n'ignorait donc point ce qui serait demandé par l'Américain qu'il estime au-dessus de tous les autres." (Doniol V. 99).

the paper he sent with Oswald. As usual with Franklin the paper was modelled to appeal to the mentality of its recipient. It argued on the one hand a dangerous revenueless colony; on the other, compensated Loyalists, permanent peace, an Anglo-Saxon entente, and "in all times coming, free trade, unincumbered by duties whatsoever". As regards the economic argument, "Territory in terms of square miles and raw products was to be weighed in the balance against the accumulating influence of an aggressive free trade group who voiced the new economic liberalism of Adam Smith".(61)

It has been said of Oswald that he "represented the policy of partition of the Empire on terms of reciprocity under which both sections would have prospered as equals."(62) In the same way let us picture just what were the alternatives to an outlook such as Shelburne's, as he weighed the two sides of the proposition. Canada had been won in a large measure by the aid of the New England Colonies, at an enormous expense, with little benefit to England alone and with therefore little prospect of future benefit. To a Shelburne ____ and to Pitt the Younger, his Chancellor of the Exchequer ___ it was far more important to unite in establishing a powerful, friendly state in America, with whom to be on terms of permanent Alliance, than to keep the northern territory and to be exposed, without profit, to constant collision with the United States. As Shelburne forever pointed out, England could find, no settled Allies, in north Europe, and much as he desired France in this category,(63) he conceded that in his day such an alliance, as Pitt subsequently found, was hopeless. Did no ally remain, now that the Colonies were going? Yes, who else was there but the same States, with whom England had com-

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(61) Graham p. 41.
(62) Dig. Int. Law, 2nd Ed., III. 913. The argument that follows is developed in detail by Wharton.
(63) Fitzmaurice III. 262, 264.

mon ties of language, literature, religion, the same proud political traditions, and the same national aptitude for ships and commerce? For Britain these made America in war the most desperate enemy, in peace the most efficient friend.

It was just as difficult for Shelburne, Chatham's proud disciple,—— and for Pitt, Chatham's son —— to forget the great Commoner's words that America was destined to exercise on England an influence malign or benignant, whichever destiny invoked. To Shelburne's sentiment, if America were subjugated, this would be the subjugation of England. If she asserted and maintained her freedom, it would add fresh vigor to the parent state. If America were thus, apart from other causes, but from this very freedom, left without other allies, what was more natural than that England should enter with her into a permanent alliance, founded on a basis of generous reciprocity; and, if so, how important that all causes of irritation should be removed, and America be made a powerful state. Such we may conceive to have been the mind of Shelburne as he heard without dissent the arguments of Oswald and as he reflected on the paper of Franklin.(64)

To return to Oswald, the instructions with which he repaired to Franklin ordered "Early and strict conditions.. to restore the Loyalists to a full enjoyment of their rights and privileges". Franklin had no love for these people,(65) and not quite certain of Canada, energetically refused to treat of them, claiming archly yet with a show of reason, that neither he nor Congress had jurisdiction over the confiscations admitted by the

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(64) "The same motives", wrote Shelburne to Oswald on July 27th, "which made me perhaps the last to give up all hope of reunion, make me most anxious if it is given up, that it shall be done decidedly, so as to avoid all future risk of enmity, and lay foundations of a new connection better adapted to the present temper and interests of both countries. In this view, I go further with Dr. Franklin perhaps than he is aware of." (Fitzmaurice III. 248).

(65) Vide p. 79, chap. 5.

laws of the various states —— besides, that the Americans had counter-claims in this respect for damages done to them by the Loyalists fighting for the British cause. This argument like most of the others of Franklin, sounded rational enough to the good Oswald, and he expressed himself as convinced by it personally.(66) Further, in consequence of a later conversation, Oswald reported that he had not only not concealed his own opinion when in England, but had himself urged the cession of Canada during an interview with the whole cabinet. Before the cabinet he had reasoned, "that it would prevent the occasion for future difference; and that the government of such a country (Canada) was worth nothing, and of no importance, if they could have there a free commerce." As late then as the end of May, Oswald could report that "the Marquis of Rockingham and Lord Shelburne, though they spoke reservedly, did not seem very averse to it, but that Mr. Fox appeared to be startled at the proposition. He was however, not without hopes that it would be agreed to."(67) Thus things were not proceeding too badly for Franklin, still negotiating by himself for the Americans.

The first week of May had seen the return to Paris of Oswald, appointed as Shelburne's envoy to deal in preliminaries with the Americans,for Shelburne had colonial matters under his portfolio. At the same time, to negotiate both preliminaries and final terms with France came Thomas Grenville, the appointee of Fox, the other and foreign secretary of State. Between Fox and Shelburne there now came a tug of war. Each was anxious to have the control of the negotiations, and each cherished a different attitude towards the Americans. The latter were in an anomalous position. If they were colonists they came under Shelburne; if independent, under Fox. As their independence was a fact, and admitted by the British cabinet and nation, strictly spea-

(66) Fitzmaurice III. 206.
(67) Rev. Dip. Corr., V. 572; Franklin's Journal (vide supra).

king they came therefore under Fox. Before their status was settled, however, both Oswald and Grenville held individual conversations of their own with both Franklin and de Vergennes. It became mooted that the British cabinet had two "ambassadors", Shelburne's and Fox's.(68) Grenville, as was within Fox's powers, produced a warrant to treat "with France and her Allies" ____ the latter the nearest designation Fox could give the as yet unrecognized United States so as to treat with them. Oswald apparently himself thought his part over in having opened the preliminaries. In this he was quite content though he remained humbly and sincerely ready to aid further in any way Shelburne and Franklin saw fit. It seemed that for Shelburne the only way to keep control of the American negotiations was to have Oswald appointed plenipotentiary with full powers, equal, on the American side of the negotiations, to those of Grenville on the French. This he hinted to Franklin: "On our part commissioners will be named, or any character given to Mr. Oswald, which Dr. Franklin and he may judge conducive to a final settlement between Great Britain and America."

But Franklin needed no hints.(69) His short acquaintance with Grenville had convinced him that this bright relative of Fox was "very sensible, very capable of the Business... a young Statesman" with "a little Ambition.. as an able Negotiator".(70) This was a contrast to what Franklin was pleased to call the "simplicity and honesty" of the disinterested Oswald. So he won this rather senile Scotsman over to continue as negotiator, arguing the latter's greater knowledge of America as against that of Grenville.(71)

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(68) Russell II. 309: "Lafayette said laughingly that he had just left Lord Shelburne's ambassador at Passy."

(69) Lewis, p. 36, 37.

(70) The tenor of Grenville's Canadian attitude, divined so rapidly by Franklin, is evident from Grenville's remark to Fox, regarding "the impolicy of bringing a strange neighbourhood to the Newfoundland fishery," and "the little reason,.. in having lost thirteen provinces, to give away the fourteenth(Canada)."(Grenville to Fox; Parton II. 473).

(71) Vide Franklin's Journal; Franklin Papers, 1st Ser., XII. 49; 2nd Ser., V. 1042, 1072, in L. of C. The last mentioned and also Bigelow(1888: VIII. 111, 112) contain interesting accounts of how Franklin and Oswald together compounded the supposedly Franklinian advices to Shelburne. Vide Appendix E

Then in letter after letter he obliged Shelburne by urging the appointment of Oswald. These letters coming from the Franklin of Shelburne's conception strengthened Shelburne in his own mind and before a cabinet that regularly for the two months of its existence split evenly on questions between Shelburne and Fox. At the same time, Franklin shut himself off to Grenville,(72) either until Grenville's warrant should by designation take in not "Allies" (Spain, Holland, the United States) but the Americans specifically,___ or,if fortune smiled, until Oswald should bring a commission equally as valid as Grenville's and recognizing America adequately. Grenville had in conversation spoken merely of independence for the colonies and for France the status quo of 1763. Therefore, in the words of Lord Holland, Franklin having already been by Oswald "encouraged by the prospect of new concessions, and especially of Canada, had held therefore aloof from the overtures made to him through Mr. Grenville."(73) Grenville was furious. On June 4th he wrote home to Fox a long report(74). In talking with Oswald, he advised, he had discovered Shelburne's offer of Oswald as envoy to Franklin, to whom "it seemed perfectly agreeable and even to be what he had very much wished." Fox was at a disadvantage. Despite everything, "he could not bear to weaken the country and shake public confidence by openly charging Shelburne with supplanting him in his office."(75) And the prestige of Franklin and the desire he voiced for permanent peace won the majority of the cabinet to Shelburne and to the Franklin-lauded Oswald. To crown Fox's difficulties things were brought to a crisis by the death of his supporter, Rockingham, on July 1st. The King sent

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(72) "This intended appointment (of Oswald) stopped Franklin's mouth to me." (Grenville to Fox, June 4th, 1782; Parton II. 473).

(73) Memorial of Fox, I. 469; quoted by Lewis p. 46.

(74) Russell II. 306; Rev. Dip. Corr., V. 476, 496; It was only then, two months later, that Fox accidentally and indirectly became aware of the "Canada Memorandum" which Shelburne had received.

(75) Russell, II. 316.

for Shelburne; Shelburne accepted; and Fox, outvoted on a question of foreign policy, resigned with Grenville. And Shelburne now took complete control of things over his two new Secretaries, Townshend and Grantham. Thus Franklin's rebuff of Grenville and his choice of Oswald had repercussions which placed in the saddle Shelburne and Oswald, — and the resultant treaty made these two Englishmen almost the equals of Washington and Franklin in their contributions to the foundation of the thenceforth no longer embryonic new republic across the sea.

British North America at this time was one of England's largest and potentially wealthiest possessions. Apart from the ancient domain, this territory included also the Great Lakes, and the rich agricultural territory south of Lakes Erie, Huron, Michigan, and Superior down to the confluence of the Ohio and Mississippi Rivers — described by uninformed Oswald in his despatches as the "back lands of Canada," "a country worth nothing, and of no importance." It has been said that the British territory north-west and west of the Colonies, "if retained by Great Britain, would have made her combined Canadian possessions about 3,900,000 square miles(instead of today's 3,590,000 square miles).. and have constituted British influence the dominant power on the American continent."(76) For the settlement over such political

(76) Thos. Hodgins, Q.C.(Can. Mag., X. 5, Mar. 1898). Hodgins points out that "the territory thus added to the United States was afterward formed into the States of Kentucky, Tennessee, Alabama, Mississippi, Ohio, Michigan, Indiana, Illinois, Wisconsin, and part of Minnesota". In general, the flaw in the "if-argument" of this legal gentleman is the assumption that the course of North American history would have been unchanged had Britain retained this region in 1783. Some errors that creep into his thesis are the following. He takes the favourable observation on a cession of Canada(vide my p.26fn,chapter 5) remarked by Laurens, the American negotiator, and puts it into the mouth of Vaughan, the English emissary from Shelburne; and he changes therefore the time of the observation from when it was remarked, on April 15th, to the end of October. With regard to another stronger similar expression of opinion made by Adams, another American negotiator, he changes this also from the same date, April 15th, to September 11th; at the same time he alters radically the circumstances under which the opinion is expressed. From the above it is obvious that the sequence of his narrative suffers accordingly.(Vide Sparks IX. 257, 258; Bigelow, 5th Ed., III. 85, 86.).

and territorial interests Franklin now dealt with an Oswald where there was eminently required an experienced and adroit negotiator, skilled in "cool, judicious and tactful" diplomacy and a local knowledge equal to that possessed by Franklin and the other American Commissioners.

While Oswald was in Paris in the process of being appointed plenipotentiary, following the reshuffle of the ministry Shelburne despatched another undefined emissary to Franklin. Consistent to his own policy Shelburne picked for this none other than Benjamin Vaughan, Franklin's intimate economist friend and the earliest collector of his works.(77) Vaughan was another American sympathizer, and was just come from wishing god-speed to his brother, John Vaughan, immigrating to Philadelphia while the war was still on, though at a lull.(78) To Franklin, Shelburne sent Vaughan "to give private assurances to the latter(Franklin) that the change of administration brought with it no change of policy".(79) Without any special commission Vaughan was to remain at hand and we find him emulating Oswald in greater sympathies for America, deference to Franklin —— and even subsequently on American request, acting as American negotiator in London with Shelburne!(80)

Franklin's eye could afford to twinkle at the trend of affairs. Everything was going as he could have wished —— save that he still of course had no instructions from Congress to insist on Canada.

Under the circumstances he proceeded in the most judicious manner possible. He demanded as much of Canada as he thought he might dare within the instructions of Congress and without laying himself open to the carping

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(77) "Dr. Franklin's Political, Miscellaneous and Philosophic Pieces, 1779". Vide p. 14, chapter 2.

(78) John Vaughan was captured at sea "by the Quebec fregate"(sic), imprisoned, and subsequently freed by Sir Guy Carleton(Vide C IV. 41,and CV. 28, MSS. in A. P. S.). Hodgins makes the mistake of ascribing to this Benjamin Vaughan in October the words of Laurens in April, that "many of the best minds in England were for giving up Canada and Nova Scotia." —— Vide p. 11, chapter 5.

(79) Fitzmaurice III. 243.

(80) Vide p. 53 , chapter 5.

criticism of him by his enemies in that body; in addition he continued to urge strongly the cession of the whole of Canada. Thanks to the comparative supineness of Oswald and Shelburne he completely ignored the question of Loyalist compensation, and urged instead half a million pounds of reparations by the British to the American seacoast dwellers. These terms were presented to Oswald by Franklin two days after their first interview following the victory of Shelburne over Fox. On that first encounter that July, wrote Oswald, "He again mentioned Canada and said there would be no solid peace while it remained an English Colony."(81) On July 10th Oswald sent home a long despatch detailing, as mentioned above, the terms arising out of Franklin's conversations with him. These are remarkable as showing that all the prominent articles of the treaty as finally agreed to and ratified were proposed and insisted on by Franklin before Oswald had seen either Jay or Adams!(82)

Franklin's terms are divided into two classes: necessary terms; and advisable terms. The "necessary" demanded "A confinement of the boundaries of Canada; at least to what they were before... 1774, if not to a still more contracted state, on an ancient footing. A freedom of fishing on the banks of Newfoundland and elsewhere, as well for fish as for whales."(83) The "advisable"terms urged Shelburne "To indemnify many people, who had been ruined by towns burnt and destroyed... five or six hundred thousand pounds."(84) And lastly the terms strongly counselled "Giving up every part of Canada."(85)

On these terms Oswald is illuminating:(86) "It had been agreed to

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(81) Oswald's Journal in Franklin Papers, 1st Ser., XII. 67(Oswald to Shelburne, Paris, 8th July, 1782.). L. of C.

(82) Morse, p. 386.

(83) This was apparently Greek to Oswald: "I wondered he should have thought it necessary to ask for this privilege", wrote that worthy, who thought the Americans entitled to it.

(84) "I was struck at this, "remarked Oswald", However, the Doctor(Franklin) said, though it was a large sum, it would.. conciliate the resentment of a multitude of poor sufferers.. and diffuse a universal calm and conciliation over the whole country."

(85) For these terms see Fitzmaurice III. 244; Wharton, Dig. Int. Law, III. 907; Parton II. 243; Sparks IX. 354.

(86) Parton II. 478; Sparks IX. 355.

give me the whole in writing", he narrates;" but, after some reflection, the Doctor said, he did not like to give such writing out of his hands; and, hesitating a good deal about it, asked me if I had seen Mr. Jay,(87) the other commissioner, lately come from Madrid. I said I had not.. He(Franklin) seemed to think he should want to confer with him(Jay) himself before he gave a final answer." Thus we know the terms were Franklin's own. Then, went on Oswald plaintively to Shelburne, "I remember the Doctor in a former proposal in April hinted that a cession of the back lands in Canada would raise a sum, which would make some reparation to the sufferers on both sides. Now he says, one of the necessary articles is a cession of these back lands without any stipulation for the Loyal Sufferers. And as advisable article,a gift of five or six hundred thousand pounds to indemnify the sufferers on their side." And he concluded with the timid "hope he(Franklin) would be persuaded to alter that part of the plan."(88) In answer on the 27th, Shelburne wrote Oswald accepting the discussion of the "necessary" terms, and "hoping" the "advisable" ones would not be insisted on.(89) This was all the opposition Shelburne offered Franklin, despite Rodney's dazzling victory off Dominica and its moral effect on England, and despite his fear of Fox when the day of reckoning would come with the reopening of Parliament in November.

Let us stop here for a moment before Jay enters the proceedings to see what Franklin had achieved by himself since the opening of negotiations in mid April. Then Franklin had at the outset furtively(90) pleaded for Canada in return for Loyalist compensation. Now in July he no longer pleaded, but

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(87) Jay, minister to Spain, had arrived on June 23rd, but was, for some days indisposed. Fitzmaurice says that from June 23rd till after Oswald's instructions from Shelburne on July 30th, Jay "owing to a severe illness" was "unable to take any share in the negotiations".(Fitzmaurice III. 251). The illness may have been due to the long journey overland.

(88) Oswald's Journal in Franklin Papers, 1st Ser., XII. 80, L. of C.(Oswald to Shelburne, Paris, July 10th 1782).

(89) Fitzmaurice III. 247.

(90) An oath of secrecy against de Vergennes had been extracted from Oswald; and we have seen how Shelburne kept the Canada Memorandum of Franklin even from his fellow-secretary, Fox, and their chief, Rockingham.

demanded the choicest(to Franklin) part of the British territory and refused to attach any strings to that demand; in addition he was now asking in the open for the rest of Canada and with reparations —— not indeed to the Loyalists, but to their worst enemies! And the victorious yet pleasant atmosphere inducted into the negotiations by Franklin continued victorious(91) to the end. It may be said Franklin had almost as good as got the Canadian "back land", the right to the fisheries, and the rejection of Loyalist compensation —— since all these were the aftermath of his choice of Oswald over Grenville. Not only had he secured Oswald as negotiator and managed to shelve the far less manageable Grenville but also that portion of the British ministry least disposed to make concessions and who were of the opinion that "peace ought not to be made on any terms the Allies(France and America) seemed likely to agree to(together)."(92) The only opposition facing Franklin now for the rest of Canada were but feeble bleatings from Oswald and "hopes" from Shelburne neither of them certain how far he did disagree with Franklin and the original offer —— Loyalist indemnity and a trade entente in return for remaining Canada. "Uncertain of the eventual outcome of the naval war,(93) the British Government was apparently ready early in June to make peace on Franklin's terms".(94) With his disarming persuasiveness, his prestige as the Anglo-American conciliator,(95) and his sincere enough desire for a lasting

(91) With the entrance of Jay and Adams, the pleasant part of the atmosphere abated, as we shall see.(Vide Fitzmaurice III. 253; Fay, p. 475.).
(92) Parton II. 477.
(93) Even as late as October, after Rodney's striking victory and Eliot's dazzling defence, "the united navies of the two branches of the House of Bourbon still outnumbered the navy of England even without the assistance of the Dutch... How doubtful was her(England's) naval ascendancy, how fatally it might have been affected by a single naval defeat."(Lecky IV. 271, 273). In July, when the fate of Gibraltar seemed a foregone conclusion, the outlook of the naval war for England was sombre indeed. And this is the favourable moment when Jay replaced the ailing Franklin as almost sole American negotiator, Adams and Laurens being still in Holland.
(94) Wharton V. 572; Smyth VII. 572; Becker(Dict. Am. Biog., VI. 590).
(95) Vide Chapter 4.

restoration of fraternity,(96) the future augured well for Franklin and for a single handed diplomatic conquest three thousand miles removed from a prize where American arms on the spot had failed.

Here our first part of the negotiations now ends, and the second begins. During this period the chief actor for the United States is Jay.

And where is Franklin? What has become of that formidable would-be Canadian conquistador? Where is he at this time of times?

The answer is Franklin is sick. The infirmities of old age have attacked the once sturdy frame now in its seventy-six year! Starting with an influenza(97) his weakened body became the host of a complication of other maladies which gradually rendered him completely bed-ridden for part of the time and for some three months or so almost incapable of taking a connected part in the vital business in hand.(98) The second half of August, September, October and the first half of November thus passed by with Franklin in this condition. We can trace a vicarious health chart through the correspondence of Franklin and the diaries of Oswald and Adams. The first appearance of sickness seemed to be in the middle of June. On Tuesday, the 18th, Franklin wrote in his Journal: "I found myself much indisposed with a sudden and violent Cold, attended with a Feverishness and Headache. I imagined it to be an Effect of the Influenza, a Disorder now reigning in various Parts of Europe. This prevented my going to Versailles".(99) Franklin's carefully kept Journal was forced to end suddenly on July 1st, since his health continued troublesome.(100) In August, after his return from Shelburne, Oswald was kept busy almost wholly with

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(96) "He was an enemy to war in all its forms and disguises. It was a maxim with him, that There never was a good War, or a bad Peace."(Sparks I. 462) Despite, during the struggle, his scornful defiance of England, now in 1782 "in the bottom of his heart he felt that the chasm should not be made wider and deeper than was inevitable."(Morse p. 355).

(97) Parton II. 475.

(98) "In April the negotiations with Franklin were well under way and he(Franklin) continued to conduct them till June.... He was taken sick and incapacitated for three months". (Fisher p. 335).

(99) Sparks IX. 337, 338; Bigelow, 5th Ed., III. 163.

(100) Sparks IX. 351 fn.

Jay. On the 27th, however, he found time to add the news of a specific ailment: "Dr. Franklin has been ill", he advises Townshend, "for five or six days with a severe fit of the Gravel in the Kidneys".(101) In September little corners of Oswald's Journal add more. Finding difficulty in dealing with Jay on account of the latter's attitude regarding the wording of Oswald's commission, Oswald would have preferred to get back in touch with Franklin. However, he writes on the 10th, "Mr. Franklin being so much out of order, I could not think of disturbing him by frequent visits to Passy, and therefore continued taking proper opportunities of talking to Mr. Jay".(102) And some time after, he adds: "Doctor Franklin being still in an indifferent state of health, he could not come to Town(Paris) and left the Business to Mr. Jay."

The day after, on the 11th, we can picture Franklin resting on one arm as he advises(103) Lord Grantham that "a long and severe Indisposition has delayed my acknowledging the R eceipt of the Letter your Lordship did me the Honour of writing to me by Mr. Fitzherbert", the latter the British plenipotentiary to France who replaced Grenville. And from Congress, through Livingston, came a loud complaint about Franklin not writing to it(104). The complaint was dated the 5th September. Franklin's last communication to Congress had been dated June 29th.(105) Even the careful Diary of Franklin's envious and rather pharisaic compatriot, Adams,(106) supplies information. The entry of October 14 is to the point: "Congress had associated with me in

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(101) Oswald's Journal in Franklin Papers, 1st Ser., XII. 288, L. of C. (Oswald to Townshend, Paris, 27th August, 1782). Thomas Townshend(Lord Sydney) was Secretary of State for the Colonies in the reorganized cabinet, and, under the control of Shelburne, was in charge of the American negotiations of Oswald and later Strachey.

(102) Oswald's Journal in Franklin Papers, 1st Ser., XII. 312, 397; L. of C. (Oswald to Townshend, Paris, 10th September, 1782); Sparks IX. 405.

(103) Rev. Dip. Corr., V. 717. Grantham had perhaps sent him a polite condolence on his sickness.

(104) Rev. Dip. Corr., V. 696.

(105) Rev. Dip. Corr., V. 743.

(106) Macdonald pp. 294, 303; Fay pp. 441 - 443; Russell pp. 301, 310.

the commission for peace, Mr. Franklin, Mr. Jay, Mr. Lauresn, and Mr. Jefferson; Mr. Laurens.. had not accepted;(107) Mr. Jefferson was in America, so that there remained only Mr. Franklin, Mr. Jay and myself.. Mr. Franklin was infirm, —— had the gout and gravel, or strangury, and could not sleep, so that it became the more necessary for me to go."(108) Jay coming from distant Madrid in late June had at once repaired to Franklin.(108a) Adams, arriving in Paris from the nearby Hague, attended to things in order of their importance. First this "scion of New England democrats" who so ranted against Franklin and French frivolities, paid a devotional visit to the Parisian tailors;(108b) after that —— though he claims "as soon as I arrived in Paris" —— he called on Jay; eventually "in about three days" he admitted in a letter (which he quoted to Franklin later), "I went out to(the suburb) Passy, and spent the evening with Dr. Franklin. I told him my opinion" went on Adams and showed how he cheered the suffering low-spirited Franklin by telling him in so many words that everything Franklin had done was wrong and that wherever Franklin's viewpoint differed from Jay, "I was determined to support Mr. Jay to the utmost of my power." In short, Adams trumpeted to Franklin his approval "of the policy.. with which Mr. Jay had conducted the negotiation in his (Franklin's) sickness and my(Adams') absence". And he paints an eloquent picture of Franklin's mind: "The Doctor heard me and said nothing".(109)

We may judge then that by the middle of November Franklin was sufficiently better to partake in the negotiations. On November 11th Adams writes to Congress: "I found my colleagues engaged in conference with Mr.

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(107) He did arrive on the scene on November 28th. On May 17th he wrote to Franklin from Ostend: "Taking into consideration my present very infirm state of health, I have resolved to decline accepting the honor intended me by Congress."(Sparks IX. 287).

(108) Adams' Diary in Adams III. 291

(109) Rev. Dip. Corr., VI. 696; Bigelow, 5th Ed., III. 235; Sparks X. 12, 13; (Adams to Franklin, Paris, 13 September, 1783). See also Morse, p. 373.

(108a) Dig. Int. Law III. 923.

(108b) Adams III. 293-299.

Oswald. They had been before chiefly conducted by Mr. Jay, Mr. Franklin having been mostly confined for three months, by a long and painful illness. At this time he was so much better, although still weak and lame, as to join us in most of the subsequent conferences."(110) A last reference to the long illness of Franklin occurs in the same Diary kept by Adams: "November 27, Sunday.. Ridley says that Franklin has broke up the practice of inviting everybody to dine with him on Sunday at Passy; that he is getting better; the gout left him weak; but he begins to sit at table."(111)

Struggling against disorders which reached their crisis in September and October, we find Franklin in August during better moments still making one or two valiant though necessarily spasmodic efforts to keep the issue on Canada. About August 13th, after a long interview with Jay, Oswald was apparently able to be received by Franklin. Sure enough we learn from Oswald, that when the latter broached Loyalist indemnity, "The Doctor.. touched up on Canada, as he generally does on like occasions and said there could be no peace and good neighbourhood, while that country continued under a different government, as it touched their States in so great a stretch of Frontier. I told him", answered Oswald, "I was sensible of that Inconveniency, but having no Orders, the consideration of that matter might possibly be taken at some future time."(112) In mid November, three months later, when Franklin was again able to take a connected part in what remained of the proceedings, the negotiations had gone too far. Oswald's "future time" to consider Canada had come and gone. This Canada conversation of August 13th , says Doniol, was: "la dernière mention de la question de cession du Canada qui se trouve dans les documents dont l'histoire dispose à l'heure actuelle".(113)

(110) Rev. Dip. Corr., V. 875(Adams to Livingston, Paris, November 11, 1782).
(111) Adams III. 292.
(112) Oswald's Journal in Franklin Papers, 1st Ser., XII. 246, L. of C. (Oswald to Townshend, Paris, 13th August, 1782).
(113) Doniol, V. 163 fn.

A month later, in September, Oswald seems —— without a hale Franklin constantly present as before,and reiterating its contents —— to have become tangled in the tenor of Franklin's April "Canada Memorandum". The words of this Memorandum had been: "Britain possesses Canada... If Britain should voluntarily offer to give up this province.. so much of the vacant lands there shall be sold, as will raise a sum sufficient to pay for the houses burnt by the British troops and their Indians; and also to indemnify the royalists for the confiscation of their estates."(114) Thus it was a proposed exchange of all Canada in return for — in part republican reparations, in part Loyalist.

On the other hand, on September 11th Oswald writes to the Foreign Office:(115) "On the subject of the Canada Lands, which were added to that Colony in 1774: — In April when I first came over Doctor Franklin mentioned this resignation only as a thing very desirable, for the sake of preventing Disturbances and Quarrels between the Inhabitants, living under different Governments." This is a distinction with a difference! Franklin had bargained for all Canada in a written proposition which Oswald and Shelburne had had in their possession and studied. Yet Oswald says he Franklin had spoken only of additions since 1774. What happened following the inception of Franklin's sickness to produce this diversion? One or two inferences are possible. Oswald may simply have had a bad memory in this instance. Or, both Oswald and Shelburne may simply have had bad memories. Or — Franklin being sick at Passy and consulted only spasmodically; and Jay, being all afire for the"back lands" or Indian Territory,(116) and not at all familiar with Franklin's paper on Canada and his devious angling for it previously — as sole negotiator in Paris,

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(114) Vide p. 17, chapter 5.
(115) Oswald's Journal in Franklin Papers, 1st Ser., XII. 360, L. of C.; MSS. letter, Oswald to Foreign Office, quoted by Hodgins(Can. Mag., X. 5½.
(116) Morse, pp. 369, 370.

Jay plunged at that plum, ignored Canada, and proceeded both to focus Oswald's elderly attention on the Indian Territory, and to make it, as regards north and west boundaries, the sole object of his ambition. Jay came apparently with the mission to get the Indian Territory — as Adams came later, to get the right to the fisheries.(117)

But let us return to this same letter from Oswald's Journal on September 11th. Referring then to the "Back Lands of 1774" he went on to tell of how in April Franklin had "proposed in case the grant was made that the Lands should be sold and the value applied for the Relief of Sufferers on both Sides of the Question; as expressly specified in a writing which he put into my hands, with a liberty of perusal where necessary. Since then and particularly in July last he proposed that these back lands of Canada should be given up, and no allowance made out of that fund for the sufferers of either side. But on the contrary that a sum of money should be granted by Great Britain for the Sufferers in the American cause. I am afraid it will not be possible to bring him back to the Proposition made in April although I shall try. Meantime I can plead that by resigning the Sovereignty into the hands of Congress, the purpose for which he wished to have these additional Lands given up (being that of preventing Quarrels amongst the Inhabitants) will not be disappointed since the Congress may settle them in any manner they may think proper, whichever way the value or Price of the Land is disposed of".

From the wording of this report we may judge two things with finality. First, that though Franklin was sick and Jay was doing the main treating with Oswald, Franklin — to the English as to the French, and from Oswald to de Vergennes —— remained the American Representative. Both European states accorded Franklin a immeasurably higher status than did his own

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(117) Morse, p. 375.

suspicious and at times even insulting Congress.(118) Secondly we may judge by the tone of this letter that the fate of the Indian Territory was henceforth sealed.

We have seen how Franklin was forced to surrender the negotiations to Jay. And we have already seen how, before his extended illness he had "managed to negotiate in such a way as to make the question at issue concern... how much England was prepared to surrender.. Canada and Nova Scotia"(119). Let

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(118) "He fell seriously ill and was for a long while in no condition fit for work. Yet the treaty seemed to be under his auspicies. In reading the great quantity of diaries and correspondence which relate to the transactions, many a passage indicates the sense of respect with which he was looked up to. The high opinion entertained of his ability, integrity and fair-mindedness influenced very powerfully the minds of the English ministry and their envoys. 'I am disposed", said Shelburne, 'to expect everything from Dr. Franklin's comprehensive understanding and character.'(Fitzmaurice III. 283 - Shelburne to Oswald, October 21st 1782). The like feeling, strengthened by personal confidence and regard, went far to keep de Vergennes from untimely intermeddling, and from advancing embarrassing claims of supervision. Altogether.. Franklin's prestige in Europe was invaluable to America, and it is certainly true that beneath its protection Jay and Adams were able to do their work to advantage. Had they stood alone they would have seriously curtailed their efforts. It is true and not theory that Franklin's mere name and presence were sufficient to balance the scale against the abilities and zeal of both his coadjutors."(Morse p. 387, who quotes Franklin's Works VIII. 29, 67, 69, 70, 77, 109, 112, 133, 260.). Morse is corroborated on the importance of Franklin by the fact that Franklin is the only one of the Commissioners of whom Shelburne spoke so well. For Laurens he had a disgust. In a letter marked "Private" he wrote to Oswald on October 21st:"Laurens's conduct has been fraught with the utmost active malignity.. It would be Wasting Time to go into further Particulars of his Ingratitude, Insincerity, and total Want of Principle."(Shelburne MSS., LXXI. 151, Can. Arch.) Of Jay, Shelburne could only write Oswald that: "As I know nothing to the contrary, I am open to every good Impression you give us of Mr. Jay."(Fitzmaurice III. 286). One of Oswald's"Impressions" of Jay not very pleasant to Shelburne, is on page 39 below. Regarding Shelburne's impression of Adams there seems to be nothing available, perhaps owing to the comparative shortness of the time Adams participated in the negotiations.

(119) Macdonald, p. 302.

us now follow Jay's activities for a while.

Oswald had departed in early July bearing Franklin's "necessary" and "advisable" terms back to Shelburne. For long the act to enable the King to make peace with America had lingered in Parliament, while the cabinet "was torn with dissensions within".(120) Several weeks transpired with nothing material done. At length on July 25th, the Enabling Act passed, Shelburne had a commission(121) issued to Oswald "to treat, consult, and conclude, with any Commissioner or Commissioners named or to be named by the said Colonies or plantations, and any body or bodies corporate or politic, or any Assembly or Assemblies, or description of men, or any person or persons whatsoever, a peace or truce with the said Colonies or plantations or any of them or any part or parts thereof."

At the same time Oswald received instructions(122) from Shelburne the fourth article of which read: "In case you find the American commissioners are not at liberty to treat on any terms short of independence, you are to declare to them that you have our authority to make that concession, our earnest wish for peace disposing us to purchase it at the price of acceding to the complete independence of the Thirteen States."

Thereafter when Oswald arrived at Paris again in August he showed the commission to Franklin and Jay. The terminology of the commission was rather general. But, on the other hand Franklin had his doubts whether it was wise to endanger the treaty by insisting too much on forms, especially as it was obvious —— from the fourth instruction, which Oswald showed the

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(120) Parton II. 475.
(121) Fitzmaurice III. 250; Wharton, Dig. Int. Law, 2nd Ed., III. 907.
(122) "Instructions to Oswald, 31st July, 1782".

two(123) —— that independence was to be granted. Further, reasoned Franklin, in the present condition of affairs in England there was prospect enough of another change of ministry; and were this to take place, it was extremely doubtful if terms would be made under anything like the present favourable conditions. Taking all things into consideration, Franklin readily gave his opinion of Oswald's commission, that "it would do."(124)

But it was a different matter with Jay. The latter had cooled his heels for three vain years at the court of Spain(125) and had now spent five weeks of inactivity in Paris.(126) Thirty-seven years old, the vigorous young lawyer was bursting with pent-up energy.(126a) No, Oswald's commission would not do at all! His answer was point-blank. He "absolutely refused to have any concern in a negotiation in which the United States were not treated as an independent nation." Great Britain must recognize the United States beforehand!

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(123) Morse p. 368.

(124) Adams III. 299; Fitzmaurice III. 251. This matter of a preliminary recognition of independence(in Oswald's commission) is one of the few things on which Adams differed from Jay even more than did Franklin, judging from Adams's letter to Franklin from Amsterdam as early as May 2nd: "In a former letter I hinted that I thought an express acknowledgment of our independence might now be insisted on; but I did not mean that we should insist upon such an article in the treaty. If they make a treaty of peace with the United States of America, this is acknowledgment enough for me."(Sparks IX. 261; Bigelow III. 89). Jay demanded a preliminary recognition. Franklin was satisfied with a stipulation of independence in the peace treaty. Adams from the above letter was indifferent even to a documentary expression to that effect, considering that all roads led to the same Rome. Adams wrote the above letter on May 2nd, before the critical August, so that Morse(pp. 368, 369) is wrong in implying that Adams disagreed on this point with Franklin more than Jay.

(125) Urging Jay, who had gone to Spain in 1779, to quit Madrid and join him at Paris, Franklin wrote to him on April 23rd: "Spain has taken four years to consider whether she would treat with us or not. Give her forty, and let us in in the mean Time mind our own Business."(Bigelow, 5th Ed., III. 58; Sparks IX. 212).

(126) Morse, p. 367.

(126a) Perkins p. 470.

From the 11th to the 17th of August Oswald tried to reason with him; but to no avail. Independence, insisted Jay, should have been granted by an "Act of Parliament" and an order should have been issued for the withdrawal of all British troops before there had been any proposal for a treaty. Oswald explained to him that Parliament had given no such authority, was not now in session, and would not convene for some months. Then have the King issue a proclamation, was the substance of Jay's answer. Oswald elaborated that this was ultra vires for the King. The terms of the Enabling Act which empowered the King to make a peace treaty with the Colonies, did not authorize him to issue such a proclamation in advance. The constitutionality of a proceeding such as that proposed would be called in question in England and only add to the existing difficulties. Parliament, when it did meet, might destroy the effect of the proclamation and throw everything into confusion and defeat the entire treaty.

The only effect, however, of this on Jay was to make him blossom out in a review of the whole conduct of England to America wherein he even went so far as to constitute himself the "apologist of the French", and to assert that these people had been very hardly treated in the last war. Oswald with considerable heat emphasized how much of that war had been undertaken for the benefit of the American Colonies, and that the treaty which had been concluded had been "dictated from a regard to their supposed interests". But Jay continued implacable. "We have little to expect from him in the way of indulgence", reflected the irritated Oswald to Shelburne, on August 21st.(127) He also went out to complain to Franklin about Jay's intransigeance and to lament that this would "overthrow all that had been done and take away all hope of continuing the negotiation."(128) But Franklin could now only helplessly pour oil on the troubled waters and attempt to explain that "Mr. Jay is a lawyer and may think of things that do not occur to those who are not lawyers."

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(127) Fitzmaurice III. 253.
(128) Sparks IX. 483.

Jay was even for himself writing a letter to King George, but Franklin dissuaded him.(129) Eventually, owing to the new negotiator's obduracy, Oswald was forced to hold up the French negotiations of his compatriot, Fitzherbert, as well, while he went home again to London. Before leaving - and in order to avoid further wild goose chases to London - he queried of Jay whether a commission implying the recognition of the republic in an independent lateral clause would satisfy him. Even in this Jay furnished the exact words.(130) Lastly he insisted in a farewell to Oswald, that the latter was to be commissioned by Shelburne to treat with the "Thirteen United States of America", which were all thirteen to be named in Oswald's credentials!

When Oswald brought back the rejected commission and explained the unexpected difficulties that had cropped up with the suspicious Jay, the cabinet registered surprise and indignation; this the more as — in the light of subsequent research — Shelburne pursued a remarkably guileless course in the negotiations, one much more so than that of de Vergennes and than subsequently that of the latter's "allies", Adams and Jay.(131) Jay's attempt to dictate the terms of preliminary recognition was unceremoniously thrown out by the cabinet. The original attitude - thanks in part to Franklin - had been one of great magnanimity to the casting-off Colonies. But the British attitude was now altering. Fortunately for Jay, this was perforce still tempered by the anxiety to conclude the now protracted treaty before Parliament would shortly convene in November. Jay's ultimatum demanded credentials to treat with the "United States". But this was in itself a form of preliminary recognition, however, and as such(as Oswald had protested) beyond the

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(129) Morse, p. 369.

(130) Jay's words were: "We do hereby in pursuance of our royal word for ourselves and our successors, recognize the said Thirteen Colonies as free and independent States".

(131) Franklin's loyalty to the terms of the French alliance and the manner in which he was overridden by Adams and Jay are both well-known.

powers of the cabinet. And it was felt all the time by the cabinet that Jay's pother was on unceessary grounds — independence having been admittedly secured. Irritated and indignant therefore on the one hand, the cabinet was however anxious to get things moving, on the other. It was thus a virtual impasse. Without pocketing its resentment, the cabinet at last turned to its legal luminary, Dunning(Lord Shaftesbury). The latter at length gave it as his opinion that alteration in the commission might be stretched to come within the terms of the Enabling Act.(132) How questionable the constitutionality of the new commission was, and the risk it afforded to the cabinet's position, is strikingly illuminated by the letter that accompanied the commission, from Shelburne to Oswald: "Having said and done everything which has been desired, there is nothing for me to trouble you with except to say that we have put the greatest confidence, I believe, ever placed in man, in the American Commissioners. It is now to be seen how far they or America are to be depended upon. I will not detain you with enumerating the difficulties which have occurred. There never was a greater risk run. I hope the public will be the gainer, else our heads must answer for it, and deservedly.(133)

In the mean time also, Shelburne had received an unsolicited visit from the secretary of de Vergennes.(134) De Rayneval while discussing an accommodation in Europe, Africa and the West Indies, expressed incidentally a growing lack of French sympathy for American territorial claims. This "played into the hands of the English ministers" with their cool feeling against Jay on account of the risk they had had to run on his demanded commission(with

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(132) Ashburton to Shelburne, 18th September, 1782 — Fitzmaurice III. 267.

(133) Shelburne MSS., LXXVI. 123, Transcript in Can. Arch.; Fitzmaurice III. 268.(Shelburne to Oswald, September 23, 1782).

(134) De Rayneval's mission had its origin in "a message brought to Vergennes by De Grasse, the French admiral, now a prisoner on parole, who professed to have had an interview, while passing through London, with Shelburne, and to have received certain proposals from the English minister to carry to Vergennes. "As a result of a conference over these reputed proposals from Shelburne, the Spanish Florida Blanca" wished someone to be sent to England to find out if they were genuine. Vergenned decided to send Rayneval."(Winsor VII. 124).

which they had to comply if a treaty was to be produced without a further recourse for powers to Parliament on November 26th). The two-fold cause produced a two-fold consequence:

In return for the promise of speedy negotiating the cabinet brought forward as a basis of consideration, only the "necessary" terms of Franklin's July proposals. The "advisable" were now omitted with finality! And in return for the risky redrafting of Oswald's credentials, the following fiat was issued: "The limits of Canada would under no circumstances be made narrower than under the Proclamation of 1763, and the right of drying fish on the shores of Newfoundland would not be conceded to the American fishermen".(135) And this fiat has continued till today.

It was suspicious and litigious haggling of this nature that lost Canada to the Commissioners.(136) Time was wasted and a very important period

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(135) Fitzmaurice III. 255.

(136) Macdonald pp, 302, 303. Jay was so suspicious of English knavery that —— even after the treaty was completed and he had been convinced(or as near as Jay could be convinced) that Vaughan's analysis to him of Shelburne's magnanimous attitude towards America was right —— he objected to the slightest change from the original working draft of the treaty to that of a more diplomatic form. Even Oswald, who Jay(surely ironically!) remarked, "deserves well of his country", was surprised at what a descendant of Jay has called "Jay's careful adherence to the original draft." "I did not expect," said Oswald, "to find him so uncommonly stiff about the matter." Strachey was more emphatic on Jay and Adams. On November 8th he writes: "The Treaty must be rewritten in London form which we had not time to do in Paris; and several of the Expressions being too loose should be tightened; for these Americans are the greatest Quiblers (sic) I ever knew." He then goes on to speak of these two commissioners and of his close "attention to the words that fell from Jay and Adams in the course of our Conversations." (Winsor VII. 139, 150; Oswald's Journal in Franklin Papers, 1st Ser., XII. 596, L. of C. Oswald's Journal runs from May 21st 1782 to January 20th 1783.)

To show the little extent to which (despite Jay and Adams) de Vergennes sought actually to interfere with the American negotiations, we have his confidential correspondence with de la Luzerne on November 23rd, only a week before the treaty was signed. "I should use", he writes, "the influence which Congress thought fight to give the King". (Congress had formally instructed her Commissioners to "govern themselves by the advice and opinion of their generous ally, the King of France" — vide Winsor VII. 92, 93.) But, continues de Vergennes, he did not use the power given him by Congress over the Commissioners "because the distrust which they would conceive of our advice could only make them more obsti-

sacrificed, the period when circumstances were most propitious and Shelburne most prodigal. Instead Jay had made Oswald's commission a cause célèbre, had ruffled susceptibilities and befogged the road to Canada. True enough he gained a partial victory, but it was after all a pointless one. In treating, independence was a foregone conclusion as Adams had said in May(137) and an anticipatory declaration at the most was a matter of personal satisfaction to Jay. One way or the other, it was certainly not the way to Canada, which should have been continued by Jay as the object of negotiation, and to the acquisition of which practically everything else might well have been postponed. We can understand here Parton's words: "Franklin must often have groaned, during the month that was wasted upon this nonsense. He lay on his bed much of the time, tormented with the pains of the gravel; and Mr. Jay had everything his

(136) Continued note from page 42. nate." Then he went on: "If the American Commissioners send exact reports to Congress, they cannot complain that we are trying to obtrude our influence upon their negotiation. I receive what it pleases them to tell me, and they know that in an emergency I will do them all the services in my power, but I do not try to know more than what they are disposed to inform me of. I shall be always ready to come to their help, because I foresee that they will have more than one difficulty to overcome, and even very great difficulties if they persist in their original claims ". De Vergennes did not even at that late hour realize the extraordinary policy of Shelburne with regard to creating a powerful United States, —— this in preference to easily playing off the French and Spanish against the colonists and in preference to thus making for England a better bargain in fewer territorial concessions. De Vergenne's ignorance of Shelburne is palpable through this same letter of his a week before the negotiations ended: "England could not well be expected to abandon the Loyalists, since it was a usage observed by all nations to stipulate in a treaty for amnesty and restitution of property... In spite of the flattery which English ministers lavish on the Americans," concluded the innocent de Vergennes, "I do not expect them to yield in the matter of boundaries or fisheries" And this is the Machiavelli painted so luridly by Jay and Adams in their representations home. With the generosity of Shelburne and the equity of de Vergennes, "selfish European diplomacy" palls before that of the two honest American "'innocents' abroad", as forgetful of their profound obligations to France as their successors(Washington and Hamilton excepted) have been those to Shelburne.

(137) Vide p. 38,chapter 5, fn.

own way."(138)

The adamant Jay prompts another reflection. We have already seen the part played in early June by Franklin, when judging by men rather than formulas he had chosen to deal with Oswald and Shelburne rather than Grenville and Fox. It is both easy and safe to imagine what would have happened had Jay arrived a month before he did. For Fox through Grenville had offered the recognition of independence in the first instance(so as to gain control of the American negotiations) at a time when Shelburne had still cherished hopes of some vague form of political reunion and at best had — as he still did — offered independence only as part of the treaty. To treat with Fox would have been to treat as the independent "United States". To treat with Shelburne would have been to treat as "Colonies and Plantations." With his obsession for a preliminary recognition of independence, there is not the least reason to question with which of the two cabinet elements Jay would have chosen to deal. It would have been with the far less manageable Grenville and with that part of the equally divided cabinet least disposed to make those remarkable concessions that constitute the American treaty.(139)

Jay and Adams each stand out in the treaty for two things. Jay from New York concentrated on Recognition and the Indian Territory —— the latter in itself a meritorious quest. Adams represented New England and came with two narrowed down provincial objectives, the right to the fisheries and Maritime boundary line. Each fought an uncompromising successful enough lawyer's fight on his own selected ground. But their success was also in part due to a combination of what the English Lecky calls the "good fortune that marked the American negotiation". When in the words of Shelburne's biographer, the "profound feud.. between the Americans and their European Allies"(140) arose, de Vergennes

(138) Parton, II. 482.
(139) Lewis, pp. 36, 37.
(140) Fitzmaurice, III. 267.

and Jay — the latter "without the knowledge and consent of Franklin"(141) — sent delegates to Shelburne with mutually-competitive offers on boundaries and fisheries. "But",admits the American Francis Wharton, "it is clear that Lord Shelburne preferred the United States at the fisheries to France, and the United States in the Mississippi Valley to Spain. Lord Shelburne's view was to build up the United States into a powerful state in strict alliance with Great Britain, with whom on liberal principles she could control the seas, and he had no particular desire to strengthen either French or Spanish interests in North America. An early peace also was essential to his policy, and hence he promptly sanctioned the preliminaries of 1782, which made the United States tenants in common of the fisheries, which virtually gave the United States the Mississipi Valley, and which surrendered all refugee claims for indemnity."(142)

In their keenness for their own set objectives neither Jay or Adams saw the forest for the trees. Franklin alone had made his quest, Canada,which took in all American objectives. Neither Jay or Adams, in their undisturbed negotiations with Oswald breathed one syllable regarding a cession of Canada!(143) Franklin could for long only take a disconnected part, Jay had shifted the battle to another scene, and Adams on his arrival regularly supported Jay to thwart Franklin(144). Under the circumstances, Franklin philosophically thought better than to make himself further suspect here and with Congress by broaching the repugnant Loyalist indemnification — even for a consideration

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(141) Fitzmaurice, III. 257.

(142) Dig. Int. Law III. 916. Even Jay's grandson corroborates Wharton, in adding that Oswald's new commission "gave force and meaning to Vaughan's conviction.. that Shelburne,.. despite the skill with which de Rayneval and played into their hands to induce them to sacrifice the American claims to the Mississippi, the Ohio, and the fisheries, would prefer friendship with the American republic to an alliance with France and Spain for its enfeeblement. "(Winsor VII. 128).

(143) "In pressing the cession of Canada, Franklin was hampered in his own councils. Jay gave him no aid; Adams, while insisting on the fisheries as a sine qua non, was silent as to Canada, which would have carried with it the control of the fishery coast and excluded all future territorial conflict with Great Britain."(Dig. Int. Law III. 914);Vide Appendix E.

(144) Macdonald, pp. 294, 303.

of remaining Canada. Jay seems to have been indifferent to that country so long as the valuable Mississippi bank was reached. Adams - though he had back in April in Holland,(145) it is said, expressed approval of Franklin's early Canadian manoeuvres -- yet "in the hurry of the final negotiations in Paris in 1782, embarrassed as he was by the strained relations which he had worked himself into with both France and England, and absorbed by his provincial interest in the fisheries, it is not surprising that he should have forgotten Canada".(146) It is only fair to Franklin to add that - thanks to the time wasted by Jay - discouragement to Canadian ambitions came in October from Eliot's striking triumph at Gibraltar and from a now hardening Spanish and Bourbon opposition on territories. Both of these had the effect of stiffening the British attitude and terrifying Jay and Adams.

A great to-do has been made of the part played by France in the autumn of 1782. In her efforts to recoup Spain in the negotiations, France has been accused of a readiness to betray her Alliance with the United States. And on Franklin has been heaped considerable obloquy for his reluctance(147) to follow the lead of Jay and Adams in the secret signing of the November treaty.

On this side of the Atlantic there seems to be a peculiar attitude on this question, in the light of the Alliance of 1778. In fairness to Franklin, Jay and Adams, and de Vergennes, let us look at the terms of this Alliance. These are three. First, neither of the two countries was to lay down its arms till American independence was won. Second, if the Americans gained possession of any British territory in the northern part of the continent they were to keep it; likewise with France in the West Indies. Third, neither the French

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(145) Vide Appendix F; Bigelow 5th Ed., III. 85, 89; Sparks IX. 257, 261. (Adams to Franklin, Amsterdam, April 16th and May 2nd 1782).
(146) Dig. Int. Law, 2nd Ed., III. 917, 918.
(147) Franklin joined at length openly and expressedly, in order to preserve a united front and the respect of the English and French, and to obviate thereby a possible reaction against the interests of America.

nor the Americans were to conclude a separate peace without the consent of the other.

Where did France play false? On the first term, she had fought till independence was won.

As to the second term. The American Roger Clark had occupied Kaskaskia and Cahokia on the upper Mississippi and Vincennes on the Wabash. But among all the others the key fort of the whole north-west, Detroit, had remained in British hands. And besides, there were the Spanish conquests. Galvez had taken Natchez, Manchac and Baton Rouge on lower Mississippi, Mobile on the Alabama, and Pensacola on the Escambia. A dozen English transports had fallen to him and at one place alone for example, 550 British regulars besides sailors. De Leyba had beaten off the English at St. Louis. And Eugenio Pourré had penetrated as far north as Fort St. Joseph, across the peninsula from Detroit itself, which St. Joseph had been successfully stormed in early 1781, and the garrison made prisoners. Further as the American Poole says: "Spain rendered an invaluable service to the United States by enabling George Rogers Clark to hold the country he had captured from the British, until the treaty of peace confirmed to the nation the Mississippi River as its western boundary."(148) Under such circumstances the Americans now in 1782 were claiming the entire length of the Mississippi bank from its reputed source in the Lake of the Woods(in modern Manitoba) to its mouth in the Gulf of Mexico, and a continental sweep from such a Mississippi to the Alleghanies. Whether such a claim under such circumstances was at all warranted is, at least, decidedly debatable — and was so in 1782, on the French side of the negotiations. This particularly for France, since, long before 1763 Spain had claimed that the boundaries of her Floridas extended far into the Mississippi country. France ally of Spain as much as of America could not in 1782 ignore the claim of

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(148) Winsor, VI. 742.

either of her two allies, and so simply wished to effect an equitable compromise between the two.(149)

And at this time in 1782 the Americans had about fought themselves to a standstill. Returned to the north from Virginia, Washington maintained it was impossible to do anything decisive against New York unless the sea were again commanded as at Yorktown by a naval force hostile to England — and France alone could supply that force. As for the army, "All my accounts", he wrote, "respecting the recruiting service are unfavourable; indeed, not a single recruit has arrived to my knowledge from any State except Rhode Island, in consequence of my requisitions of Congress in December last."(150) He was even driven to recommended putting Continental uniforms on Hessian prisoners of war! Silas Deane in his private correspondence stated it would be utterly impossible to maintain the American army another year. Livingstone wrote to Franklin: "The army demand with importunity their arrears of pay. The Treasury is empty, and there are no adequate means of filling it. The people pant for peace".(151) At least nine million dollars were necessary. Five million dollars were to be levied at home on imports. This Rhode Island refused, Hancock vetoed for Massachusetts, and Virginia denounced as destructive to her liberty! Less than a tenth of the money was raised, to which Delaware and the three most southern States gave nothing.(152) Small wonder that in October 1782 de Vergennes remarked with bitterness how, once the French ceased to subsidize the American army, it would be "as useless as it has been habitually in-

(149) Lecky IV. 277. The American Wharton admits this: "The treaty of Amity of 1778 did not bind France to guarantee to the United States Canada or any specific boundary or any fishery rights... Under these circumstances it was no breach of the treaty of amity for France to say to the United States, "While I will sacrifice everything to make good your independence, I trust you will not press your claims against Britain to such an extent as to make peace impossible; that you will not embarrass my title to the fisheries!... These cautious words were suggested to Congress by Marbois, as a cipher letter of his to Vergennes which the British government intercepted and put into Jay's hands, shows."(Dig. Int. Law III. 910).

(150) Washington's Works, VIII. 201, 205, 271, quoted by Lecky IV. 267.

(151) Lecky IV. 270.

(152) Lecky IV. 268.

active"; and that he expressed reluctance at a new demand for money while the Americans obstinately refused the payment of taxes.(153)

Thus when Jay pressed the treaty claims of the United States on de Rayneval at Franklin's house on October 24th, de Vergennes intimated to the French ambassador at Madrid that he was determined not to continue the war solely for the ambitious pretensions of the Americans either with reference to the fisheries or to their boundaries."(154) In conclusion, when the American peace was concluded secretly it drew the following confidence from de Vergennes to de la Luzerne at Philadelphia: "If we may judge of the future from what has passed here under our eyes, we shall be but poorly paid for all that we have done for the United States and for securing to them a national existence."(155) In signing their peace treaty secretly(156) the Americans flagrantly broke the third term of their Alliance with France in return for what we have no proof may not have been only a greater certainty of obtaining the favourable November treaty.(157) Success covers a multitude of sins and the conduct of Jay and Adams has gone down today in schoolbooks as at the most, peccadilloes.(158) We are not however concerned here with the ethics of these, except in this: Jay and Adams are, in regard to their French relations, painted as straight-

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(153) Bancroft X. 582, quoted in Lecky IV. 277.
(154) Circourt II. 243, quoted Ibid.
(155) Sparks IX. 456, 449-455.
(156) Not only did they sign secretly, but they kept hidden a secret so-called "separate clause" which neither they nor afterward Congress made public to France.
(157) Vide p. 45, chapter 5.
(158) In 1782 approbation was not quite so unanimous. Despite the remarquable gains by the treaty, Livingston, the Secretary of Congress, sent them only a qualified approval. After warmly praising their success with the English, he rallied them on their actions as regards their French allies: "I have examined with the most minute attention all the reasons assigned to justify these suspicions. I confess they do not appear to strike me so forcibly as they have done you; and it gives me pain that the character for candor and fidelity to its engagements, which should always characterize a great people, should have been impeached thereby."

spoken, patriotic and alert, and Franklin as circuitous, subservient to France, and slow. The truth is that Franklin had a proper realization of their vast obligations to the French, the conservatism of a far wider experience, and a cautious self-confidence in his far greater proven diplomatic ability. As Bigelow puts it, on the question of Jay and the French rupture, Franklin "had the wisdom, which his colleagues lacked, to be content with starting peace on its route without breaking down the bridge by which it had crossed beforehe knew that it might not be useful for a retreat." Jefferson who as Franklin's successor in France had ample opportunity to remark the latter's position there, wrote in 1791: "There appeared to be more respect and veneration attached to the character of Dr. Franklin in France, than that of any other person in the same country, foreign or native.. I found the ministers of France equally impressed with the talents and integrity of Dr. Franklin. The Count de Vergennes particularly gave me repeated and unequivocal demonstrations of his entire confidence in him." When asked: "C'est vous, Monsieur, qui remplace le Docteur Franquelin?" Jefferson used to reply: "No one can replace him; I am only his successor."(159) To the charge of subserviency which in America calumniated Franklin's reputation right to that year and after, Jefferson wrote in 1818: "Two years of my own service with him at Paris,, convince me.. that they (the French) were more under his influence than he under theirs."(160) Had Jay and Adams, "who", resented de Vergennes, "do not pretend to recognize the rules of courtesy in regard to us",(161) been ministers to France in the place of Franklin, there would probably have been no sinews of war and no Yorktown. There is only justice and no flattery in the saying: "In France he(Franklin) accomplished as much against England as Washington with all his victories."(162)

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(159) Morse p. 393; Bigelow, 5th Ed., III. 297; Russell pp. 309, 310.
(160) Jefferson's Works VII. 108; quoted by Morse p. 394.
(161) Sparks IX. 456; Bigelow, 5th Ed., III. 210.
(162) Edinburgh Review; quoted in "Historic Characters" I. 355.

At the end Jay and Adams gained —— partly through the Franklin-chosen Oswald —— "boundaries and fisheries" at the cost of Canada and French alienation. Franklin, from all appearances, might have gained all of these, and retained French accord intact. Even immediately after the shock produced by the secret treaty, an irate de Vergennes and a nearly bankrupt France distinguished between Franklin and his compatriots, accepted his graceful apology for their lack of bienséance, and surrendered another loan of six millions to that irresistible object of French worship,(163) "le grand Franquelin," "Patriarche du Nouveau Monde", procreator of the Rousseauist "Bonhomme Richard", and subject of Turgot's popular perpetuation, "Eripuit fulmen coelo spectrumque tyrranis."(164)

The French-Spanish episode referred to above must not be confused with Jay's stand in August regarding the wording of Oswald's commission. It has been apologized for Jay that his fractiousness had been owing to fears that de Vergennes and the Spanish ambassador d'Aranda had been "the secret cause of the refusal by England of a preliminary recognition of American in-

(163) As Bullen says: "John Adams, ever envious of Franklin's fame, described this popularity, somewhat ironically, in a letter of a later date:
"Franklin's reputation was more universal than that of Leibnitz or Newton, Frederick or Voltaire, and his character more beloved and esteemed than any or all of them. His name was familiar to government and people, to kings, courtiers, nobility, clergy and philosophers, as well as plebeians to such a degree that there was scarcely a peasant or citizen, a valet de chambre, coachman or footman, or lady's chamber maid or scullion in a kitchen, who was not familiar with it and who did not consider him a friend to human kind. When they spoke of him, they seemed to think he was to restore the golden age." ... Europe was inundated with souvenirs of Franklin medals; portraits of all kinds - on snuff boxes and in lockets, and some so small as to be worn in rings, busts, etc. One of his secretaries brought back to America a collection of one hundred and fifty varieties of these mementoes".(Stephens, p. 10).

(164) Envious John Adamses in America shortened this flattering appellation, referring to Franklin thereafter as "the Old Fulmen Eripuit."(Fay, p. 503).

dependence." To accept this explanation is to ignore facts. De Vergennes like Franklin "advised Jay not to stickle; for independence must be the result of the treaty."(165) And he went on to explain: "Il faut en politique savoir céder sur la forme lorsqu'on a lieu d'être satisfait pour le fond."(166) But if Jay at once jumped to the conclusion that the French minister was anxious to rush the proceedings, he was wrong. As a matter of fact de Vergennes aimed to delay the American negotiation,(167) and in holding up the treating from 11th August till the end of September Jay played into his hand. Furthermore, if Jay had suspicions of the French he had as yet then no corroborative grounds on which to base them. For proof of this we turn to the calendar. It was in the middle of August, from the 11th to the 17th that Jay had balked at Oswald's credentials. It was not till three weeks later on September 4th, that de Rayneval, secretary to de Vergennes, first approached Jay to sound out the question of boundaries.(168) And it was not till a month after, on September 10th, that the intercepted letter of Marbois(169) was placed

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(165) Morse p. 368.

(166) Winsor VII. 113, 117.("In politics one should know when to yield the form, if the substance is satisfactory.").

(167) This was "in order to keep up the American alliance and the war, in order first to extort Gibraltar from England, and afterwards obtain some express acknowledgement of the Spanish claim to the Mississippi and of the French claim to the fisheries, by the threat of a refusal of further supplies to the Americans."(Fitzmaurice III. 254). When the French ambassador to Madrid, Montmorin, reported that Florida Blanca feared de Vergennes was trying to hurry the negotiations, Vergennes in reply emphatically denied the charge, pointing out at the same time: "The verbal answer to Grenville on June 21st was drawn up solely with the view of prolonging the negotiation to gratify our desires and the convenience of our allies. In fact, the points on which I ask for arrangements to be made would take up quite six months."(Jay MSS., X. I, quoted in Winsor VII. 109).

(168) Morse p. 369.

(169) Marbois had temporarily replaced de la Luzerne in 1780, as chargé d'affaires at Philadelphia. His famous letter outlined a scheme for a secret understanding between England and France against American pretensions to the fisheries. The letter on its way to de Vergennes was captured on the high seas by the British, deciphered, and prodigally - as regards these fisheries —— transmitted by Shelburne to Jay. Franklin at Passy was cautious in accepting its authenticity. "Supposing it all genuine, the forward, mistaken zeal of a secretary of legation should not be imputed to the king," was Franklin's point. On Jay and Adams, however, it had a conclusive effect. For Marbois' letter see Franklin Papers(Records of U. S. Legation at Paris - Peace Commissioners, 1780-83) 1st Ser., VIII. 21; Rev. Dip. Corr., I. 186; V. 238.

into Jay's hands by the British through Oswald.(170) Not till September 18th did Jay report it to Congress.(171) And only about this time did the business of de Rayneval's visit(September 13 to 20) to Shelburne in London crop up, and the British Vaughan get sent home by Jay to Shelburne to plead America's cause. (172) Regarding de Rayneval's visit on September 13th, we have the words of Jay's grandson : "This would appear to have been the first time that the scheme for perpetuating the power of Spain in America by the enfeeblement from its birth of the new republic... had been personally presented.. to the English ministry."(173) Finally,from Jay's Diary we learn that it was only on October 24th that de Rayneval and Jay repaired to Franklin at Passy and there harangued the respective territorial ambitions of the two cooling allies. An apologia of Jay on these lines is therefore post hoc reasoning.

On July 9th we have seen the very favourable conditions in which Franklin left the negotiations.(174) He had then demanded as a minimum a restriction of Canada to pre-British dimensions; and he had asked for the whole as well a reparation to the Americans of five or six hundred thousand pounds. He had even withdrawn the offer of a Loyalist indemnity, for he had not mentioned it in his "necessary" and "advisable" terms. Instead, to Oswald he had on separating, "intimated that nothing could be done in the treaty for the Loyalists".(175) Obviously he was waiting for Shelburne to request their indemnification, when after a show perhaps of effusive objections he would have bartered Shelburne's much required Loyalist indemnification partly in return for Canada.

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(170) Lecky IV. 278; Morse p. 370.
(171) Rev. Dip. Corr. I. 144; V. 470.(Photostat of the original letter in Huntingdon Library, California, p. 313)(Jay to Livingston).
(172) Vide pp. 26, 45 chapter 5.
(173) Winsor VII. 124.
(174) Vide pp. 28, 29 chapter 5.
(175) Fitzmaurice III. 245.

In contrast to where Franklin had left the situation what do we see from Jay? He had wasted till the end of September when Oswald returned with the altered commission; then following a few conferences with Oswald, on October 5th Jay presented in his turn the proposals of the Americans. And the contrast between "Colonial Franklin" and "Independent Jay" is now shown. The October terms added nothing to those proposed in July by Franklin —— but instead we find now omitted all reference to three of Franklin's four "advisable" terms, including reparations to the Americans and Franklin's "Condition 4: The Cession of Canada and Nova Scotia", which Franklin had regarded as "essential to any permanent pacification between Great Britain and the United States."(176) And did the moderated demands of Jay receive a more favourable reception from Shelburne? They did not. In answer to Franklin in July, Shelburne had returned the docile sympathetic Oswald —— commissioned at Franklin's request and tittilated by the latter's persistent advocacy —— dubiously bearing his master's "hopes" that the "advisable" articles would not be insisted on. On the other hand in answer now to Jay in October, Shelburne rejected the terms, rebuked Oswald,(177) and replaced him in all but name by the new, experienced, and able British representative, Henry Strachey; and

(176) Oswald's Journal in Franklin Papers XII. 398, L. of C. (Oswald to Townshend, October 2, 1782); Dig. Int. Law III. 910; Fitzmaurice III. 269-273.

(177) On October 21st Shelburne advised Oswald of the departure of Strachey, and then proceeded to add: "I find it difficult if not impossible to enter into the policy of all that you recommend upon the subject both of the fishery and the boundaries, and of the principle which you seem to have adopted of going before the Commissioners in every point of favour and confidence. The maxim is not only new in all negotiations, but I consider it as no way adapted to our present circumstances, but as diametrically opposite to our interest in the present moment."(Fitzmaurice III. 283). Thereafter, influenced by George III's letter to Shelburne, the Duke of Richmond and Admiral Lord Keppel very bitter against Oswald, whom they declared to be only an additional American negotiator, proposed to recall him. But Shelburne refused.(Shelburne MSS., LXXI. 151, Can. Arch.);(Fitzmaurice III. 297, 298; Dig. Int. Law III. 910; Hodgins, Can. Mag., X.5).

the latter was instrumental in recovering all the area from the St. John River to the St. Croix, as well as all southern Ontario(the most settled part of Canada today) below a line drawn from Lake Nipissing to the modern town of Cornwall.(178) As Shelburne's biographer explains now, "The American Commissioners having practically thrown over the French alliance, had to recede from the extreme demands originally formulated by Franklin."(179)

Another surrender that followed was on the question of debts contracted by the Americans before 1775. Franklin had for probably bargaining purposes refused to compensate the Glasgow merchants for these, on general grounds of the devastation suffered on her part by America during seven years of war; and the British cabinet had even seemed to be ready to abandon these debts and even the Loyalists, in return for a speedy transaction on Franklin's lines. "His Majesty", Townshend had advised Oswald on September 1st, "is pleased , for the salutary purpose of precluding all further delay and embarrassment of negotiations, to waive any stipulation by the treaty for the undoubted rights of the merchants whose debts accrued before the year 1775 and also for the claims of the refugees for compensation for their losses, as Dr. Franklin declares himself unauthorized to conclude upon the subject."(180) On this point Jay had allied himself with Franklin. In his terms of October 5th, he had absolutely refused to yield on the subject of the debts contracted prior to 1775."(181) But with the arrival of the British Strachey and the American Adams, thanks

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(178) "I despatch" wrote Strachey home only nine days after his arrival which coincided with that of Adams in Paris, "the boundary line originally sent to you by Mr. Oswald, and the two other lines proposed by the American Commissioners after my arrival at Paris. Either of these you are to choose. They are both better than the original line, as well in respect to Canada, as to Nova Scotia."(Oswald's Journal in Franklin Papers, 1st Ser., XII. 558, L. of C.; Fitzmaurice III. 295 - Strachey to Townshend, November 8th, 1782). For Oswald's "original line", vide Ibid. map opp. p. 294.

(179) Fitzmaurice III. 294.

(180) Fitzmaurice III. 255(Townshend to Oswald, September 1st 1782). For Franklin's objections, vide p. 21, chapter 5.

(181) Fitzmaurice III. 269(Oswald to Townshend, October 8th 1782).

mainly to the latter, this issue(apparently already conceded to the Americans) was now lost by them. We have ssen that the point had long and formally been asserted by Franklin; on it however as on the French question, Adams on his arrival in October flew in the face of the valetudinarian at Passy. "I have no notion of <u>cheating</u> anybody," tongue in cheek he insinuated of the absent Franklin and without asking even Jay's by-your-leave, he took on himself to surrender the point to Strachey. Shelburne's commentator advisedly hastens to explain how "Franklin was not present at the interview when the point was settled, but felt the uselessness of protesting."(182)

Franklin had won Oswald as the British negotiator. We have seen how Jay lost Oswald and gained for the Americans a poor exchange —— Strachey. We must remark the full contrast between Oswald and Strachey because that contrast was written into the momentous November treaty. We have also remarked the gains made by Strachey at that late stage both before the imminent (and fatal for Shelburne) re-opening of Parliament and the return of Franklin to full health and a once more dominant part in the negotiations. Who was this Strachey that Jay had exchanged for Oswald? First of all, unlike the elderly and guileless Scot, Strachey was a skilful and experienced civil-servant. He had been the Secretary of Clive and of Lord Howe's American Commission in 1776. He had served as Secretary of the Treasury in Rockingham's ministry, and was now in 1782 Townshend's second in command, Under-Secretary of the department through which, it will be remembered,the American negotiations passed. Besides therefore being perfectly versed in the proceedings, he was the owner of a reputation for "great discretion, accuracy, and learning."

We have already noticed how on Oswald's return in August with the commission rejected by Jay, Townshend had on September 1st laid down the fiat

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(182) Fitzmaurice, III. 293.

that the Canada was to be retained with the minimum boundaries of the Proclamation of 1763.(183) By the end of October the favorable rift between de Vergennes and Jay and Adams was now full grown, and had been urged on Shelburne by both sides especially through the missions of de Rayneval for de Vergennes and Vaughan for Jay. Under the circumstances Strachey now left for Paris not only with the Proclamation of 1763 as an ultima thule, but with new orders to demand "the French boundary of Canada, which was more extensive at some points than that of the Proclamation of 1763".(184) On these grounds, as noticed above, Strachey retrieved a quarter of New Brunswick and almost the whole of Ontario south of the entire Ottawa,"with thousands of British subjects by whom it had been settled."(185) These, Jay's grandson calls "minor concessions" to Strachey.(186)

Earlier we saw the difference between Shelburne's Oswald and the Grenville of Fox. On June 18th Franklin had confided in his diary: "Mr. Grenville is clever, and seems to feel Reason(187) as readily as Mr. Oswald, though not so ready to own it. Mr. Oswald appears plain and sincere; I... doubt Mr. Grenville. Mr. Oswald, an old Man, seems to have no Desire but that of being useful in doing good. Mr. Grenville, a young Man... seems to aim at.. being an able Negotiator. Mr. Oswald does not solicit to have any

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(183) Fitzmaurice III. 256.
(184) Fitzmaurice III. 281.
(185) Hodgins(Can. Mag., X. 5). These were regions into which had already begun in 1781 the great exodus of United Empire Loyalists, "American Huguenots after an American St. Bartholomew." The region retrieved was, in New Brunswick, thickly settled by Loyalists along the banks of the St. John from its mouth to the very end of Carleton County; and from Pennfield on Passamaquoddy Bay to St. Stephen on the River St. Croix. In Ontario the same is true from Cornwall to Brockville, on the St. Lawrence; Kingston to Trenton, Port Hope, Toronto, and Hamilton on Lake Ontario; the Niagara Peninsula; Simcoe to Port Dover on Lake Erie; and the peninsula between Lakes Erie and St. Clair, from Oxley to Windsor. (Burpee, Can. Hist. Atlas, maps 61, 63.).
(186) Winsor VII. 138.
(187) By "Reason", Franklin was perhaps thinking of a cession of Canadian territory, for indemnities and a reconciliation.

Share in the Business, .. is.. willing to be excused. Mr. Grenville seems to think the whole Negotiation committed to him... I should rather prefer Oswald.. I must write Lord Shelburne."(188)

Franklin had"preferred" Oswald, had "written"Shelburne, and had won Conway's usually casting vote in the evenly-dividing cabinet, in favour of Shelburne against Fox.(189) In October we have seen Franklin's Oswald virtually replaced by the Strachey of Jay. Let us stop a moment to follow the respective conduct of these two English emissaries. It helps to appreciate the kill Franklin would have made, had he remained alone and hale, with Oswald.

Oswald's demeanor as a Commissioner can only be termed amazing. Almost throughout the negotiations he readily revealed in one-sided conversations his confidential instructions, opened his written ones to the inspection of the enemy, and even allowed him to have a copy of them!(190) What a contrast this provides to the notedly cautious Franklin and the tight-lipped suspicious Jay. (191) His ignorance of North America was (with our apologies to Shelburne's opinion(192)) amusingly abysmal, and to convict him we need only again consult Franklin's diary. Here is an entry on May 6th.

"Mr. Oswald repeated... that the Affair of Canada would be settled to our Satisfaction... He intimated, too, that it was apprehended, the greatest

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(188) Sparks IX. 336; Bigelow, 5th Ed., III. 162.

(189) Rockingham, Fox's supporter, dying on July 1st, this gave a cabinet vote of four to two as follows:-

"For Mr. Fox: Duke of Richmond, Lord John Cavendish, Admiral Lord Keppell, Mr. Fox.

"Against: Lord Shelburne, Lord Chancellor, Lord Camden, Duke of Grafton, Lord Asburton, and General Conway." (Russell I. 320).

(190) The defence that this was done with the approbation of Shelburne does not begin to cover all the cases in which these "indiscretions" occurred. Oswald convicts himself even in his own Journal in e. g., Franklin Papers, 1st Ser., XII. 318, 321, 326. Only in Ibid., p. 328, does he mention a sanction by the cabinet.

(191) Ibid., p. 321.

(192) Winsor VII. 161.

Obstructions in the Treaty might come from the part of Spain; but said, if she was unreasonable there were means to bring her to Reason. That Russia was a Friend to England, had lately made great Discoveries on the Back of North America, could make Establishments there, and might easily transport an army from Kamschatka to the Coast of Mexico, and conquer all those Countries. "This" adds the convulsed Franklin in his diary, "appeared to me a little visionary at present; but," he concludes sententiously, "I did not dispute it".(193) Further, we have already seen how little Oswald knew of the fisheries,(194) and of the Mississippi and Ohio Valleys,"a country worth nothing and of little importance."(195)

His great fear seemed to be that he would not send the American Commissioners away content. That always worried him a great deal. "I next talked to him", he writes Jay to Shelburne in a report on October 8th, when Franklin was still sick, "about the claim of drying fish on the Island of Newfoundland, as not having been mentioned or included in Doctor Franklin's necessary articles." Jay apparently did not press the point, saying, as Oswald writes, "If we (Oswald and Franklin) thought otherwise, he(Jay) would not say but what they might give it up". Oswald now might have been expected naturally to express to Shelburne a little pride after gaining this concession from the pertinacious Jay. "On this subject", he pleads instead to Shelburne, "if I might speak my opinion, it is a question whether we ought to insist on their exclusion, while the French enjoy that conveniency; and on that account.. whether there would have been any harm in affording it to them; since their exclusion would always be attended with a grudge." Well did Richmond and Keppel protest to

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(193) Bigelow, 5th Ed., III. 96, 97; Sparks IX. 269.

(194) Vide p. 27 fn, chapter 5. Oswald shortly had occasion to own his ignorance. On October 24th he honourably admitted to Shelburne: "About the Drying of Fish, it would appear I have made a great Mistake in thinking it of less importance than it really is, & therefore forbore insisting on the exceptions to it." (Shelburne MSS., LXXI. 163, Can. Arch.(Oswald to Shelburne, 24th October 1782).

(195) Vide p. 25, chapter 5.

Shelburne that he was only an additional American negotiator and urged his recall; this Shelburne refused in the hopes that the kindly open-handed Oswald had at any rate won the hearts of the Commissioners and through them the reconciliation of America to a future re-alliance(196) with the Motherland; in any case he hoped to see some return through a "free reciprocal trade" in the "commercial treaty" which he "specially desired Oswald to be in Paris to negotiate."(197) So he retained the elderly Scot; at the same however he read him a lecture. "I should act with great insincerity", wrote Shelburne to him, "if I did not convey to you that I find it difficult if not impossible to enter into the policy of all that you recommend upon the subject both of the fishery and the boundaries, and of the principle that you seem to have adopted of going before the Commissioners in every point of favour and confidence. The maxim is.. new in all negotiations."(198) Last, he put him out of harm's way by sending out Strachey, to whom he now referred Oswald for particulars. Fitzherbert, negotiating with the French, was later also asked to step in. At the end Oswald was directed only to act whenever Strachey and Fitzherbert as well as he thought it expedient.(199) In so many words, he was only a rubber stamp, or rather, was only to sign on the dotted line.

When Oswald received the news that his October treaty with Jay had been rejected and he himself supplanted, he demonstrated once again his

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(196) Fitzmaurice III. 273.

(197) Fitzmaurice III. 298; Shortt(Can. and Provs., IV. 533). The Britannica speaks about Shelburne's impending "bill to promote free commercial intercourse between England and the United States," and goes on to generalize that "no statesman of his time possessed more enlightened political views." The parliamentary opposition before which Shelburne fell is explained to have been owing to "his preference of principles to party;.. if he had had a more unscrupulous regard to his personal ambition, his career as a statesman would have had more outward success."(Ency. Brit., 11th Ed., XVI. 184). We can thus better understand Shelburne's venturing to use such a plenipotentiary as the pro-American Oswald. American sentiment had been lost to England through fiscal restriction(against smuggling, manufacturing, voluntary taxation). American sentiment would be regained by exchanging restriction for a community of profit through free trade.

(198) Fitzmaurice III. 283.

(199) Winsor VII. 142.

penchant for agreeing with everyone —— so evident in his relations with Franklin and afterward Jay. With regard to his October treaty, he advised Shelburne he was "glad England could afford to risk the consequences of rejecting it." As for his own puerility, he bleated plaintively, he had "given way to the insinuations thrown out by the Commissioners that America was ready to resume the war." Yet to show his strong attachment to his American kinsmen, he could not help feeling that Shelburne's new conditions of October were"very hard and limited."(200) Jay's grandson was struck with the "great cordiality" that "marked the intercourse of the American commissioners with Oswald. They met at each other's apartments, and frequently dined together."(201) His utter lack of propriety -- apart from anything worse -- comes out finally on October 24th. Hearing Strachey was coming out to join him as assistant commissioner, Oswald volunteered "further", writes Jay, "that he believed this court(France) had found a means to put a spoke in our wheel." It is hard to believe the "our" does not include Oswald as well as Jay! Surely United States owes a statue to, let us say, "Oswald, American Commissioner, best friend Jay ever had in Paris." At least one can understand the recent wrath of the Canadian Hodgins.(202) Nor was Oswald alone. Vaughan, Franklin's friend and therefore intermediary to him from Shelburne(203) had hovered around

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(200) Winsor VII. 133.
(201) Winsor VII. 137.
(202) Thos. Hodgins, Q.C., "British and American Diplomacy affecting Canada", Can. Mag., March 1898.(Library of Congress).
(203) Vide p. 26, chapter 5. Vaughan was as close a friend to Shelburne as to Franklin, sharing with Bentham a special place in the friendship of the Shelburne family(Winsor VII. 125 fn) and even surpassing Bentham in that respect. When Shelburne and his "aide-de-camp Barré" became estranged and Barré resigned Calne, Shelburne's family borough in the Commons, Shelburne chose Vaughan to replace him over the sixty-one page protest of Bentham, Vaughan's brother economist and fellow aspirant.(Fitzmaurice III. 522). With agents like Oswald and Vaughan, both of whom he sent to the solitary Franklin —— prior to Jay's subsequent fight over the commission and the incidentally simultaneous development of Bourbon opposition to America.—— we can readily see the original trend of Shelburne's mind as regards a Canada cession for reciprocity and a Loyalist indemnity. Only after the advent of Jay and de Rayneval, it must be borne in mind, did Shelburne send a Strachey.

of his own volition and dabbled freely in the negotiations. With even more-pronounced American views than Oswald, he resented the intrusion of Strachey and even presumed on his friendship with Shelburne to "undertake a second time to represent the American views to the British Ministry," in opposition to Strachey.(204)

But we must not be hard on Oswald and Vaughan. We must judge them according to the times in which they lived. They typified a common-enough English feeling that 1782 was not a separation but an apportioning of Anglo-Saxon empire. To these disciples of Adam Smith(205) the resumption of a freer trade was to restore a mightier racial sentiment. Unfortunately for them -- and Shelburne(206), the American Commissioners in the first flush of their country's birth cherished a view of it that left no room for any extra-territorial kin. Like those of their country, their eyes looked forward, to the west, and not behind, to Oswalds and Shelburnes. If they thought of these at all it was but an impatient backward glance. Their patrimony lay ahead of them. On to the Mississippi!

With the advent of Strachey the British side of the negotiations were brought back to hard earth for the first time. And we now trace a different conduct. Strachey looked to the immediate present. Oswald had done enough star-gazing to do them both, and now had to clamber down from the clouds and join his "earth-born companion." Being of an eminently agreeable nature,

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(204) Hodgins(Can. Mag., X.5); Adams I. 378.

(205) Oswald's original acquaintance with Shelburne is even said to date back to a mutual introduction by the author of the "Wealth of Nations."

(206) Shelburne was in the end a very disappointed man. He had presupposed that Oswald's amiable largesse would thaw American hostility. Success in the negotiations it would seem only altered it to a greater acquisitiveness, which continued on after the American preliminary treaty till the European one on January 20th. This we judge from the unhappy and altered Shelburne of December 31st: "I am at a loss to conceive what the (American) Commissioners would wish. I am sensible that I am no match for such active Politicians. I went out of my way to speak respectfully of them in the House of Lords.. I need not remind you, how unbounded their professions and our Concessions have been." (Shelburne MSS., VXXVI. 217, Can. Arch. (Shelburne to Oswald 31st December 1782).

he was soon in step. The day after Strachey's arrival he wrote to Shelburne recounting the introduction to Jay and Adams, and how they had then gone out to visit "Doct.r Franklin". Here he hastened to note generously of Strachey, "that I think there is an appearance as that Something may be gained."(207)

Adams who arrived two days before Strachey did not take long to size up the latter. Here is his diary on November 4th, exactly one week after their acquaintance: "All the forenoon, from eleven to three, at Mr. Oswald's, Mr. Jay and I. In the evening there again, until near eleven. Strachey is as artful and insinuating a man as they could send. He pushes and presses every point as far as it can possibly go. He has a most eager, earnest, pointed spirit."(208)

Oswald was by this time well content to be Strachey's shadow. His reports home continued now to be cheerful, as for example the one on November 5th. To Shelburne he wrote: "I have now to repeat my opinion(209) of the propriety of Sending over that Gentleman(Strachey) at the critical time. He has done all that was in his power.. after eight days hard work - Some material points are gained."(210) To Townshend he reported even more emphatically: "I need only in general say that on all material points in question he (Strachey) has from day to day taken up the subject afresh, and has enforced our pretensions by every argument that reason justice or humanity could suggest, and even some sinuations(sic) of menace which I had been so long accustomed to reported(211) by me on sundry occasions and to which we had nothing to oppose."(212)

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(207) Shelburne MSS. LXXVI. 167., Can. Arch.(Oswald to Shelburne, Paris, 29th October 1782).

(208) Adams' Journal of the Peace Negotiations, Rev. Dip. Corr., V. 849.

(209) "I am pleased that Mr. Strachey is coming over. He may be assured of every Assistance I can give him, in the Way he may chuse(sic) or advise". (Shelburne MSS., LXXVI. 163, Can. Arch. (Oswald to Shelburne, 24th October 1782).

(210) Shelburne MSS., LXXVI. 175, Can. Arch. (Oswald to Shelburne, "5 Novem.r 1782.").

(211) The faulty sentence structure is Oswald's own.

(212) Oswald's Journal in Franklin Papers, 1st Ser., XII. 521, L. of C. (Oswald to Townshend, Paris, "5th Nov.r 1782.").

When tentative terms had been reached by the end of the first week of November, Strachey departed with them for the cabinet's inspection. While Oswald and Strachey may have represented the two antipodal English attitudes towards America, in their strong feeling for American forbearance to the Loyalists they were united. On the eve of Strachey's departure each addressed in his own manner an appeal to the Americans on this score, and these two scriptures provide an interesting comparison of their modi operandi.(213) Before Strachey had left, each side had prepared a draft of the tentative treaty. Even in such a simple operation as this we observe the comparative accuracy of the two British representatives. "He(Jay) scored out of the Treaty," reports Oswald on the 8th, "the separate article respecting West Florida; but admitted it in addition at the bottom as a separate article." Therefore, he confesses to Strachey, "In so far you was(sic) right and I was wrong in putting it into the Treaty."(214)

We have mentioned Shelburne's October instructions to Oswald not to act without consulting Strachey. That the new impotence of Oswald was not lost on the Americans is obvious from the following entry in Adams' Diary: "(November) 29. Friday... The other English gentlemen (Strachey and Fitzherbert) being withdrawn upon some occasion, I asked Mr. Oswald if he would consent to leave out(regarding the fisheries) the limitations of three leagues from all their shores and the fifteen from those of Louisburg. He said, in his own opinion he was for it; but his instructions were such that he could not do it. I perceived by this and by several incidents and little circumstances before, which I had remarked to my colleagues, who were much of the same opinion, that Mr. Oswald had an instruction, not to settle the articles of the fishery and refugees, without the concurrence of Mr. Fitzherbert and

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(213) Vide Appendix G.
(214) Oswald's Journal in Franklin Papers, 1st Ser., XII. 601, L. of C. (Passy "8th Novr. 1782").

Mr. Strachey."(215) So that "though he was for it" Oswald was not allowed to do his will for America with regard to the fisheries. Had there been Jay's Strachey from the spring of the year instead of Franklin's Oswald, Hodgins is right in saying there would have been a different accommodation in the Maritimes and on the Mississippi, where at least the Ohio Valley would have remained to Canada. But, as Hodgins laments: "Mr. Strachey was too late!... Against him were the knowledge of Cabinet secrets by the American commissioners, the oft-given consent of his colleagues, Messrs. Oswald and Vaughan(216) to the cession of Canada, and the written consent of the British Ministry to a confinement of its limits to a small strip of territory.(217)

Strachey was disgusted with the treaty that was signed on the eve of the reopening of Parliament. In answer to a complimentary letter from Evan Nepean , Townshend's other secretary, he wrote: "I thank you for your letter by Lauzun.. The anxiety and mortification I have undergone in the business here.. required a little sweetening... If this is not as good a Peace as was expected, I am confident it is the best that could have been made."(218)

That a better treaty was not made at that hour in the ominous shadow of Parliament(and Fox and North and an imminent downfall of Shelburne) was no fault of those forlorn hopes, Strachey and Fitzherbert. These two Trojans were as modest as they had been game. Fitzherbert writing to Town-

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(215) Adams' Diary in Adams III. 334.

(216) Vaughan was of course not really an accredited commissioner but originally only Shelburne's temporary personal intermediary. He remained in the offing of his own volition and we have seen him represent Jay in England before Shelburne during September.

(217) That is, the St Lawrence Valley, that of the Ottawa, and the wastelands south of the Hudson's Bay Company. Not all of the St Lawrence Valley either. Below the forty-fifth parallel the south bank was surrendered to the Americans, together with Southern Ontario(Mss. Letter, Townshend to Oswald, 1st September 1782 quoted by Hodgins, Can. Mag. X. 5; see also Fitzmaurice III. 255½.

(218) Oswald's Journal in Franklin Papers, 1st Ser., XII. 638, L. of C. (Strachey to Nepean, Paris, 29th November 1782. Marked "Private"); see also Winsor VII. 144, where Nepean's name is accidentally misspelled.

shend on the 30th, supplied a conclusive touch to our view of Strachey: "I cannot suffer our Friend, Mr. Strachey, to leave Paris(219) without writing you a line by him.. Mr. Strachey will of course explain to you very fully everything.. There is only one particular which his narrative to you will probably be defective in, and which it therefore, behooves me to mention.—— I mean that at the several conferences with the American Commissioners which I was present at, nothing could have exceeded the uncommon vigilance and dexterity which he showed in seizing upon and turning to the best advantage every opportunity that offered of inserting the stipulations we wished for, nor the indefatigable perseverance with which he disputed inch by inch those parts of the ground which we were finally obliged to recede from."(220) Strachey was just as chivalrous if more terse: "I need not tell you," he advises Townshend on the 29th,"that Mr. Fitzherbert's abilities and conduct have been of infinite use. Indeed you would have had no Treaty without him."(221) Oswald also expatiated on the 30th to Shelburne in regard to Strachey's "Invaring attention & assiduity as well as his Capacity in matters of this kind".(222) If a merchant ever recognized the limited qualifications of his own calling, it was Oswald now!

Neither Strachey nor Fitzherbert had anything to say for Oswald - and it may^ therefore be said for the earlier Shelburne whom Oswald represented. The only praise these came in for was from the American Jay! Following Shelburne's defeat and resignation, Jay condoled Vaughan: "I have written to my countrymen that Lord Shelburne's system respecting them appeared to me to be liberal and conciliating.(223) And in the same letter apparently, he continued to Oswald's

(219) Fitzherbert remained behind to continue the only half-completed negotiations with France and her other allies, Spain and Holland.

(220) Oswald's Journal in Franklin Papers, 1st Ser., XII. 642, L. of C. (Alleyne Fitzherbert to Townshend, Paris, 30th November 1782. Marked "Private".).

(221) Oswald's Journal in Franklin Papers, 1st Ser., XII. 636, L. of C. (Strachey to Townshend, Paris, November 29th 1782).

(222) Shelburne MSS., LXXVI. 185, Can. Arch. (Oswald to Shelburne, 30th November 1782.).

(223) This was to please the well-deserving Vaughan; and was stretching sincerity with the same cheerful disregard which Jay had evinced in the contradictory Addresses of 1774-5, to the people of Great Britain and Canada.(Vide p. 1, chapter 4). A better guage of his opinion is the sullen note in his more intimate letter of December 14th to Livingston, into whose family he had married.

alter ego(224), Vaughan: "He(Oswald) deserves well of his country, and posterity will not only approve, but commend his conduct."(225) Such praise under such circumstances brings to mind Virgil's timeo Danaos et dona ferentes. Compare another American estimate, that of [redacted] Charles Francis Adams in the biography of his grandfather in 1856: "Of all the remarkable incidents in this remarkable transaction, nothing now seems so difficult to account for as the mode in which Great Britain pursued her objects by negotiation. The individual pitched upon to deal with the United States was a respectable and amiable private person, nominated at the suggestion of Dr. Franklin, with whom he was to treat, because the Doctor thought he would get along easily with him, but by no means a match for the combination of three such men as Franklin, Jay, and John Adams. In order to be upon equal terms with them, Great Britain had need of the best capacity and experience within her borders."(226) As for English opinion contemporary to Jay's, it was anything but appreciative of Oswald. "The Americans", charged Lord Townshend(227) in the House of Lords, "had evidently been too cunning for the English negotiators. Why could not some one from Canada have been thought of for the business which Oswald had been sent to negotiate? Oswald was, or appeared to be, ignorant how the country

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(224) Vaughan was Oswald's alter ego only of course in their attitude towards the Americans. They differed in other ways. Oswald was essentially a man of peace; Vaughan apparently was inclined to be a busybody. Shelburne's great-grandson, Fitzmaurice, writes: "Vaughan(in 1783) persisted in remaining in Paris, and seemed to imagine he was clothed with some kind of diplomatic character." And during the French negotiations in 1783, Oswald complained of Vaughan, calling him "a gentleman.. of that happy vein, that if he is not employed, will officiously thrust himself into employment; and if he is not invited into the boat will step in at once without waiting for an invitation".(Fitzmaurice III. 321 -- Oswald to Shelburne, 8th January 1783). Yet Jay, himself unacquainted with Shelburne, without mentioning it to Franklin sent to Shelburne, as a special envoy, this Vaughan, as Wharton writes, "a gentleman to say the least not distinguished for prudence or diplomatic skill", to counteract with Shelburne the supposed anti-American intrigues of de Rayneval, "one of the most subtle and seductive diplomatists in the French service." (Dig. Int. Law III. 926).

(225) Winsor VII. 150.

(226) Adams I. 372.

(227) Not of course Shelburne's colleague, Thomas Townshend, who unsuccessfully defended the cabinet in the House of Commons.

lay which he had been granting away." And he was followed by Lord Stormont, Franklin's old arch-enemy at the Paris embassy, who stormed about Oswald's having been "overmatched by the Americans."(228) And for a final British opinion more contemporary with that of Adams's grandson, we have that of Shelburne own great-grandson in 1876: "Nobody could", he writes, "in any case have been more unfit both by character and habits for engaging in a diplomatic intrigue than Oswald, whose simplicity of mind and straight forwardness of character struck all who knew him."(229)

But when the storm burst in Parliament Oswald was past caring. A few months after the fall of Shelburne he died in retirement.(230) As for Vaughan, he speculated on visiting his brother in Philadelphia.(231)

We now return to take up in greater detail the third and last stage of the negotiations of 1782. The first stage had been from April to August, when Franklin had treated without interference from the other Americans. The second stage was from August to November, when — during Franklin's disorders and confinement — the negotiations were in the hands of Jay (232) and of Adams who joined him on October 26th. The stark contrast between the results of Franklin's statecraft by August, and what remained of them under Jay and Adams

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(228) Parl. Hist. Eng., XXIII. 391(The debates on the Treaty are in Ibid. — for the Lords, pp. 373-435; for the Commons, pp. 436-498). Winsor VII.161

(229) Fitzmaurice III. 184, 185.

(230) Dig. Int. Law III. 917.

(231) Vide p. 26, chapter 5. He did go later to that country —— and returned. (Fitzmaurice III. 509) His friend Franklin had died in the meantime, between the Treaty and the visit.

(232) Fitzmaurice(III.258) not essentially concerned with Franklin and the state of Franklin's health,merely writes: "Jay, whose influence from this time forward predominated over that of Franklin". It would be otherwise inexplicable for Franklin - with the detailed trend of the treating so well stacked in his mind, his innocous-appearing tactics so well worked out, and the English Oswald and Vaughan so well in his tow — to have surrendered control to the fresh, young unacquainted Jay, as much a stranger to the exact conditions as he was to the English Oswald and Vaughan.

by the middle of November, has already been noticed in detail.(233) To recapitulate in brief: The visionary magnanimity of Shelburne (so vital to America) had been severely jolted. The promise of all Canada had been criminally neglected. The prosecution of reparations for the Americans had not been sustained with Franklin's vigor. Priceless time had been capriciously wasted over recognition in advance(234) —— during which Spanish and French opposition had had time to take practical form in de Rayneval's mission; and during which Eliot's Gibraltar performance had restored some of its backbone to the British nation;(235) and as a result of which the so vital pliant Oswald had been replaced by Strachey. Finally, a quarter of New Brunswick and the whole of Southern Ontario had been retaken from the Americans, as well as the refunding of British merchants up to 1775. That Jay and Adams had not lost more was only owing to two conditions over neither of which they had any control. First, Shelburne — partly owing originally to Franklin — was still in control of the American negotiations and still "preferred the United States at the fisheries to France and the United States in the Mississippi Valley to Spain."(236) Second, Shelburne had to have a treaty before Parliament met on November 30th.(237) What Jay and Adams would have lost besides, had it not been for these two saving conditions —— one of which was partly due to Franklin —— can only be imagined.

And now after the first half of November (238) 1782, the curtain

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(233) Vide pp. 53-57, chapter 5.
(234) As a matter of fact, England did not(as Jay wished) formally recognize American independence till the Treaty - in which it was made one of the terms.
(235) "Keppel declared the fleet had never been in so efficient a condition", and was now "fully prepared for either offensive or defensive war". (Winsor VII. 161).
(236) Dig. Int. Law III. 916; Winsor VII. 128; Vide p. 45, chapter 5.
(237) As the treaty was only concluded on that day, Parliament was put off till December 5th.
(238) Vide pp. 32, 33, chapter 5.

draws on the third and most dramatic act of the whole performance. As the lights dim the figure of the Franklin of old now far on the road of recovery, may be observed, as ever, sage, adroit, and persevering, with a soundness and fertility of mind as unimpaired by his years as by his siege with his sickness. "His mind appears more active than that of any man of his age I have known," marvelled John Jay, over the old figure now in its seventy-seven year. "He certainly is a valuable minister and an agreeable companion."(239) Seated between Adams and Jay-less than half his age as Adams was a little more than half, his restored cheek and re-kindled eye belied his ripe senectitude.

Consistent as had been the losses of Jay and Adams, there was one front where Franklin on his reappearance from the wings could do nothing. This was that partial breach in the now much - cracked July wall of Franklin, which breach Strachey had made with the aid of Adams from the inside. On this question of the debts to British merchants, it will be recalled, Adams newly-arrived and green, had (without the sanction of Jay and Franklin, his now senior colleagues) surrendered what had been already conceded by England in Oswald's instructions of September 1st.(240) "I have no intention of Cheating anybody," Adams had declaimed,(241) perfectly indifferent to the fact that this implied an insult to Jay and Franklin. As far as Franklin was concerned Adams rather relished the insinuation and thought it so fine that he uttered it to Franklin in his presence when they first discussed the subject and Franklin's previous opposition on the matter. "The question", Adams had gone on, of paying debts and compensating the tories, are two". And in this way Strachey had gained the partial concession from Adams, that debts up to 1775 would be paid.

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(239) Morse p. 365. "Jay would reason, Adams would fume and thunder, Franklin would tell story, and Oswald would give up another point".(Fay p. 475). Incidentally, of course, Franklin's celebrated "stories" had a covert way of achieving his purposes."

(240) Vide p. 55, chapter 5; Fitzmaurice III. 255.

(241) Adams III. 300.

There is a little inconsistency in this gesture of Adams. If "his sense of honour was much higher than that of his colleague"(242), why should he have discriminated between "cheating" the creditors of 1774 and "cheating" those of 1775? With regard to restitution to two groups for what America had obtained from each - why should he have discriminated against "cheating" a comparatively few "King's Loyal Subjects" in Britain in favour of "cheating" some hundred thousand (a vast proportion innocent and peaceable) "King's Loyal Subjects" in America? Mr. Adams supplies the answer in his Diary at the end of a little self-praise on November 3rd: "It silences the clamors of all the British creditors against the peace, and prevents them from making common cause with the refugees."(243)

Franklin's strenuous opposition on the debts had been originally a three-fold one. First, the broad one used also against the Loyalists, that the matter came under the jurisdiction of the separate states with their"state rights", and not that of Congress. Second, the ingenious argument that "much of the merchandise from the sale of which these debts ought to have been paid had been destroyed by English sailors during the war." Third, it had probably been the intention of Franklin to use this like the Loyalist indemnity, as a counter to be traded in his "Reconciliation" in exchange for Canada.

When Strachey returned from London on November 21st with the tentative proposals he had taken with him there, he renewed his fight for further recognition of all debts after 1775, as well as before (which latter he had already gained from Adams). Franklin arrived to take again a connected part in the proceedings in time to see this partial breach in his July wall being

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(242) Lecky IV. 274. Lecky is severe on this point and understandably. An only criticism is that, in order to the more condemn a general American attitude on debts and Loyalists, Lecky uses this instance to laud Adams.
(243) Diary of Adams in Adams III. 301.

made a complete one by Strachey. But his hands were tied. Adams had rantingly conceded the principle. Franklin's relations with Adams were never intimate and he never tried to reason with the latter. So he held his peace, sighed deeply, and philosophically said nothing in opposition. Strachey won his point, the concession was enlarged, made retroactive, and ultimately required: "Creditors.. shall meet with no lawful impediment to the recovery of the full value in sterling money of all bonâ fide debts heretofore contracted."

If Franklin's hands were tied on the subjects of debts, they were eminently free for the last fight of the long drawn out negotiations. For this the recuperated Franklin returned to the arena none too soon. Of all the English offensive the most concentrated attack came at this time and, as we shall see, had it not been for the reentrance of Franklin, the English drive would have carried the day. The battle was on an old ground and, like that over the debts,one which the English had earlier abandoned. "His Majesty is pleased, for the salutary purposes of precluding all further delay and embarrassment of negotiation, to waive any stipulation by the treaty for the ... merchants whose debts accrued before the year 1775 and also for the claims of the refugees for compensation for their losses; as Dr. Franklin declares himself unauthorized to conclude on that subject."(244) Such had been Oswald's confidential instructions two and a half months before. During the gradual English advance since then, Adams had surrendered both the above debts, "and all bonâ fide" ones after 1775 "heretofore contracted" as well. But now when the English tried to follow up their advance and retake their second objective, they ran up, to their surprise, against a new but veteran rearguard from Passy.

The attack was a formidable one. In the words of Lecky, "A vast amount of territory to the south of Canada, and to the east of the Mississippi, had been conceded to the United States, to which they had little claim, and

(244) Fitzmaurice III. 255(Townshend to Oswald, September 1st 1782).

it was proposed by the English that lands in the uninhabited country should be sold, and that a fund should be formed to compensate the loyalists."(245) Now at critical closing period of the negotiations, the English nation from King to peasant was demanding restitution of some kind for the refugees. With singular unanimity in a people that for seven years had been divided on the war, the cry swelled that whatever else might be omitted from the treaty, a provision for Loyalists must not be. Their confiscated belongings must be restored, their sufferings alleviated, their losses made good. "They had stood by England; England must stand by them."(246) Daily, Shelburne's chambers swarmed with refugees, all applicants for relief and compensation. No duty of his office was so painful, wrote Shelburne, as to give these unfortunates audience and listen to the tale of their distresses. Shelburne knew perfectly well in the middle of that November that no ministry could survive a treaty which did not provide for these unfortunates. The unhappy George III, among his desperate thoughts of removing to Hanover, fastened with vehemence on the determination not to forsake subjects of such tried loyalty, and was himself one of the most absolute in his demands for compensation.(247) From the other side of the Channel de Vergennes wrote to de la Luzerne on November 23rd: "England could not well be expected to abandon the Loyalists, since it was the usage observed by all nations to stipulate in a treaty for amnesty and restitution."(248) He even took active measures so far as interviews with Adams and Jay on the subject, just before the return of Franklin to the conference table. Oswald wrote to Townshend on November 15th:

"Both these gentlemen (Adams and Jay) told me.. this Court(France) had thought fit to take up the question regarding the Loyalists, and become

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(245) Lecky IV. 286.
(246) Parton II. 494.
(247) Fay p. 473; Dig. Int. Law III. 918.
(248) Winsor VII. 141.

advocates for them... Mr. Adams said he had been sent for last week at Versailles, and that Monsr de Vergennes had talkt(sic) to him strongly in their favor but that he(Adams).. could guess.. his(de Vergennes') motive.. to prevent a speedy agreement.. The other gentleman(Jay).. gave the same.. opinion of the subject... How far they are right I don't pretend to say."(249) Lecky disagrees with the suspicions of the omniscient Jay and Adams. "Vergennes", he writes, "strenuously supported Shelburne, and urged, as a matter of justice and humanity, that the Americans should grant an amnesty and a restoration. As far as can be judges, his motives appear to have been those of a humane and honourable man. He knew the loyalists represented the real opinions of a large section of the American people, and that he was himself mainly responsible for their ruin. If France had not drawn the sword, there is little doubt that they would still have been the leading class in America."(250)

On his return to Paris on the 24th November, Strachey brought back the announcement that every member of the cabinet had been canvassed by him and that they were all "strenuous in demanding the restitution of the confiscated estates."(251) It was now that the desperate Strachey — on this point at one with Oswald — was reinforced by Fitzherbert, on the 25th.(252) And the tenor of their arguments is traceable to Shelburne's striking letter of the 23rd. "This Country is not reduced", stated Shelburne in it," to Terms of Humiliation and certainly will not suffer them from America. If Ministers through Timidity or Indolence could be induc'd to give way, I am persuaded the Nation would rise to do itself Justice & to recover its wounded Honor. If the (American) Commissioners reflect a moment with that coolness which ought to accompany their Employment, I cannot conceive they will think it the In-

(249) Oswald's Journal in Franklin Papers, 1st Ser., XII. 611, L. of C. (Oswald to Townshend, November 15th 1782); Winsor VII. 140.
(250) Lecky IV. 286.
(251) Parton II. 494.
(252) Adams I. 379.

terest of America to leave any Root of Animosity behind, much less lodge it with Posterity in the Heart of the Treaty. 'Tis a very inferior Consideration, and what you will do me the Justice to acknowledge that I never leant to, what affects the Minister of the day. Our uniform conduct ought to speak for itself, and it must lie with the Americans what return they choose to make. If the American Commissioners think that they will gain by the whole coming before Parliament, I do not imagine the refugees will have any objection."(253)

Apart from this wide-flung assault with which Franklin was met on his return to the conferences, near and about him there appeared to be signs of a weakening of the American resistance. From at hand the first to give way was the neo-American Vaughan, his own close friend, biographer and admirer. When the American conversations with Strachey had reached an impasse on the Loyalists, Vaughan had undertaken once again in November to represent the American views to the cabinet, and had "felt confident that when they heard the truth about the loyalists, whose true history, he said, was little known in England, they would hold out no longer".(254) But Vaughan's trip was a signal failure. The cabinet's existence hinged entirely on a recognition of the Loyalists by the United States. Met now with an iron wall in London, Vaughan rebounded against the Americans, in an effort to win the concession from them and save the treaty.

"I beseech you again and again", he implored Franklin, "to meditate upon some mild expedient about the refugees. The present moment is of all others most favourable to our views of reconciliation. We have.. a liberal English Commissioner(Oswald), and a liberal first Minister for England(Shelburne). All these circumstances may vanish to-morrow, if this treaty blows over... I pray you then, my dearest, dearest Sir, that you would a little take this matter to heart. If the refugees are not silenced, you must be sensible what

(253) Shelburne MSS., LXXVI. 179, Can. Arch. (Shelburne to Oswald, November 23rd, 1782).; Fitzmaurice III. 299.
(254) Adams III. 312; Windsor VII. 142.

constant prompters to evil measures you leave us; what perpetual sources of bad information... We are not well informed about the deeds of the refugees in England; and we can only now be well informed by politicians, that would do irreparable mischief... Put yourself in Lord Shelburne's place.. England has given much ground of confidence to America. In my opinion, England will do her business in the way of Reconciliation, very much in proportion as you do your business generously at the present peace. England is to be won, as well as America is to be won; and I beg you would think with yourself and your colleagues about the means. Excuse this freedom, my dearest Sir; it is the result of a very warm heart, that thinks a little property nothing, to much happiness. I do not.. ask you to do a dishonorable thing but simply... to give our English ministry the means of saying, on the 5th of December, we have done more than the last ministry have done. I know you have justice on your side; I know you may talk of precedents; but there is such a thing as forgiveness, as generosity, and as a manly policy, that can share a small loss, rather than miss a greater good." (255)

Nor was this the only defection. It soon began to appear that Adams and more particularly Jay were slipping. On the day Strachey's new instructions reached him, and after a long argument from Oswald, Adams wrote in his Journal: "November 21st.. I(Adams) asked what he(Jay) thought of agreeing to some compensation to the Tories... He said that a tract of land with a pompous preamble, would satisfy the English; but he would call upon Oswald.. to know more."(256) What he "knew more" after calling on Oswald is not stated but what he soon discovered was that Franklin was brooking no further surrenders, and that single-handed he was prepared to maintain indefinitely that stand against the Loyalists. Adams discovered it too. On November 26th the first

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(255) Sparks IX. 433-435.
(256) Adams' Journal of Peace Negotiations in Rev. Dip. Corr., VI. 63.

joint offensive of Strachey, Fitzherbert and Oswald was let loose.(257) That night Adams significantly confided in his Diary: "Tuesday... The rest of the day was spent in endless discussions about — the tories. Dr. Franklin is very staunch against the tories; more decided a great deal on this point than Mr. Jay or myself."(258) It was obviously only this "staunchness" of Franklin's that restrained his colleagues. Fitzherbert who sat in with the Americans for these four days of the winding-up Loyalist battle, is known to have remarked of this period that "Jay and Adams rather feared than were attached to Franklin".(259)

Why did Franklin take such a determined stand against the Loyalists? The answer is two-fold. We may conceive of tactical reasons and personal ones. As to the tactical reason, Franklin had originally offered Loyalist indemnification for the cession of Canada and for perhaps equal reparations to the Americans from the sale of crown lands there. Canada was in November not ceded and the argument for American reparations had been dropped. Therefore he saw no reason, in two concessions having been made, to climax them with an additional surrender on such wide dimensions as the involved indemnifying of some hundred thousand people. Second, while he had been sick, the French breach had developed and an alliance of Adams and Jay had worsted him into acquiescing and assuming a subordinate position. Jay's relative, Livingston, was Secretary of Congress, and Adams also had his New England following there.(260a) Franklin stood in a very unfavourable position, charged here and at home with a somnolent subserviency to the French court. A diversion somewhere was imperative. When he was better, the fight hinged on the Loyalists. In order therefore to retrieve lost laurels at home Franklin played to Congress on this question. Third, it may be said Franklin knew England would not renew the war merely for

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(257) Winsor VII. 143.
(258) Adams' Diary in Adams III. 332.
(259) Edn. Rev., quoted in Hist. Char., I. 356.
(260a) As well as the Lee-Adams "junto"

a Loyalist indemnity. To do so would have been to throw America back into the lap of France, and would easily have cost England six times the price of the indemnity. Further, in the confiscation of estates America had, for argument's sake, been given an example by England in Ireland and in Jacobite Scotland. His commonest argument was that Congress had no jurisdiction over confiscations under the laws of the separate states. This argument is rational, considering the amorphous condition of the then American confederation, but whether it was perfectly sincere is a matter that cannot be proved one way or the other. Admittedly, however, the business would have been a very difficult one.

So much for expediency. It is much more likely, however, that his fight against the Loyalists was even more on the personal grounds of his private bitterness. He had been himself once very loyal to England; had mingled with and known her governing class, their eighteenth century lives, and their government; had long and patiently endeavoured to educate them to what he considered the right views, but had failed and been dragged through the mire. He considered therefore he knew better than the Loyalists the government of the England for which they fought. When it came to war in 1775, with what he considered the duty of a citizen of a land in which one lives, he had joined her councils, placed himself and his goods at the disposal of her chosen government, had his possessions ransacked, bitterly, suffered hardship and sickness instead of rest and retirement —— and all this the more because the American division created by the Loyalists had prolonged the struggle for so many years. For this he held them to blame, as when towards the close of the war the main struggle at an end, the raids of the Loyalist bands had continued. To Franklin their land had been America and in rising against the popular government of that country these people were merely 'royalists", and not 'loyalists'. The mutual feelings between the two are comparable with those of the "Patriots" and the "Family Compact" of 1837 in Canada.

Further, Franklin was a strong nepotist, very fond of his family and proud of his only son, Governor William Franklin of New Jersey. The rather bourgeois heart of the parent had been mildly intrigued by the aristocratic bearing of the son. When the war parted the two and the son chose to follow the old allegiance, it irreconcilably embittered Franklin as much against the whole class as it estranged him from his own son whom he never forgave and never saw again but once.(260) Now at the end of the war he felt

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(260) For a man of Franklin's liberality and moderation, the perpetuated scorn of his attitude towards the Loyalists can only be called extraordinary! He is only known to have spoken gently of them once. As late as 1788 though otherwise a most philanthropic octogenarian, Franklin could still compose the following uncharitable and ironical

"Analysis of the American Loyalists...

"Two hundred eighty-eight Persons called Loyalists, and specified by the Name in the Morning Post, classed in the following Manner:

1. Persons residing in Great Britain.....	32
2. Deceased Persons.....	34
3. Apostates, that is to say, Persons who had conformed to the American Government and voluntarily taken the necessary Oaths, among whom are divers who had been Demagogues and Leaders of the People, and who had been in hopes of saving their Estates after the capture of Charlestown by Sir Henry Clinton, and who are now desirous of being reformed for the same Benefit.....	139
4. Persons of doubtful Principle, viz., who, from the Beginning, were endeavoring to play a safe Game, and Take the strongest Side, as occasion might offer.....	12
5. Persons whose Names are unknown, and others who are known to be of no Weight or Importance, the strongest Part of whom would probably come under the Title of Apostates.....	71
	288
6. American true Loyalists.....	000
	288 "

(Bigelow X. 72).

that by England the Loyalists might be erroneously better regarded, but that this was England's own mistake, and nothing to do with him. In any case he reasoned that to restore their estates and resettle them in the country was folly. Better that they remain under the protection of the troops on the seacoast and remove to Canada or England or the West Indies. To restore them in the new republic was, felt Franklin, to perpetuate the later so-called "ancient grudge" in the very heart of a nation only just born.

"Life's night begins: let him never come back to us!
There would be doubt, hesitation, and pain,
Forced praise on our part — the glimmer of twilight,
Never glad confident morning again! "

Such was the attitude of Franklin to the Loyalists.

Let us now return to Franklin's actual fight against the combined assault of the three desperately earnest British Commissioners, with an importuning Vaughan on one side of ~~them~~ him and a none too strong Adams and Jay on the other. Before once again reentering into a leading part in the negotiations, Franklin had sent to Livingston the news of Oswalds instructions of September 1st: "Something has been mentioned about the Refugees and English debts, but not insisted on."(261) About the same time Vaughan had written home to Townshend a suggestion which owing to its patent impotence was later the only useless satisfaction wrested from Franklin by all the elements at work against him. "In my last letter", thus wrote Oswald to Townshend on October 17th, "I advised that the value of the ungranted lands in the several colonies could not be saved as a fund at His Majesty's disposal (for the Loyalists), as the Commissioners insisted that every Property belonging to the Crown must go with other rights to the Thirteen States... Where there is no controul(sic) on one side and circumstances press for decision, perhaps it may be proper...

(261) Jefferson Papers, vol. VIII., L. of C. (Franklin to Livingston, October 14th 1782).

not to insist on a provision of this kind standing part of the treaty. At the same time as a great sum may be raised out of this Property, as well as what (property) is cut off from Canada, it would not be taken amiss by the Commissioners, if it was submitted to their consideration and equity, in a separate way from any determination regarding the treaty."(262) He then suggested a private separate letter which would tend to soften the resentment against the Loyalists.

On November 5th Oswald, and Strachey before departing home for advice, had written separate letters to the Commissioners appealing strongly and with finality on behalf of the Loyalists.(263) In preparation for the return of Strachey and the last English assault on this subject, Franklin got busy and prepared what in comparison with the two English letters may truly be called a withering blast. It was in its essence his old April argument for reparation to the Americans but now ingeniously elaborated to meet the concentrating Loyalist barrage.

On November 26th it came, as we remarked, from the three united British plenipotentiaries. Franklin had his new development all primed and now ricocheted his fire through Oswald at the rest.(264) He opened first with the old argument: the confiscation of the estates was the act of the legislatures of the States in which they were situated, and that therefore the Congress of the United States could not restore them. Second, that the losses entailed on the refugees by those confiscations were as nothing compared with the stupendous sum of damages inflicted on the Americans through the "lawless conduct" of the British troops". He recounted the burning of Charlestown, Falmouth, Norfolk, New London, Fairfield, Esopus; the "desolation of vast tracts of country"; and the "slaughter of hundreds of unoffending farmers." He ac-

(262) Oswald's Journal in Franklin's Papers 1st Ser., XII. 453, L. of C. (Oswald to Townshend, 17th October 1782).
(263) Vide Appendix G.
(264) Vide Appendix H for this letter to Oswald, in toto.

tually presented here a legislative bill providing for such compensation and an elaborate argument sustaining it. In conclusion he added to the British Commissioners through Oswald: "I must repeat my Opinion that it is best for you to drop all Mention of the Refugees. We have proposed, indeed, nothing but what we think best for you as well as ourselves. But if you will have them mentioned, let it be in an Article, in which you may provide, that they shall exhibit Accounts of their Losses to the Commissioners hereafter to be appointed, who should examine the same, together with the Accounts now preparing in America of the Damage done by them, and state the Account; and, that if a Balance appears in their Favour, it shall be paid by us to you, and by you divided among them as you shall think proper; and if a Balance is found due to us, it shall be paid by you. Give me Leave, however, to advise you to prevent the Necessity of so dreadful a Discussion by dropping the Article."

The suggestion of two such accounts to be drawn up and compared was not relished by the English Commissioners, and during Wednesday, 27th, and Thursday, 28th, they continued urging compensation.

The end came as suddenly as it was unexpected. On Friday, November 29th, the wearying but grim participants once again gathered in Oswald's apartments. Once again they urged the vital compensation. Once again Franklin refused it."We are but pens in the hands of the Government" explained Fitzherbert when another point arose, and he advised it would be necessary to send another courier home.

"If another messenger is to be sent to London," struck in Franklin, "he ought to carry something more, respecting a compensation to the sufferers in America." He then drew from his pocket a draft article which he proposed to insert into the Treaty, and read it as follows: "It is agreed, that his Britannic Majesty will earnestly recommend to his Parliament, to provide for and make a Compensation to the Merchants and Shopkeepers of Boston whose Goods

and Merchandise were seized and taken of their Stores, Warehouses, and Shops, by Order of General Gage and others of his Commanders and Officers there; and also to the Inhabitants of Philadelphia, for the Goods taken away by his Army there; and to make Compensation, also for the Tobacco, Rice, Indigo, and Negroes, etc., seized and carried off by his Armies under Generals Arnold, Cornwallis, and others, from the States of Virginia, North Carolina, and Georgia, and also for all the Vessels and Cargoes belonging to the Inhabitants of the said United States, which were stopped, seized, or taken, either in the Ports, or on the Seas, by his Governors, or by his Ship-of-War, before the Declaration of War against the said States. And it is further agreed, that his Britannic Majesty will also earnestly recommend it to his Parliament to make Compensation for all the Towns, Villages, and Farms, burnt and destroyed by his Troops or Adherents, in the said United States."(265)

This inimitable stroke cut off a retreat and ended the business. Nothing more remained to be said of compensating the Loyalists, or annulling confiscations. Strachey, Oswald and Fitzherbert withdrew for consultation. Upon their return, they accepted the terms proposed on behalf of the United States and signed the preliminary treaty of nine articles. There was no alternative to Franklin's manoeuvre — "since", as Wharton concludes, "the only answer would have been a revival of the suggestion for ceding Canada to the United States as a fund from which spoliations in America could be made good and the refugees in England could be pensioned." For this, however, with the doors of Parliament opening five days away, it was now too late.

Various explanations have been given for the conditions motivating the events of the final week. But it would seem that no great advantage lay

(265) Adams III. 334; Dig. Int. Law III. 918; Parton III. 498. To this draft article was also appended a statement of "Facts", in support of the article.

with either the English or the Americans. Shelburne had to have a treaty with which to meet Fox and North in Parliament; and it was even more imperative, for this "above party" statesman, to prevent the return of the Americans to the French fold. On the other hand the Americans feared that if no treaty was reached, the fall of Shelburne would produce in Fox and North successors much less well-disposed to America. The best terms were to be had from Shelburne and it was therefore a case of now or never! Further, as the English Fitzmaurice admits, the breach with France was then at its widest, the Americans "stood practically alone" and "felt the consequences of their isolation."(266) Thus both Shelburne and the Americans teetered backward and forward on the Loyalist indemnities. But the resiliency of Franklin's physique, his bitterness towards the "tories", and the resourcefulness of his strategy —— these thrown into the American scale, brought it crashing down in their favour and won the day.

To save the face of Shelburne before Parliament, Franklin, following the lines of Oswald's old suggestion on October 14th,(267) consented to the insertion of a vacuous article: "that Congress should recommend to the state legislatures to restore the estates, rights, and properties of real British subjects."(268) As Morse says, "The American envoys knew that this was worthless.

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(266) Fitzmaurice III. 300, 301.

(267) Vide p. 81, chapter 5.

(268) Among the Franklin manuscripts in the American philosophical Society(LV.II, MSS. in A.P.S.) is a full copy of the Loyalist clause written in the hand of William Temple Franklin, Benjamin Franklin's grandson, who acted at Paris as Franklin's secretary and later as secretary for the Americans in the negotiations of 1782. It was thus first registered officially by the very son of the Loyalist ex-Governor William Franklin of New Jersey. On leaving for France in 1776, Fay(p. 402) writes Franklin "had broken off with his son who was now in prison. He punished him, moreover, by taking William Temple with him as secretary and companion. The lad protested he wanted to stay by his father and serve him instead, but Ffanklin had the upper hand and broke off the relationship he had just made." (To make Fay's last words clear, it must be explained that Franklin's natural son, Governor William Franklin, had as a youth in his turn presented Franklin with a natural grandson, William Temple Franklin, whom Benjamin Franklin brought up as loyally as he had acknowledged and brought up the natural William of his own early days.) Vide Appendix I.

The British negotiators were not deceived. But the article sounded well and gave at least a standing ground for the ministry to defend itself."(269)

On September 3rd 1783, the definitive treaty was signed by Franklin, Jay and Adams for the United States. David Hartley who had subscribed himself for long as Franklin's "most affectionate friend"(270) signed for Great Britain, and entertained Franklin in his apartments at the "Hôtel de York", in Paris. But despite the relieving round of pleasures that followed, Franklin and his colleagues honourably despatched the following letter to the President of Congress, Elias Boudinot, exactly a week after the sealing of the treaty: "In whatever light the article respecting the Tories may be viewed in America, it is considered in Europe as very humiliating to Britain, and therefore as being one which we ought in honour to perform and fulfil with the most scrupulous regard to good faith and in a manner least offensive to the feelings of the king and court of Great Britain, who upon that point are extremely tender... The recommendation of Congress promised in the fifth article should immediately be made on the terms of it and published, and the States should be requested to take it into consideration as soon as the evacuation of the enemy shall be completed. It is also much to be wished that the legislatures may not involve all the Tories in banishment and ruin; but that such discrimination may be made as to entitle their decisions to the approbation of disinterested men and dispassionate posterity."(271)

Franklin had meet Shelburne during his second visit to England, on which he had sailed in 1757. Some twenty-five years of varied friendship between the two ended in 1786 with the note from the retired Shelburne who now signed himself Marquess of "Lansdown" (272) It seems unnecessary to say it is on the subject of the Loyalists. "Mr. Anstey", writes Shelburne, "a

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(269) Morse p. 377.
(270) See his letter in 1776 to Franklin (Sparks IX. 174).
(271) Smyth X. 401, 402; Bigelow VIII. 346.
(272) Shelburne signed "Lansdown" without a final "e".

Gentleman of very respectable Family Connections and Character is sent by the Board appointed to investigate the claims of American Loyalists on America. I am interested in regard to this Board as it was instituted while I was at the Treasury, and shall always feel very deeply so in whatever regards the Treaty of Peace, which it so much concerns the honour of both Countries and their future Intercourse to have duly and faithfully executed. Though out of Office I beg to recommend Mr. Anstey to your best Services throughout the different States. I shall likewise be much obliged by any personal civilities which you are so good to shew him.

"I rejoice among the rest of your Friends to hear of your safe arrival in America, and hope to hear that you do not suffer much by your troublesome Inmate."(273)

This brings to an end our survey of the negotiations of 1782. Under Franklin's masterful hand the destiny of Canada had been first hung in the balance, then slowly but remorselessly adjusted to an American bias. From this jeopardy its present identity was rescued only by the intervention of Franklin's compeers, Jay and Adams.

Before closing, it might be instructive to review the opinions ventured on the subject by historians and biographers. Professor Alvord in his paper(274) on Lord Shelburne in 1925 wrote: "Oswald entertained the notion that Canada might be added to the immense territory of the United States; yet, if one can judge from Lord Shelburne's own statements on the subjects, the British agent was deceiving himself. The Prime Minister never was unconscious of the hostility which he would meet in Parliament, when the terms of

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(273) XXXIV. 17, MSS. in A.P.S. ("Lansdown" to Franklin","26th Jany. 1786"). "The troublesome Inmate" refers probably to the gout, Franklin's chronic enemy. Vide the "Dialogue between Franklin and the Gout"(Sparks II. 194-201) where he is punished for having a breakfast of "four dishes of tea with slices of hung beaf(sic)" followed by two or three hours of chess and no physical exercise.

(274) C. W. Alvord: "Shelburne and British-American Goodwill, —— a Raleigh Lecture before the British Academy", 1925.(p. 22).

the treaty were made known; and he was not anxious to add to his burdens by wiping out the whole British fur-trade on the American continent."

It is perhaps pertinent to examine carefully this authoritative opinion expressed before so distinguished an English body.

As a matter of fact, in the treaty he made Shelburne did "wipe out" if not "the whole of the British fur-trade on the American continent", then a good half of it. Lord Loughborough complained in the House of Lords that they now "had a monopoly only in the same way that every country had a monopoly of its own produce." North pointed out that they had given a tract which comprehended twenty-four Indian nations, and where many forts had been erected." Lord Walsingham expatiated on the "several hundred million acres ceded", the "faith broken with the Indians" the "lost fur-trade monopoly", and the resultant fact that "the province of Canada was rendered insecure." "All Canada was virtually lost to them", corrected Lord Carlisle. The dialectic Shelburne's only(and damaging) defence was that they "had only relinquished an oppressive monopoly which it was in their interest to abolish;" and that "as to the Indians, the Americans knew best how to manage them." This does not sound as though Shelburne had retained so very much of "the whole British fur-trade". The sober fact is that with the surrender of regions such as that of Detroit and the Ohio Valley, ~~(275)~~ something like a half of the monopoly vanished. The St. Lawrence and Ottawa Valleys —— which in the September negotiations represented all that remained of Canada —— were not representative of a monopolistic fur-trade. If anything this distal straggling "few arpents of snow" represented only a dwarfed tramontane peasantry, as alien in every sense to an English civilization as it had just proved torporific towards an English partisanship.

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But was the fur-trade very important? Had his colleagues supported Franklin in insisting on all Canada with its fur-trade thrown in, would Shelburne really have resisted? We have his own answer in the House of Lords "The imports from Canada amounted to only £50,000, and it was not worth while continuing the war at the cost of £800,000 annually for the sake of the imports."

Far more important than the fur-trade, or the cession of Canada, was the question of the Loyalists. As Dr. Francis Wharton says, "George III then cared nothing for Canada but his heart was set on indemnity to the refugees." The King was vehement only on this, the whole nation clamoured only for this, the existence of the cabinet hung only on this and the ministry was well aware of all this ——— yet Franklin could force Shelburne to accept a treaty that guaranteed — not an indemnity but if anything a dismissal from office. Considering all this, may we not thus presume that had Franklin been allowed to work out by himself (in return for Canada) an equitable arrangement of crown land indemnities, Shelburne would have eventually agreed, appeased the King and the nation and the émigrés, — and retained for himself the Treasury or Premiership?

Professor Alvord speaks of "Lord Shelburne's own statements on the subject". But as the Professor does not supply these and the conditions under which they were made, it is as impossible to dispute him as to agree with him. We have already seen one of Lord Shelburne's statements in the House of Lords, and this was an admission not to the Americans, with him Shelburne might have sparred awhile on the subject, but to his own countrymen. This statement of his in the House of Lords, everything considered, may be accepted as highly significant.

Professor Alvord would seem to be also a shade self-contradictory. On page twenty-two Professor Alvord writes: "If one may judge from Lord Shelburne's own statements on the subject (the cession of Canada), the British agent(Oswald) was deceiving himself". Yet but two pages before, in analyzing

Shelburne's character the Professor warns us against "judging from Lord Shelburne's own statements": "If his (Shelburne's) answer, says the Professor, is in the negative then his speech in Parliament must be discounted as propaganda. Lord Shelburne held strongly to the opinion that men must be deceived into doing good. He therefore proceeded to justify his actions on grounds which he thought his hearers would appreciate, and he hid from them the motive drawn from idealism, which they would have held in contempt."

In general, from all the evidence he submits in his otherwise admirable lecture, it is rather surprising Professor Alvord arrives at the conclusion he does. For various reasons, one of which being that he is the latest authority to treat the subject, we take the liberty to quote him extensively.

First, Professor Alvord himself shows the importance of the fur-trade, which as he admits Shelburne preferably bequeathed to the Americans when Spain wished England to keep it herself:

"Let us turn to the Old North-west. In this region, around and south of the Great Lakes, was centred the fur-trade as it was practised in 1782. Detroit and Mackinac were the villages whence fleets of boats and canoes went in every direction in pursuit of furs... For almost a generation after the treaty was made, the British traders continued to penetrate to the very heart of the Illinois Country, south-west of Lake Michigan, to ply their trade... Throughout the period of the war, British officials and troops maintained unbroken sovereignty here with two minor exceptions... Pittsburg(and) the extreme south-west corner,.. Kaskaskia, Cahokia, and Vincennes." Here then he shows us how much England surrendered the monopoly of the fur-trade; and how little claim United States had to it — both which circumstances indicate Shelburne's generosity to America.(276) If any further proof were needed, the Professor himself supplies it: "It seems evident that, if North, or Portland, or Fox had been the

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(276) Alvord, pp. 8, 9.

responsible minister, the Old North-west would probably not have been ceded to the United States."(277)

He praises Franklin adequately: "It may be truly said that what Washington was in America, Franklin was in Europe. From the beginning of his mission the Count de Vergennes received him in the most friendly relations and never lost his affection for, and confidence in the old man, an affection and confidence that Franklin reciprocated."(278)

We have already shown how vital was a Loyalist indemnification to Lord Shelburne. Professor Alvord agrees: "Lord Shelburne had very much at heart two matters upon which he hoped the Americans would yield. The first was a payment of debts owing to the British merchants by the Colonists, and the second was the restoration of the confiscated property of the Loyalists, or at least compensation for their losses. The minister had personal relations with many of these unfortunates... The laws confiscating Loyalist property had been passed by the individual states over which the loose Confederation possessed no coercive power."(279)

In dealing with the breach developed in the Alliance between France and America, the Professor also agrees: "Jay and Adams were the most guilty, for they persuaded Franklin to act against his better judgement. All three, however, united in disregarding their instructions, in ignoring their own promises. They delivered themselves into the hands of the enemy and betrayed their friends. A preliminary treaty, already signed, was presented to Vergennes as the return for his efforts on behalf of the revolting Colonies. No excuse for this betrayal of trust can be made, nor is it the duty of an historian to make one, although many efforts have been put forth to justify the act of the American Commissioners by heaping obloquy upon the French minister."(280)

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(277) Alvord, p. 19.
(278) Ibid, p. 12.
(279) Ibid, p. 17.
(280) Ibid, p. 18.

In our humble opinion, Shelburne felt far too much confidence in Franklin, in the belief he was dealing with the Anglophile Franklin of his own days in the Ministry of the Talents.(282a) This of course only added the more to Franklin's influence on Shelburne and to the likelihood of the Canada business succeeding under the American's persuasiveness. Professor Alvord does not quite agree here. "He (Shelburne)," we read, "was a student of man, however, and understood when confidence should be met with confidence; and so long as he acted alone, nothing was done to mar the spirit of good comradeship with which the negotiations were opened. Franklin no more than Shelburne exhibited the spirit of secretiveness, duplicity, and intrigue with which we associate with what we now call the 'Old diplomacy."(281) Thus the Professor's and our own conclusions are the same in the end in so far that Shelburne, already ready to be generous, was likely to be the more so on account of his confident "good comradeship" for Franklin. This incidentally all argues for the easy cession Canada would have been.

It will be recalled that in July Franklin had put forward "necessary" and "advisory" terms, and the "advisable" had counselled the cession of all Canada. Professor Alvord writes in this connection: "These (Oswald's) instructions of July 31st prove that Franklin and Shelburne were in agreement on all the major terms of the peace as it was finally written. The Americans with their later wrangling never gained more."(282) Thus he presumably submits that Shelburne accepted Franklin's "necessary" terms. It should be added in this connection that as to the cession of Canada, Shelburne was by no means emphatically opposed. He merely "hoped" it would not be insisted on, that it would be "dropped". Here <u>was</u> the time to insist and to dangle the bait of indemnification and debts. But Franklin got sick; Jay took charge and started his pother over preliminary recognition. The result was that the instructions

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(281) Alvord, p. 20
(282) Ibid, pp. 23, 24.
(282a) Pitt's second ministry.

of September 1st stipulated in the Professor's words, "that the western boundary of Canada must follow the proclamation line of 1763". It is significant to notice the first appearance of the "must" as regards retaining this Canada. The Professor goes on to mention in the same instructions of September 1st the waiving by the British of the debts and, as he writes, "the claims of the refugees for compensation for their losses. Every concession demanded by the Americans the British ministry by a unanimous vote had decided to yield. Franklin's battle was won."(283) But the Professor is only arguing our case here, which is, that if Shelburne so promptly granted Franklin his "necessary" terms and even scuttled the debts and Loyalists, this is the very reason why in return for salvaging the debts and Loyalists for him, Franklin would have gained his desired Canada.

As to the part played by Jay and Adams, we are happy to find Professor Alvord in perfect accord with us, and we close our examination of his admirable lecture with the following quoted paragraph:

"In every history of the peace negotiations the account of what took place after September 1 occupies more space than what precedes. The chilling breezes of Autumn had succeeded the genial warmth of Summer. They were happy days for Jay and Adams. Franklin was ill. We shall not linger over subtleties which the legal minds were able to discover. It will be sufficient to know that Jay was still dissatisfied with the form of Oswald's commission. When Great Britain was stretching forth to America a generous hand filled with gifts, the future Chief Justice of the United States complained of the wrapping paper. The dispute lasted for about fifty days, during which time Mr. Jay took occasion to give unmistakable evidence to the British minister of his distrust of the Count de Vergennes. Lord Shelburne was made to realize that the purpose of separating America from her allies had been achieved. Time was also granted for him to visualize the storm of criticism he must face in Par-

(283) Alvord, p. 24.

liament, soon to meet, if peace were made in accordance with the instructions of September 1. Never again was he so generous. Stubbornly he fought to win compensation for the Loyalists and justice for the British creditors. Even the cession of the Old North-west to the United States was threatened for the purpose of scaring the American Commissioners into a more pliant mood. From this brief survey of the later period of the negotiations you will realise that the much vaunted diplomatic skill of Jay and Adams was exhibited in an unsuccessful fight to defend what the despised Franklin had already won. Their fight signally failed, for they were compelled to yield somewhat in the case of both creditors and Loyalists."(284) Thanks to Franklin's return the "yield" on the Loyalists was only an admittedly vacuous "recommendation".

Mr.Fisher(285), a biographer of Franklin, writes: "Franklin pressed the cession of ~~Canada~~ Canada, it is true; but there is no evidence that it would have been granted. At that time, the people of America appear not to have wanted the land of snow, and ever since then the general opinion has been that we have enough to manage already and are better off without a country vexed with serious political controversies, with its French population and its Roman Catholic school question."

It is not hard to dispose of this "debunking" gentleman. Mr. Fisher says there is no evidence that Canada would have been granted. As he supplies no reasons for his opinion, one answers him equally well by simply disagreeing with him. If, as he says, the people of America were indifferent to the"land of snow", it takes nothing away from Franklin's desire for it and the question whether, left to himself, he would not have acquired his biographer's bleak tundra. As to the rest of that gentleman's comment that "ever since the general opinion has been we have enough already" —— Mr. Fisher appears to forget the

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(284) Alvord, pp. 24, 25.
(285) Sidney George Fisher: "The True Benjamin Franklin", 1899.(p. 336).

ambitions of 1775, 1778, 1812, and the late "Uncle Joe" Cannon of his own day. He is however constrained to admit that Franklin "was taken sick and incapacitated for three months;" that " Jay and Adams meanwhile arrived;" that Franklin had "added a point not afterwards pressed by the others - namely, that Canada should be ceded to the United States;" and that "Jay and Adams, on taking up the negotiations, dropped Canada entirely."

In contrast to these two writers we have a great amount of more affirmative opinion. The most recent perhaps is that of the Canadian Mr. Graham.((286) While Mr. Graham quotes from Professor Alvord's original statement(287) above (not quite accurately), and seems to defer to it, he then however, goes on to add apparently his own impression: "Nevertheless, it is apparent throughout the conference that Franklin had unshaken confidence in his country's ability to obtain from Great Britain all she asked and probably more. From all evidence, he seems to have believed that his colleagues might well have insisted upon the cession of Canada if they had urged their claims as strenuously as they did the American right to the Newfoundland fisheries, and had satisfied the demands made on behalf of the loyalists."

Mr. Perkins(288) has written: "The condition of Shelburne's ministry was one of unstable equilibrium, and both the minister and Franklin desired that an agreement between England and the United States should be presented to Parliament at its opening as an accomplished transaction, and beyond the power of parliamentary interference... Practically all that the Americans asked, the English conceded... To obtain Canada was a favourite of Franklin and if it had been insisted upon as strenuously as the American right to the fisheries, possibly it might have been granted... Apparently the desire of Franklin for Canada was not shared by his associates... New England and its representa-

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(286) Gerald S. Graham: "British Diplomacy and Canada", 1930.(pp. 41, 42).
(287) Vide pp. 86, 87, chapter 5.
(288) James Brick Perkins: "France in the American Revolution", 1911(p. 470).

tive was more interested in the banks of Newfoundland than the farms of Canada. So Franklin's favourite scheme came to naught though the acquisition of Canada would have been worth more to our country than all the cod in the sea."

In 1929 Franklin's French biographer, Mr. Fay,(289) added: "The British had been dupes throughout; they had paid very dearly for an Anglo-Saxon understanding without deriving any immediate benefits. The French had been deceived, for they had hoped for commercial privileges and worldly prestige which were not guaranteed by the peace. As to triumphant America, she had known how to get the better of her enemies and allies, but not of herself. Jay and Adams, by their patriotism and exacting demands, had probably deprived their country of Canada, which Franklin, by dangling his bait of reconciliation and taking his time, might have acquired".

Senator Bruce(290) wrote in 1917: "It is to be regretted by the United States, if the present happy lot of Canada is to be subject of regret to all, that the desire of Franklin to secure Canada for them was not more urgently seconded by Adams and Jay... Neither appears to have been zealously alive to the considerations which led Franklin to cast a covetous eye upon Canada, and to make it one of the primary objects of his efforts to promote the interests of America during the peace negotiations. On the other hand, Franklin was not less impressed than they were with the importance our North Eastern Fisheries and our Western Destiny; and was quite as stiff as they in maintaining our rights with respect to them".

Parton(291), one of the most detailed and lively students of Franklin's life, sums up the question as follows: "I think it probable that if Dr. Franklin had been alone in the negotiation, on the American side, he would have

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(289) Bernard Fay: "Franklin, the Apostle of Modern Times", 1929(p. 476.).
(290) William Cabell Bruce: "Benjamin Franklin, Self-Revealed". 1917 (pp. 322, 323).
(291) James Parton: "Life and Times of Benjamin Franklin". 1864(II. 461).

procured the cession of Canada; and that, too, without surrendering anything essential, or even important, which the final treaty contained. Unfortunately, of his four colleagues, the only one who could have really understood and co-operated with him, namely Mr. Jefferson, did not reach Europe till the treaty was concluded. Mr. Laurens was an aged invalid, and took little part in the negotiations. Mr. Adams was —— Mr. Adams. Mr. Jay, one of the purest of men, was not skilled in diplomacy, nor acquainted with the scene in which he was so suddenly called to act. Jefferson alone would have taken the correct view of affairs, and been willing to make the trivial concessions that were needful, in order to secure so vast and lasting an advantage. So the opportunity, which escaped in 1782, escaped perhaps never to return."

In a paper in the Widener Library, Harvard University, Mr. Koopman(292) wrote in 1922: "No diplomat representing any country in any age ever accomplished so much for his country as he did. Without Franklin's services in France our Revolutionary War could not have been won, and the United States could not have come into being. One of the most brilliant diplomatic victories he was not privileged to win; but there seems to be little doubt that if our negotiations of the treaty of peace with England had been put wholly into the hands of Franklin, he would have secured not only the territories granted but all British North America." And the Canadian Sir C. P. Lucas(293) corroborated this on similar lines in 1909:: "In the War of American Independence the English had no one to match against Washington. In the negotiations for the peace which ended the war they had no one to match against Benjamin Franklin. The outcome of Franklin's astuteness was the Treaty of 1783."

Our final authority is Dr. Francis Wharton.(294) From his important

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(292) Henry Lyman Koopman: "Franklin's Claims to Greatness", (Read before the Rhode Island Society of Colonial Wars, Dec. 30, 1922). p. 6.
(293) Sir C. P. Lucas: "A History of Canada, 1763-1812". 1909 (p. 208).
(294) Francis Wharton: "Digest of International Law", 2nd Edition, Appendix to volume III. 1887.(pp. 918-931).

treatment of the negotiations of 1782 we presume to quote as follows:

"When Franklin's character as a diplomatist is considered, it must be remembered that to him we owe two treaties, that with France in 1778, and with Britain in 1782-3, which are at once the most beneficial and the most widely and continuously effective of any which are recorded in history; and that these treaties were negotiated by him with colleagues at his side who at least gave him no help, and with no powerful sovereign to back him... Yet nowhere in the annals of diplomacy do we find documents so admirably adapted to their object, in simplicity, and power of style, in political skill, in dexterity and force of argument, as those which during his Paris service sprung from his pen; nowhere such extraordinary results."

This was the man with whom an Oswald was dealing! Using the question of the debts to English creditors as an example of Franklin's position, Dr. Wharton continues:

"When Franklin took the ground that it was not within the powers of Congress to comply with Oswald's 'demand of the payment of debts and compensation to tories', Adams replied, 'I had no intention of cheating anybody;' that 'the question of paying debts and compensating tories are two'.... Franklin when thus overruled by his colleagues, simply 'listened with patience.' He could not do anything else. His colleagues had not only taken their position resolutely, but declared it openly. It is true that by their means Canada was lost... Franklin acquiesced; and by thus moving with his colleagues, at least so far swayed the subsequent correspondence as to.. save the United States from any burden of indemnity to the refugees".

Speaking of Franklin's sickness and Jay's fight over Oswald's commission, Dr. Wharton writes: "Franklin was a man advanced in years, was confined at that period to his chamber by an excruciating disease." He then takes up the arrival of Adams in Paris, adding: "Adams's jealousy of Franklin

led him to blindly reject Franklin's conclusions whenever they conflicted with those of Jay, or whenever, as in respect to debt claims, Franklin could be humiliated by their rejection... The concentrated and localized character of his (Adams's) patriotism led him astray. He fought zealously, vigorously, and successfully for the fisheries and for the northeast boundary. Yet in the absorption of his vision in the fisheries and on the boundaries, he lost sight of Canada, without which no boundary question could be definitely settled and no fisheries could be securely secured."

Lastly, Dr. Wharton analyses the attitude and outlook of Shelburne along the lines already pursued by us in our own narrative, and then sums up as follows: "Reasoning as Shelburne must have done under the circumstances, the probability is that if the cession of Canada had been pressed, and in part as a basis for refugee relief, he (Shelburne) would, with his usual fearlessness, have agreed to such cession. "Nor", concludes Dr. Wharton, "is it likely that this settlement would have been resisted by George III, who then cared nothing for Canada, but whose heart was set on indemnity to the refugees."

While we have been engaged in this unfortunately lengthy review of opinion, Franklin, it is convenient to pretend, has passed his eighty-first birthday and is half way on to a hearty eighty-second of his eighty-four years of life. Let us now allow him to bring this chapter to an end himself. It is by means of a letter in 1785 to a mutual old acquaintance of his and ours, Baron Francis Masères,(295) the precise little Quebec attorney-general of Carleton's early days. The letter(296) is in answer to a mild reproach from the Baron; but it serves us as a vignette of the post-war American Patriarch, with his Patriot's coldness for the Loyalists' fate but with a not otherwise un-English mentality.

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(295) Vide p. 19, chapter 3.

(296) Sparks X. 190; Bigelow IX. 133; 5th Ed., III. 313. (Franklin to Masères, June 26th 1785).

"I agree with you perfectly", writes Franklin, "in the Opinion that, though the Contest has been hurtful to both our Countries, yet the Event, a Separation, is better even for your Country than Success. The reducing and keeping us in Subjection by an armed Force would have cost you more than the Dominion could be worth, and our Slavery would have brought on yours. I used to consider that System (the British Empire) as a large and beautiful Vase; I lamented the Measures that I saw likely to break it, and strove to prevent them. My Endeavours did not succeed.

"A Government wherein the Administrators are chosen annually by the free Voice of the governed cannot be a tyrannical one, as your Loyalists represent it; who at the same Time inconsistently desire to return and live under it. We differ a little in our Sentiments respecting the Loyalists (as they call themselves) and the Conduct of America towards them; which you think "seems actuated by a Spirit of Revenge; and that it could have been more agreeable to Policy, as well as Justice, to have restored their Estates upon their taking the Oath of Allegiance to the new Governments." That there should still be some Resentment against them in the Breasts of those, who have had their Houses, Barns, Farms, and Towns so lately destroyed, and Relations scalped, is not wonderful, though I believe the Opposition given by many to their Reestablishment among us is owing to a firm Persuasion that there could be no Reliance on their Oaths; and that the Effect of receiving those people again would be an Introduction of that very Anarchy and Confusion they falsely reproach us with. They have played a deep Game, staking their Estates against ours; and they have been unsuccessful. But it was a surer game, since they had Promises to rely on from your Government, or Indemnification in case of Loss; and I see your Parliament is about to fulfil those Promises. To this I have no Objection, because though still our Enemies, they are Men; they are in Necessity; and I think even a hired Assasin(sic) has a right to his Pay from

his Employer. It seems, too, more reasonable, that the Expense of paying them should fall upon the Government who encouraged the Mischief done, rather that upon us who suffered it; the confiscated estates making Amends but for a small part of that Mischief.

"The Name, Loyalist, was improperly assumed by those People. Royalists they may perhaps be called. But the true Loyalists were the People of America, against whom they acted. No People were ever known more truly loyal, and universally so, to their Sovereigns.(297) The Protestant Succession in the House of Hanover was their Idol. Not a Jacobite was to be found from one end of the Colonies to the other. They were affectionate to the People of England, zealous and forward to assist in her Wars, by voluntary Contributions of Men and Money, even beyond their Proportion. The King and Parliament had frequently acknowledged this by public Messages, Resolutions, and Reimbursements. But they were equally fond of what they esteemed their Rights; and if they resisted when those were attacked, it was a Resistance in favour of a British Constitution, which every Englishman might share in enjoying, who should come to live among them.

"It was indeed a Resistance in Favour of the Liberties of England, which might have been endangered by Success in the Attempt against ours; and therefore a great Man in your Parliament(298) did not scruple to declare, he rejoiced that America had resisted. I, for the same Reason, may add this very Resistance to the other Instances of their Loyalty. I have already said, that I think it just you should reward those Americans, who joined your troops in the War against their own Country; but,"

and here he reveals the bourgeois fibre in his character,

"if ever Honesty could be inconsistent with Policy, it is so in this Instance".

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(297) Perhaps if Franklin had not been away from America for eleven years (1764-1775), he might have been less sure of this. The assertion is true of Franklin more than any of his fellow Patriots.

(298) Lord Chatham.

Chapter Vl.

Humour. Labrador missions. Rev. John Carroll again. Nova Scotia real estate. Ashburton-Webster treaty. Earl Grey; 1765-1906.

Equal to the vague notions of America obtaining in England were the often wild assertions made by interested people. One day a newspaper correspondent, signing himself The Spectator drew the following piece of satire,from a Traveller who was none other than Franklin. (1)

"Dear Sir.. The very Tails of American Sheep are so laden with Wool, that each has a little Car or Waggon on four little Wheels, to support and keep it from trailing on the Ground.. This is as certainly true as the Account said to be from Quebec in all the Papers of last week, that the Inhabitants of Canada are making Preparations for a Cod and Whale Fishery in the Upper Lakes. Ignorant People may object, that the upper Lakes are fresh, and that Cod and Whales are salt water Fish;but let them know,Sir, that Cod, like other Fish, when attacked by their Enemies fly into any Water where they can be safest;that Whales, when they have a mind to eat Cod, pursue them wherever they fly; and that the grand Leap of the Whale in the chase up the Falls of Niagara is esteemed, by all who have seen it, as one of the finest Spectacles of Nature."

In the time of the American Revolution, the Moravian Society in England sent annually a vessel with supplies to their missionaries on the coast of Labrador. The secretary of this society applied in 1779 to Franklin, who was then minister to France, for a passport securing the protection to that vessel against John Paul Jones and the privateers. Franklin readily

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(1) Russell p. 207 & Sparks Vll. 287

complied and issued the following passport: (2)

" To all Captains, and Commanders of Vessels of War, Privateers, and letters of Marque belonging to the United States of America: The religious society commonlycalled the Moravian Brethren, having established a mission on the coast of Labrador, for the conversion of the savages there to the Christian religion, which has already had very good effects in turning them from their ancient practices of surprising, plundering, and murdering such white people, Americans and Europeans, as, for the purposes of trade or fishery, happened to come on that coast; and persuading them to lead a life of honest industry, and to treat strangers with humanity and kindness; and it being necessary for the support of this useful mission, that a small vessel should go thither every year to furnish supplies and necessaries for the missionaries and their converts; which vessel for the present year is a sloop of about seventy-five tone, called the Good Intent whereof is master, Captain Francis Mugford.

"This is to request you, that if the said vessel should happen to fall into your hands, you would not suffer her to be plundered, or hindered in her voyage, but on the contrary afford her any assistance she may stand in need of;wherein I am confident your conduct will be approved of by the Congress and your owners.

"P.S. The same request is respectfully made to the commanders of armed vessels belonging to France and Spain, friends of the said United States."

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(2) Rev. Dip. Corr., 11. 628; Sparks V. 122

This passport was effective. Next year the Moravian Society's secretary (3) writes Franklin,

"Our last year's voyage to and from Labrador was a safe one. The Esquimaux remain friendly, and our people at both missions are well. Many thanks to you for the last year's passport, which I here return again, that you may be sure no ill use can be made of it by us...I should be much obliged if you would be so kind as to send another pass according to this description so that it may be here before the 20th May at latest."

This protection was renewed by Franklin every year following during the war.

John Carroll, The Roman Catholic priest who had accompanied the unsuccessful Commissioners to Montreal in 1776, was not forgotten by Franklin. Following a letter from the Pope's Nuncio (4) a few weeks before sailing home from France for the last time, Franklin could record in a private journal : (5) "The Pope's Nuncio called, and acquainted me that the Pope had, on my recommendation, appointed Mr. John Carroll superior of the Catholic clergy of America, with many of the powers of a bishop... He asked me which would be most convenient for him, to come to France or go to St. Domingo, for ordination by another bishop, which was necessary. I mentioned Quebec as more convenient than either. He asked whether, as that was an English province, our government might not take offence at his going thither?

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(3) Sparks VIII. 496 (Hutton to Franklin, Pimlico, 21 Ausust, 1780.)

(4) Rev. Dip. Corr., I. 614.

(5) Sparks I. 581; Bigelow VIII. 512.

I thought not, unless the ordination by that bishop should give him some authority over our bishop. He said not in the least; that when our bishop was once ordained, he would be independent of the others, and even of the Pope; which I did not clearly understand. He added, they had written from America that there are twenty priests, but they are not sufficient."

This Carroll became bishop of Baltimore and later first Catholic archbishop of the United States. (6)

In 1779 Franklin had had occasion to remark that "the Inhabitants of Nova Scotia , except those of the Town of Halifax, are known to be generally well affected to the American Cause, being mostly Settlers who formerly emigrated from New England."

Of this Franklin reasoned he had cause to feel certain. After the fall of Quebec,in 1760, something like a boom had come in Nova Scotia, where many settlements from New England came out to exploit the fishing and trading opportunities of the province. Liverpool, for example, was founded by seventy families from Connecticut. (7) Franklin, with his usual business acumen, was not to be left out. Attracted by the possibilities of a favourable bit of land speculation, he sent out 'mad Anthony Wayne' to survey the land about the head of the Bay of Fundy where Parrsboro now stands.(8) In 1767 the Philadelphia Company, in which Franklin was interested, despatched the first handful of settlers in the brig Hope to the part of eastern Nova Scotia later known as Pictou County, where, five years later, the Highlanders from the 'good ship Hector', disembarked to the sound of the pibroch.

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(6) Carroll p. 18.

(7) Wittke p. 321.

(8) Canada and Its Provinces XIII. 111- Arch.MacMechan, Nova Scotia under English rule, 1713-1775.

These investments of Franklin figure in the "Last will and Testament". The second sentence of Franklin's will, which was drawn up two years before his death in 1790, reads as follows: "To my son, William Franklin, Late Governor of the Jerseys, I give and devise all the lands I hold or have a right to, in the Province of Nova Scotia, to hold to him, his heirs and assigns forever."(9)

The last letter (10) of the voluminous correspondence Franklin carried on during his long active life was written nine days before his death, and deals with Canada.

"I received your Letter of the 31st of last past," he writes to Thomas Jefferson, "relating to Encroachments made on the eastern Limits of the United States by Settlers under the British Government, pretending that it is the western and not the eastern River of the Bay of Passamaquoddy which was designated by the Name of St.Croix, in the Treaty of Peace with that Nation.

"Your Letter found me under a severe Fit of my Malady, which prevented my answering it sooner...I now can assure you, that I am perfectly clear in the Remembrance that the Map we used in tracing the Boundary, was brought to the Treaty by the Commissioners from England, and that it was the same that was published by Mitchell about twenty years before. Having a Copy of that Map by me in loose Sheets, I send you that sheet which contains the Bay of Passama-quoddy, where you will see that Part of the Boundary traced."

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(9) Bigelow III. 470; Sparks I. 599

(10) Franklin Papers, 2nd Ser., V. 2136, L. of C.; Sparks X. 447 (April 8, 1790.)

Franklin was now dead. He was still however to have an important posthumous influence on Canadian history. This was in connection with this same febrile Maine- New Brunswick boundary dispute.

While the Ashburton-Webster Treaty was under discussion, Webster introduced to the American Senate a copy of what has since become known as the 'Red Line' map. Though no maps were attached to the treaties of 1782 and 1783, Franklin and the other negotiators had had before them a copy of Mitchell's map referred to in Franklin's letter above, and it was assumed during all later negotiations that, if found, this map would prove conclusive.

In the winter of 1840-1841, Dr. Jared Sparks, probably while engaged in compiling Franklin's works, came across a letter (11) in the French archives, dated December 6, 1782, from Franklin to de Vergennes. The letter was as follows:

"I have the Honour of returning herewith the Map Your Excellency sent me Yesterday. I have marked with a strong red line, according to your Desire , the Limits of the thirteen United States, as settled by the Preliminaries between the British and American Plenipotentiaries." (12)

Sparks thereon instituted a search among the sixty thousand maps in the archives, and emerged with a map of North America by d'Anville, 1746, with the boundary marked in red, as indicated by Franklin. In Maine the line passed south of the St. John River and conceded to Great Britain rather more than her claim. Sparks "wrote to Webster sending him a copy of the map and giving his ideas on the subject."Later as a result of a conference with Webster, he showed the 'Red Line' map to the Governors of Maine and Massachusetts, and the map served to procure the appointment

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(11) For reasons of his own Sparks omitted all reference to this letter in his collections of"The Works of Franklin,"published in 1844.
(12) Rev.Dip.Corr.,Vl.120;White (Can.and Its Provs.,Vlll.819,)whose account of the negotiations has been followed here.

of the Maine Commissioners. (13)

On June 14 , 1842, Webster wrote to the American ambassador to England " to forbear to press the search after maps in England or elsewhere. Our strength is on the letter of the Treaty." The Treaty was debated by the American Senate in secret session. Senator Rives, who had charge of it, exhibited the 'Red Line' map. In urging ratification of the Ashburton-Webster Treaty, he declared that "there was great danger that our claims would be weakened by new evidence." Here he introduced the subject of the so-called Franklin map, and reasoned that if the matter were to go to a reference again, this might be insisted on as evidence to damage the American claims. In the end, despite several adverse propositions, the treaty was ratified in the Senate by a vote of thirty-nine to nine.

Today there is no store put in the connection between Sparks's map, and Franklin's letter. To assume that Franklin, perhaps the ablest man the Colonies had produced, would draw such a map and set it adrift in such a manner is to credit him with an impossible stupidity and ignorance most decidedly foreign to him. The British government also found a copy of this 'Red Line' map, and, as Peel remarked in Parliament, "There can be no doubt that it is the map referred to by Mr. Jared Sparks; but we can trace no indication of connexion between it and the despatch of Dr. Franklin." (14)

Thus the resurrected letter of Franklin to de Vergennes was responsible for proceedings which produced the Treaty of 1842;

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(13) Mills: "British Diplomacy and Canada"-United Empire 11. p. 703.

(14) Address, March 21, 1843.

and in that way this letter amounted to a metaphoric codicil to Franklin's will, whereby Canada was bequeathed some nine hundred miles more than even in the arbitration of the King of the Netherlands in 1831, which decision the United States had then so ungraciously refused.

Our final reference to Franklin takes us to the twentieth century, and is explained by a latter written to Franklin in France by his son-in-law, Richard Bache, July 14, 1778.(15) Franklin's home had been used as quarters for the British officers during their occupation of Philadelphia. On the evacuation of that city, Bache wrote, "A captain Andre took with him the picture of you which hung in the dining-room." The picture was one of Franklin at the age of fifty-three, painted in 1759 by Benjamin Wilson.

On February 7,1906, the following communication (16) was sent by the Governor-General of Canada, Earl Grey, to President Roosevelt.

"The fortune of war and the accident of inheritance have made me the owner of the portrait of Franklin which Major Andre took out of his house in Philadelphia and gave to his commanding officer, my great-grandfather, Sir Charles Grey...

"In a letter from Franklin, written from Philadelphia, October 23,1788, to Madame Lavoissier, he says: 'Our English Enemies when they were in possession of this City, and my Home, made a Prisoner of my Portrait and carried it off with them.'

"As your English friend, I desire to give my prisoner, after a lapse of 130 years his liberty, and shall be obliged if you will name the officer into whose custody you wish me to deliver him."

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(15) Sparks 1. 430.fn.
(16) Hays 1. 15.

(Vide p. 21, chapter 2).

APPENDIX A

The following are the more outstanding pamphlets preceding the Treaty of Paris:

In April 1761, appeared one by J. Massie, "General Propositions Relating to Colonies", which argued it was better to retain West Indian Conquests than North America," which cannot be prevented from rising to independency and Empire."(Williams II.82) This was reinforced by very many others who extolled the commercial value of Guadaloupe.(Williams II. 82; Chatham MSS. 98) One pointed out that Guadeloupe produced 100,000 hogsheads of sugar while Jamaica at the most, only 50,000. Canada was useless for trade, and the French there the best check on the desire to revolt.(Williams II. 82: Almon chapt. 3) These were answered by the retired Pulteney(Earl of Bath) through his protegé, Douglas, Bishop of Salisbury, in "A Letter to Two Great Men(Pitt & Newcastle) on the Prospect of a Peace." These two urged the paramount need of giving lasting security to the American colonies. On behalf of British sugar interest already enjoying a monopoly of the English market, Beckford here added another pamphlet against Guadaloupe.(Graham p. 4).

Douglas was followed by "An Answer to the Letter to Two Great Men", which supported Guadeloupe. Most formidable was William Burke's "Remark on a Letter addressed to Two Great Men"(Lecky III. 269) which ran to three editions. Both of these were answered by "A Letter to the People of England on the Necessity of putting an Immediate End to the War, and the Means of obtaining an Advantageous Peace(1760)". This urged the restoration of West Indian conquest. One of the ablest tracts followed it: "Reasons for keeping Guadaloupe at a Peace, preferable to Canada, explained in Five Letters from a Gentleman in Guadaloupe to his Friend in London(1761)"; but the latter's arguments were weakened by "A Detection of the False Reasons and Facts" in it, "By a Member of Parliament(1761)".

Meanwhile Israel Mauduit subsequently Agent for Massachusetts, published the well-known "Considerations of the present German War(1761)", which ran to six editions by 1762. It attacked further efforts in Germany and urged concentration on the West Indies. So thick was the hail of these pamphlets that between the appearance of the above "Considerations" and the peace of 1763, the names are known of no less than thirty-six. The best undoubtedly is "An Examination of the Commercial Principles of the Late Negotiations between Great Britain and France in 1761", printed in 1762, and attributed both by Franklin's biographer, Dr. Sparks(Sparks IV. 2) and by Dr. Hunt(Hunt Dict. Nat. Biog. VII. 369), to William Burke, the author also of the very popular "Remarks" in 1760, referred to above.

Beckford, Lord Mayor of London and many of the corporation of that city, interested in preserving the British market for their own private sugar plantations, opposed Guadeloupe and William Burke. In 1762 appeared "A Letter to the Right Honourable the Lord Mayor, the Worshipful Aldermen, and Common Council; the Merchants, Citizens, and Inhabitants of the City of London, --- From an Old Servant" ---- one George Heathcote. It ran to three editions, and sponsored Canada. But even in the seat of the existing sugar interests which favoured it and Canada, it was not suffered to go unanswered. Soon appeared a retort with the title, "A Reply to Mr. Heathcote's Letter from an Honest Man". The representative of Honesty favoured Guadeloupe. (See Bancroft III. 156, 157; Williams II. 82, 83; Grant, Am. Hist. Rev., XVII. 735).

APPENDIX "B" (Baron Woedtk to Franklin (1)

"Camp at Crown point, July 3,1776"

"Monsieur

J'esper que vous aurai reçu mes deux dernieres Lettres de sorel et de lile de noix.
J'aurai eu l'honneur de vous ecrire plus souvent si je pouvois vous donner seulement une perspective d'une bonne nouvelle. Vous savez Monsieur que après que nos trouppes ont courut -- (illegible)---- sans avoir eû ni mort ni blessé, pour les orders de feu General Thomas; ont campé quelque tems à deschambo et de là sont arrivés à sorel. joinder le reste de nos trouppes, nous y avont campé de deux cotés de la riviere et ont a force de fatigues nos trouppes nous avons fait des excellents retranchements et par ce porte nous étions encor forcé (illegible)- jours en grand partieé maiter du pays mais au lieu de penser a l'importance de ce port Arnold propose expedition honteuse pour le ceder ayant pour lui le Colonel de Haas le plug grand Thorie de l'armee dams le meme interval le bon general Thomson, un homme respectable, enterprend l'expedition pour les trois-rivieres. expedition mal conduit. Les deux detachements celui dis-céder et celui de trois rivieres etant rentré au camp de sorel il' fuit presque unanimement resoluit de quitter tout de suite le camp de sorel, et le canada, malgres touttes les opositions et remontrances que j'ai fait aû conseille nous avons laissé noter camp sans ruiner la moindre chose a nos batteries, come le g. Sulivan avoit pris le devant une fancie(?)- alarmée vient M. le Colonel de Haas opina tout de suite pour precipiter noter marche de jetter deux canon dans l'eau ce que j'ai heureusement empeché au camp de chamblé on tient conseille de guerre on opina daller le plus tôt que possible a St Jean je fuit du sentiment opposé puisque nous ne savions pas si l'enemi avoit pris possession du post de Sorel et non plus sa force, A St Jean on tient conseille de guerre de nouvaux il fuit resoluit de passer le lac champlain malgrés tout mes representations. Sans savoir si l'enemi avoit pris poste à chambli, avant de partir nous avons brullé quelques maisons aû lieu de nous attacher a démolir les fortifications de St Jean avant de passer les lachs nous nous sommes arreté a lile de noix ou a la fin nous avons apris qu'il i avoit quelques centaines dhommes a St Jean nous avons laissé une chaine de fer a lile de noix laquelle étant tiré pouvoit faire bien de l'empechement aux battiment anglois pour venir de St Jean a nous. les anglois onts jusquùa present très peu des bautiments, mais malheureusement nous leur laissont le tems de construire a St Jean des batiments, nous voila arrivé a la Kron pointe, campé et arrangué cõme une horde de Tartares, lesquelles ont cèpendant une preference sur nous qu'ils placent des guardes et envoyent a reconoiter il i a monsieur une (illegible)- un total enter les nouvaux anglois et les auters j'ai crains avec certitude la suite nous avons beaucoup d'officiers Thoris le gen'l fauderoit renvoyes il i a ici un colonel Antel du Reg. de Hesen regiment qui n'existé presque plus, des Canadiens j'en (Illegible) - homme sans conessance et experience qui fait malheureusement a service d'aide de camp general qui se melle par désous du genie. Nous faisons inocculé la picote a nos gens et la nouriture qu'ils sonts eûs et du chochon(cochon) salé etc etc. Nos Lazarets, nos hopitaux sont negliges au dernier point. breve nous sommes par nous m ême bien malheureux. Moi même j'ai un nomber d'enemie mais mes enemies sonts nos thoris. Je commance et je finis toujours que le respectable congres leurs fera confiscera leur bien et les fera abater la tête a philadelphie. Je ne puis rien plus dire Monsieur que je desireoit de faire honneur a voter recommendation faire homneur a mon service mais je ne le puis nayant du pouvoir a cet egard. J'ai nos soldats tout pour moi, mais a quoi cèla aboutit. Je crains je crains(sic) que nous ne conservons ce poste. Si ma lettre vous intresse, Monsieur et que vous ne pouvez la lire Mr paul faiks juster pred vous la lira tout de suite. Je vous prie Monsieur de présenter mes très humble

IV.93 MSS in A.P.S. There is another letter(IV.94) but it has become illegible.

civilites a Monsieur le president Heniko(Hancock!) et a Mr Adam. J'ai l'honneur de vous ecrire et de vous communiquer tout ce qui est passe en particulier désirant cependant d'avoir l'honneur et le plaisier d'avoir de vos nouvelles. 1,500 homes de la pensilvanie directement sous mes ordes. Avec le brevet déter leur chef me feroit du plaisir et peut éter que le respectable congres en seroit content de leur service.

Je finis puisque M le Colonel Alen va partire a linstant et j'ai lhonneur de me dira avec la consideration la plus distinguée.

Monsieur
Voter très humble et tres
obeissant serviteur

Woedtk"

APPENDIX C.

(Vide p. 24, chapter 4).

Thomas Walker to Samuel Adams —— May 30th 1776.
(Original in New York Public Library) — "Samuel Adams Papers")

"Dear Sir According to my promise I now acquaint you that I left Lake George the 13th inst. at 5 P.M. with the Courier for Montreal on the 15th we lodged at Hays about fifty five miles short of St John's when I was informed by a boat with Officers & Soldiers returning home from Quebec that Mrs. Walker was gone past in a battou(sic) with Mr. Franklin & Mr. Carrol therefore at break of day I returned back again with these Gent^{n} in order to overtake my Wife whom I was going on purpose to fetch but cou'd not overtake them till I got to Genl Schuylers at Saratoga when they stopt to rest themselves the 18th. I got back to this place the 20th & on the 22^{d} Mr. Franklin & Mr. Carrol set out by land for N York.

"We have Officers & Soldiers arriving here every day who have served out their time before Quebec & are returning home many of them in great Disgust, at the Service of the Congress & their Generals. They say that they have borne with patience the fatigues of a winter's Campaign in hopes of a seasonable & powerful reinforcement but that they have been kept short of many provisions & all the necessaries of Life without thanks for their pains. That it would have been an easy matter for their Genl to have reingaged(sic) most of the men if they had begun in time but deferring it till their time of service was expired it became impracticable for the men, percieving that reinforcements artillery provisions & stores came in so slowly, peremptorily insisted upon their Discharge which most of them obtained before the fatal sixth of May when three ships only arrived before Quebec" Here follows a description of the ships. Walker then goes on:

"Genl Thomas upon mustering his men found he had not quite two thousand in all and of these not more than a thousand were fit to do duty, the rest were sick or inoculated with small pox. The Genl could not draw together in a body more than about two hund^{d} & fifty men the rest occupied different posts. In a council of war held the day before it had been determined to draw off the artillery and retreat to Deschambeaux(sic). This they were so indiscreet as to attempt in open day after the ships had appeared. And this occasioned the Sally which was made from the Palace, St John's & St Louis's Gates, with six field pieces and about a thousand men they at first drew up upon the heights & did not seem eager to attack, but finding the Provincials retiring in Confusion, they advanced and received three discharges from a field piece at the Main Guard without returning the fire. --- Our army lost as per annext Schedule, besides, two hundred sick in the hospitals & most of their baggage. Those under Inoculation ran away faster than the Soldiers.

"The men at the outposts retreated in the best manner they could particularly two hundred posted at Pt Levy were brought off by Major Fisher(?) they having rec^{d} a Slight Intimation of the General's design from their Col. Nicolson (who precipitately saved himself in his batt ou instead of bringing off his men as he was commanded & march'd without their baggage to Cape Nicolas in expectation of battous to carry them over the River & having waited there eight hours before they knew that the army had retreated -- they saved themselves by a forced March along the South S --(torn) ------ and hiring french Guides who carried them back through the woods" and so on, of Meeting Major Brown and escaping — of General Thomas's retirement — of the "King's Troops" burning the countryside as far as "St Foix".

"These Manoeuvres spread the alarm to Montreal. The Commiss^{rs} the friends of Liberty with their families quitted the Town through fear at

the first Report and joining the Troops that were on their way home who had little or no provisions increased the astonishment of the poor deluded Canadians.--- In vain do you tell them that the Soldiers time was up and that great bodies of men are upon the way to relieve them. -- A mere "aller et venir" say they and we are exposed & betrayed to the resentment of Government for the kindness we have shown you. -- The Bostonians make war only upon their friends in Canada -- to them they are haughty & cruel & abandon them to Gibbets & Confiscations. but to our Enemies made so by a blind attachment to their Cause, they are merciful humane generous & complaisant given them liberty to return home again, to burn our houses & cut our throats- or to roam about their best Towns & Villages like Gent^{n} upon their Travels -- well received by the best Company & supplied with Mercy for their pleasures - (Referring to Prescott?) Whilst we are unpaid for the necessaries with which we have supplied their armies & the hard Cash which has been lent them in their pressing wants is yet unpaid.

"Leaving the unhappy Canadians to their melancholy reflections let us return to our Subject.

"All the English merchts(sic) who quitted Quebec upon the proclamation last Nov.(?) are by a new one obliged to leave the District & their Estates & Effects are thereby confiscated.

"The Commissioners have given Liberty to the Traders to go to M'kinac & Detroit, by which means the Enemies posts above with their Allies the Savages may be supplied with men, provisions & goods for presents to the savages. They have also given Liberty to the field Officers of the Militia of Montreal who were confined at Chambly -(by Wooster)- because they refused to deliver up the Commissions they held under Carleton to return home. Likewise they have given leave to Judge alias Capt. Carleton to return home. Likewise leave to Judge alias Capt. John Frazer & other prisoners to return home to their families in Canada by which -(torn)- they've given Leaders to the Tories and the friends of Administration here, to the utter confusion and despair of the true sons of Liberty who are entirely ruined and their lives put in imminent(sic) danger. And when some of those expostulated with the Commissioners for such Conduct intimating that they must have taken advice of the Tories, haughtily replied that they took Council of nobody that they themselves were equal to the purpose of their Embassy & if they had not pleased their friends, they had pleased themselves & nobody had a right to call their doings in question that a cause that can't support itself upon the principles of Liberty is not worth pursuing, that they would not do Evil that good might ensue. That it was doing the most substantial wrong to exile a man fur(sic) hundred miles from his home only because he is affected to the Cause. That if the Canadians did not all heartily join to vindicate their own rights & Liberties it would be just to withdraw the continental forces & leave them to themselves. for that the Colonies might enjoy their freedom & their properties in Spight(sic) of them, otherwise that the War in Canada would prove a mill Stone about their necks to sink the Colonies, they have liked in(?) been heard to say that rather than call in the assistance of France they would come to a reconciliation with G. B.(sic) on any Terms. from all which it is evident that they do not hold themselves accountable to the people whose Servants they are and from whom they derive their authority. These maxims are inconsistent with sound policy which suits the means to the End as well as repugnant to their own practice why Else did they Seize the Forts & Vessels & enter our Province in hostile array if not to free the many from the usurpations & despotism of the few. -- These principles of the Commiss^{rs} being known to some officers they pull'd out their Commissions in this Town & trampled them under their feet, swearing they wouldn't accept another Comm^{n}(commission) under such men who destroyed by a Coup de plume what they had risked their lives for. Another at St John's damm'd Mr. Chace(sic) & to his face, swearing when he prayed him to accept an important command that he woul not fire another gun for the Congress, till their Officers & Soldiers were put

on an Equal footing with their Enemies. referring to the different treatment of the prisoners on both Sides, The jails here are filled by the Committee with Tories most of 'em half-pay officers others are sent down to York Arcy(?) Daytons now lies at Johnstown they have missed St John who has made off with abt 300 Highlanders savages & with nine days provision supposed to be gone to the party at the Cedars Against Col1 Biddle who is entrenched there with 320 men & two pieces of Cannon he has since been reenforced with 200 men from Col1 Patersons regt under his major with a supply of ammunitions & provisions, & yesterday Col1 Clinton brings the News that the party of Savages abt 400 in Number & 40 regulars of the 8th regt had been surrounded & defeated there..... The well being and safety of the Colonies must entirely depend upon our Success in Canada for whosever is master there must have all the Savages & Canadians on their side.

Pardon me for troubling you with so long a letter and circumstantial a Letter & revenge yourself by sending me a longer upon the policies of Phila.

(Signed)

Thomas Walker.

Albany 30th May 1776.

APPENDIX D.
(Vide p.45, chapter 4).

(From the files of the Montreal Star, August 18, 1932.)
(copy)

"SOME CORRECTIONS.

Sir, - Romantic traditions are hard to kill. The facts, however, must be recognized.

Your edition of Saturday, August 6, features the history of the Château de Ramezay. Dealing with the American occupation of Montreal in 1776, it contains the following paragraph:

"With the commissioners came a French printer, Fleury Mesplet, with his printing press, to spread propaganda. The press was installed in the vaults of the Château, from which were issued pamphlets to the French-Canadians."

There are a few errors in this tradition. First, Mesplet did not accompany the commissioners, Benjamin Franklin, Samuel Chase, and Charles Carroll. These with Carroll's cousin, the Rev. Father John Carroll, S.J., arrived on the 29th April. Mesplet came seven days later. Second, the press was never set up in the Château, but in a house on "Rue Capitale", (now vanished), in the neighbourhood of the present Montreal Sailors' Institute.

Third, it is yet to be proved that Mesplet printed anything in Montreal before the departure of the Americans. Mesplet arrived on 6th May. The same day Carleton was relieved at Quebec by British warships. Defeated Americans reached Montreal with the bad news 10th May. May 11th, Mesplet's patron, Benjamin Franklin, left Montreal for home. Mesplet's press was not set up till May 18th, when the Americans were in the process of retiring precipitately. Poor Mesplet burdened with a printing press and a wife had to remain behind in Montreal, to cool his heels for a month in the lock-up.

The evidence for the above will be found in the "Journal of Charles Carroll During His Visit to Canada in 1776"(Maryland Historical Society's Centennial Edition); R. W. McLachlan, "Fleury Mesplet, the First Printer at Montreal," (Transactions, Royal Society of Canada, Volume XII); American Archives, Fourth Series, Volume VI., page 450.

J. K. S. "

Appendix E.
Vide p.23, chapter 5.

On Franklin's Choice of Oswald over Grenville.

(from Oswald's Diary(1)).

"1782. June 3rd.... I wanted to take my leave, having sat a considerable time, but he(Franklin) wished me to stay a little longer. And he fell into the subject formerly mentioned of the treaty going on by separate commissions, for each party. And he said he could see no objection to there being one commission for France, one for the Colonies, and perhaps one for Spain and one for Holland... That, with respect to the Colony business, if my private Affairs would allow of my absence, and that I would divert myself in the meantime, I might take up that commission. I told him that if it was to trench on the character of Mr. Grenville's station, it would be the last thing I should incline to. That I believed him very capable and prudent, and had no doubt of his acquiring a reputation. As to my stay here, it was on account of various circumstances not the most agreeable. And with respect to my private affairs, they were in such situation that I should not suffer much by my absence. At least, I should make no account of these matters if I thought that upon so critical an occasion I would be of any service to my country, etc.

"The doctor replied, that he thought the Commission for the Colonies would be better in my hands than in Mr. Grenville's. That I understood more of Colony business than he did, and he himself had a longer acquaintance with me than with Mr. Grenville, and could not say but he esteemed me; and therefore not only thought the Colony Commission would be left in my hands but he wished it might be so.

"I replied, that his wishing it was enough to determine me, if I found it was a task I could go through with. That my coming here after the first time was entirely owing to the letters he wrote to Lord Shelburne, wherein he was pleased to express himself so favourably with respect to me, that I was ordered to return on the two succeeding occasions. That I was happy in the enjoyment of his good opinion. Was much obliged to him, etc."

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(1) Sir G. C. Lewis, author of "The Administrations of Great Britain, 1783-1830", (p. 82) obtained a copy of this Diary from Mr. Alexander Oswald, the heir of Richard Oswald.

APPENDIX F.
Vide p.46, chapter 5.

The Strength of John Adams' Desire for Canada in 1782.

We have already remarked that Adams ignored the question of a cession during the part he took in actual negotiations with Oswald and Strachey. With regard to what strength of interest he displayed at all in that country, we have only two letters available where he mentions the question in 1782. One of these letters has occasionally been inadequately quoted to indicate a Franklin-like attitude on the subject. Let us examine first this letter and its proper setting.

The elderly Henry Laurens, President recently of Congress, was one of the appointed peace plenipotentiaries and had sailed previously from America to Europe. On the way over he had been captured by the British, confined, and then readily released to visit Adams on parole. In a conversation at Amsterdam between Laurens just arrived from London and Adams, the latter first advised him that, as still an English prisoner, he could not give Laurens any information whatever about his commission; then he proceeded to ply the paroled Laurens with specific questions to draw information regarding the new Rockingham ministry, some of which questionnaire he sent to Franklin on April 16th 1782(1)One of his double questions was as follows: "I(Adams) desired him(Laurens), between him and me, to consider, without saying any thing of it to the ministry, --(and Laurens a paroled prisoner of state)--- whether we could ever have a real peace, with Canada or Nova Scotia in the hands of the English; and whether we ought not to insist, at least, upon a stipulation, that they should keep no standing army, or regular troops, nor erect any fortifications, upon the frontiers of either." On this double question, posed for a specific purpose and under peculiar circumstances, has been based the Canadian aspect of Adams(2)Apart from the peculiar circumstances, what have we here in the double interrogation? First, a question whether in Laurens' opinion a Canada-less peace would be a "real peace". Second, whether in Laurens' estimation it ought not to be stipulated at least that Canada be not turned into an arsenal. Neither question is even proposed by Adams as a viewpoint of his own! It is an examination of a paroled prisoner from England for information purposes.

Let us now examine Adams' second letter and its proper setting. Following Oswald's strikingly favourable reception of, and departure with, Franklin's "Canada Memorandum,"(Vide p. 15, chapter 5) "by the first Opportunity after his(Oswald's) Departure", says Franklin,(1) "I wrote Mr. Adams.. that he might be fully apprized of the proceedings. This letter of Franklin on April 20th(1) gave the substance of the "Canada Memorandum" about how he, Franklin, had "hinted that, if England should make us a voluntary Offer of Canada.. it might have a good Effect." The only thing Franklin omitted to mention was his offer of Loyalist indemnification, for he was troubled as to what Adams would say. This of course only served to make his report even more strikingly attractive, as it now appeared that Oswald had received with ready favour an offer of Canada in return for --- "Reconciliation"(no sacrifice)! One would therefore have expected Adams, a plenipotentiary, an American, and above all a New Englander,(3) to jump eagerly at the prospect --- at least, to express an adequate interest even if it meant indirectly praising Franklin for his resourceful initial success in such an undertaking. But not so Adams. Very blasé came the reply on May 2nd:(1)

"If there is a real disposition to permit Canada to accede to the American association, I should think there would be no great difficulty in

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(2) Bancroft(1892), V. 537; Dig. Int. Law III. 914, 915.
(1) Sparks IX. 249-254, 261; Bigelow, 5th Ed., III. 77-82, 89.
(3) He used at one period the nom de plume of "Novanglus."

adjusting all things between England and America, provided our allies are contented too." We know how Adams "contented our allies too" on the fisheries and boundaries, by breaking the French alliance treaty to sign secretly preliminaries with a secret clause ——— and by blemishing the reputation of Franklin for allegedly wishing to "content our allies too". And as Adams says, had England granted away Canada without a Loyalist indemnity there would have been "no great difficulty" ——— save perhaps in finding sufficient smelling-salts to restore the Congress from a collective fainting-fit. One can only conclude either Mr. Adams was blindly impervious to the charms of Canada, which is unlikely, or, ~~more probably~~ at the most, his interest in Canada was simply as mediocre as his honesty with himself.

APPENDIX G.
(Vide pp. 81,64, chapter 5).

The Respective Methods of Oswald and Strachey.
(- from two final gestures, similarly timed, and with a similar object.).

1. Oswald to the American Commissioners, Paris, November 4th, 1782.(1)

"Gentlemen

You may remember from the very beginning of our negotiations for settling a peace between Great Britain and America I insisted that you should possitively(sic) stipulate for a restoration of the property of all those persons under the denomination of Loyalists or Refugees who have taken part with Great Britain in the present War or if the said Property had been resold and passed into such variety of hands as to render the restoration impracticable (which you asserted to be the case in many instances) you should stipulate for a compensation or indemnification to those Persons adequate to their losses.

To these propositions you said you could not accede. Mr. Strachey since his arrival at Paris, has most strenuously joined me in insisting upon the said Restitution, Compensation or Indemnification and in laying before you every argument in favour of those demands, founded upon National Honor, and the true principles of Justice. -

These Demands you must have understood to extend not only to all persons of the abovementioned description who have fled to Europe, but likewise to all those who may be now in any part of North America dwelling under the protection of His Majesty's Arms or otherwise.

We have also insisted upon a mutual stipulation for a general amnesty on both sides comprehending thereby an enlargement of all persons who on account of offences committed or supposed to be committed since the commencement of hostilities, may be now in confinement, and for an immediate repossession of their properties and peaceable enjoyment thereof, under the government of the U.S. To this you have not hitherto given a particular or direct answer.

It is however incumbent upon me as Commissioner of the King of Great Britain to repeat these several demands, and without going over the arguments upon paper(which we have so often urged in conversation) to press your immediate attention to those subjects, and to urge you to enter into proper stipulations for the Restitution,Compensation, and Amnesty beforementioned before we proceed further in this Negotiation.

(Signed)
Richard Oswald."

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2. Strachey to the American Commissioners, Paris, November 5th 1782.(2)

"Gentlemen

Knowing the expectation of the King's ministers, that a full indemnity shall be provided for the whole body of Refugees, either by a restitution of their property, or by some stipulated compensation for their losses and being confident as I have repeatedly assured you, that your refusal upon this point will be the great obstacle to a conclusion and ratification of that Peace,

(1) Oswald's Journal in Franklin Papers, 1st Ser., XII. 588, Library of Congress.
(2) Ibid., p. 592.

which is meant as a solid perfect, permanent Reconciliation and Re Union between Great Britain and America, I am unwilling to leave Paris, without one more submitting the matter to your consideration. It affects equally in my opinion, the Honor and Humanity of your country and of ours. How far you will be justified in risking every favourite object of Amerieaa, by contending against those principles is for you to determine. Independence and a more than reasonable possession of territory, seem to be within your reach. Will you suffer them to be outweighed by the gratification of resentment against Individuals? I venture to assert that such a conduct hath no parralel(sic) in the History of Civilized Nations.

I am under the necessity of setting out by Two o'Clock today. If the time is too short for your Reconsideration and final determination of this important point, I shall hope that you will enable Mr. Oswald to dispatch a messenger after me, who may be with me before morning at Chantilly, where I propose sleeping tonight, or who may overtake me before I arrive in London with a satisfactory answer to this letter.

(Signed)
H. Strachey."

(For Franklin's overwhelming reply to these two letters vide Appendix H.).

APPENDIX H.
(Vide p.8\ , chapter 5.).

Franklin's Attitude on the Indemnification of the United Empire Loyalists.

(A reply to the two letters in Appendix G).

To Richard Oswald.(1).

Passy, 26 November, 1782.

"Sir:

You may well remember, that in the Beginning of our Conferences, before the other Commissioners arrived, on your mentioning to me a Retribution for the Royalists, whose Estates had been confiscated, I acquainted you that nothing of that Kind could be stipulated by us, the Confiscation being made by Virtue of laws of particular States, which the Congress had no Power to contravene or dispense with, and therefore could give us no such Authority in our Commission. And I gave it as my Opinion and Advice, honestly and cordially, that, if a Reconciliation was intended, no mention should be made in our Negotiations of those People; for, they having done infinite Mischief to our Properties, by wantonly burning and destroying farm Houses, Villages, Towns, if Compensation for their Losses were insisted on, we should certainly exhibit against it an Account of all the Ravages they had committed, which would necessarily recall to View Scenes of Barbarity, that must inflame, instead of conciliating, and tend to perpetuate an Enmity that we all profess a desire of extinguishing. Understanding, however, from you, that this was a Point your Ministry had at Heart, I wrote concerning it to Congress, and I have lately received the following Resolution, viz.

'By the United States, in Congress assembled.

'September 10th, 1782.

'Resolved, That the Secretary for Foreign Affairs be, and he is hereby, directed to obtain, as speedily as possible, authentic returns of the slaves and other property, which have been carried off or destroyed in the course of the war by the enemy, and to transmit the same to the ministers plenipotentiary for negotiating peace.

'Resolved, That, in the mean time, the Secretary for Foreign Affairs inform the said ministers, that many thousands of slaves, and other property, to a very great amount, have been carried off, or destroyed, by the enemy; and that, in the opinion of Congress, the great loss of property, which the citizens of the United States have sustained by the enemy, will be considered by the several States as an insuperable bar to their making restituion or indemnification to the former owners of property, which has been, or may be forfeited to, or confiscated by, any of the States.'

In Consequence of these Resolutions and circular Letters of the Secretary, the Assembly of Pennsylvania, then sitting, passed the following Act, viz.

'State of Pennsylvania, in General Assembly.

'Wednesday, September 18th, 1782.

'The bill, entitled 'An act for procuring an estimate of the damages sustained by the inhabitants of Pennsylvania, from the troops and adherents of

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(1) Jefferson Papers, vol. IX., L. of C.; Rev. Dip. Corr., VI. 77; Sparks IX. 426-433; Bigelow, 5th Ed., III. 189-196.

the King of Great Britain during the present war,' was read a second time.
'Ordered to be transcribed, and printed for public consideration.
'Extract from the minutes.
"Peter Z. Lloyd,
'Clerk of the General Assembly.'

'Whereas great damages, of the most wanton nature, have been committed by the armies of the King of Great Britain, or their adherents, within the territory of the United States of North America, unwarranted by the practice of civilized nations, and only to be accounted for from the vindictive spirit of the said King and his officers; and whereas an accurate account and estimate of such damages, more especially the waste and destruction of property, may be very useful to the people of the United States of America, in forming a future treaty of peace, and, in the mean time, may serve to exhibit in a true light to the nations of Europe the conduct of the said King, his ministers, officers, and adherents; to the end, therefore, that proper measures be taken to ascertain the damages aforesaid, which have been done to the citizens and inhabitants of Pennsylvania, in the course of the present war within this State; Be it enacted by the House of Representatives of the freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, that in every county of this State, which has been invaded by the armies, soldiers, or adherents of the King of Great Britain, the Commissioners of every such county shall immediately meet together, each within their county, and issue directions to the assessors of the respective townships, districts, and places within such county, to call upon the inhabitants of every township and place, to furnish accounts and estimates of the damages, waste, spoil, and destruction, which have been done and committed as aforesaid, upon the property, real or personal, within the same township or place, since the first day of , which was in the year of our Lord 177 , and the same accounts and estimates to be transmitted to the Commissioners without delay. And, if any person or persons shall refuse or neglect to make out such accounts and estimates, the said assessors of the township or place shall, from their own knowledge, and by any other reasonable and lawful method, take and render such an account and estimate of all damage done or committed, as aforesaid; Provided always, that all such accounts and estimates, to be made out and transmitted as aforesaid, shall contain a narrative of the time and circumstances; and, if in the power of the person aggrieved, the names of the general, or other officers or adherents, of the enemy, by whom the damage in any case was done, or under whose orders the army, detachment, party, or persons, committing the same, acted, at that time; and also the name and condition of the person or persons, whose property was so damaged or destroyed; and that all such accounts and estimates be made in current money, upon oath or affirmation of the sufferer, or of others having knowledge concerning the same; and that in every case it be set forth, whether the party injured hath received any satisfaction for his loss, and by whom the same was given.

'And be it further enacted by the authority aforesaid, that the said Commissioners, having obtained the said accounts and estimates from the assessor of the several townships and places, shall proceed to inspect and register the same in a book, to be provided for that purpose, distinguishing the districts and townships, and entering those of each place together; and if any account and estimate be imperfect, or not sufficiently verified and established, the said Commissioners shall have power, and they, or any two of them, are hereby authorized, to summon and compel any person, whose evidence they shall think

necessary, to appear before them at a day and place appointed, to be summoned upon oath or affirmation, concerning any damage or injury as aforesaid; and the said Commissioners shall, upon the call and demand of the President or Vice-President of the Supreme Executive Council, deliver, or send, to the Secretary of the said Council all or any of the original accounts and estimates aforesaid, and shall also deliver, or send, to the said Secretary copies of the book aforesaid, or any part or parts thereof, upon reasonable notice. And be it further enacted by the authority aforesaid, that all losses of negro or mulatto slaves and servants, who have been deluded and carried away by the enemies of the United States, and have not been recovered or recompensed, shall be comprehended within the accounts and estimates aforesaid; and that the Commissioners and assessors of any county, which had not been invaded as aforesaid, shall nevertheless inquire after, and procure accounts and estimates of any damages suffered by the loss of such servants and slaves, as is herein before directed as to other property.

'And be it further enacted by the authority aforesaid, that the charges and expenses of executing this act, as to the pay of the said Commissioners and assessors, shall be as in other cases; and that witnesses shall be rewarded for their loss of time and trouble, as witnesses summoned to appear in the courts of quarter sessions of the peace; and the said charges and expenses shall be defrayed by the Commonwealth; but paid, in the first instance, out of the hands of the Treasurer of the county, for county rates, and levies upon orders drawn by the Commissioners of the proper county'

We have not yet had Time to hear what has been done by the other Assemblies; but I have no Doubt that similar Acts will be made use of by all of them, and that the Mass of Evidence produced by the Execution of those Acts, not only of the Enormities committed by those People, under the Direction of the British Generals, but of those committed by the British Troops themselves, will form a Record, that must render the British Name odious in America to the latest Generations. In that authentic Record will be found the burning of the fine Towns of Charlestown, near Boston; of Falmouth, just before Winter, when the sick, the aged, the women and children, were driven to seek Shelter where they could hardly find it; of Norfolk, in the midst of Winter; of New London, of Farifield, of Esopus, &c., besides near a hundred and fifty Miles of well settled Country laid waste; every House and Barn burnt, and many hundreds of Farmers, with their Wives and Children, butchered and scalped.

The present British Ministers, when they reflect a little, will certainly be too equitable to suppose, that their Nation has a right to make an unjust War (which they have always allowed this against us to be), and do all Sorts of unnecessary Mischief, unjustifiable by the Practice of any individual People, which those they make War with are to suffer without claiming any satisfaction; but that, if Britons, or their Adherents, are in return deprived of any Property, it is to be restored to them, or they are to be indemnified. The British Troops can never excuse their Barbarities. They were unprovoked. The Loyalists may say in excuse of theirs, that they were exasperated by the loss of their Estates, and it was Revenge. They have then had their Revenge. Is it right they should have both?

Some of those People may have merit in their Regard for Britain, those who espoused her Cause from Affection; these it may become you to Reward. But there are many of them who were Waverers, and were only determined to engage in it by some occasional Circumstance or Appearances; these have not much of either Merit or Demerit; and there are others, who have Abundance of Demerit respecting your Country, having by their Falsehoods and Misrepresentations brought on and encouraged the Continuance of the War; these, instead of being

recompensed, should be punished.

It is usual among Christian people at War to profess always a Desire of Peace; but, if the ministers of one of the Parties choose to insist particularly on a certain Article, which they have known the others are not and cannot be empowered to agree to, what Credit can they expect should be given to such Professions?

Your Ministers require, that we should receive again into our Bosom those who have been our bitterest Enemies, and restore their Properties who have destroyed ours, and this, while the Wounds they have given us are still bleeding! It is many years since your Nation expelled the Stuarts and their Adherents, and confiscated their Estates. Much of your Resentment against them may by this time be abated; yet, if we should propose it, and insist on it as an article of our treaty with you, that that Family should be recalled and the forfeited Estates of its Friends restored, would you think us serious in our Professions of earnestly desiring Peace?

I must repeat my Opinion, that it is best for you to drop all Mention of the Refugees. We have proposed, indeed, nothing but what we think best for you as well as ourselves. But, if you will have them mentioned, let it be in an Article, in which you may provide, that they shall exhibit Accounts of their Losses to the Commissioners, hereafter to be appointed, who should examine the same, together with the Accounts now preparing in America of the Damages done by them, and state the Account; and that, if a Balance appears in their Favor, it shall be paid by us to you, and by you divided among them as you shall think proper; and if the Balance is found due to us, it shall be paid by you.

Give me Leave, however, to advise you to prevent the Necessity of so dreadful a Discussion by dropping the Article, that we may write to America and stop the Inquiry. I have the honor to be, &c.

B. Franklin."

APPENDIX I.
(Vide p. 84, chapter 5).

The Loyalist Clause in the November Treaty. 1782(1).

"Article V

"It is agreed that the Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the Restitution of all Estates, Rights, and Properties which have been confiscated belonging to real British Subjects; and also of the Estates,Rights and Properties of Persons resident in Districts in the Possession of his Majesty's Arms and who have not borne arms against the Said United States: And that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the thirteen United States and therein to remain twelve Months unmolested in their Endeavours to obtain the Restitution of Such of their Estates, Rights and Properties as may have been confiscated; and that Congress Shall also earnestly recommend to the Several States a Reconsideration & Revision of all Acts of Laws regarding the Premises, so as to render the Said Laws or Acts perfectly consistent, not only with Justice and Equity, but with that Spirit of Conciliation which on the Return of the Blessings of Peace Should universally prevail. And that Congress Shall also earnestly recommend to the Several States, that the Estates, Rights & Properties of Such last-mentioned, Persons Shall be restored to them, they refundingto any Person who may be now in Possession the bonâ fide Price (where any has been given) which Such Persons have paid on purchasing any of the Said Lands, Rights or Properties Since the Confiscation.

And it is agreed that all Persons who have any Interest in Confiscated Lands, either by Debts, marriage Settlements, or otherwise, Shall meet with no lawful Impediment in the Prosecution of their just Rights.

("A true copy from the original in my Possession. W. T. Franklin, Sec'y.").

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(1) LV. II, MSS. in A.P.S.

" Plan for reducing the Province of Canada, referred to in the Instructions of Honourable B. Franklin, Minister to the Court of France. (October 27, 1778).

PLAN OF AN ATTACK UPON QUEBEC.

That a number of men be assembled at Fort Pitt, from Virginia and Pennsylvania, amounting to one thousand five hundred rank and file;for which purpose three thousand should be called for; and if more than one thousand five hundred appear, the least effective be dismissed. To these should be added one hundred light cavalry, one half armed with lances. The whole should be ready to march by the first day of June;and for that purpose they should be called together for the 1st day of May, so as to be in readiness by the 15th. The real and declared object of this corps should be to attack Detroit, and to destroy the towns, on the route thither, of those Indians who are inimical to the United States.

2.That five hundred men be stationed at or near Wyoming this winter, to cover the frontiers of Pennsylvania and New Jersey; tobe reinforced by one thousand men from those states early in the spring. For this purpose, two thousand men must be called for to appear on the first of May, so as to be in readiness by the 15th. They must march on the first of June, at farthest, for Oncohquaga;to proceed from thence against Niagara. This is also to be declared.

3.That in addition to the garrison of Fort Schuyler or Stanwix, one thousand five hundred men be stationed this winter along the Mohawk river;and preparations of every kind made to build vessels of force on Lake Ontario early next spring;and to take post at or near Oswego. A reinforcement of two thousand five hundred men, from the militia of New York and the western parts of Connecticut and Massachusetts Bay, must be added to these early in the spring;for which purpose a demand must be made of five thousand. A party, consisting of five hundred regular troops and one thousand militia, must march from Schenectady;so as to meet those destined to act against Niagara at Oncohquaga. They should be joined by about one hundred light dragoons, armed as aforesaid, together with all the warriours which can be collected from the friendly tribes. In their march to Niagara, they should destroy the Seneca and other townships of Indians who are inimical.

4.That two thousand five hundred men be marched from Fort Schuyler, as early as possible after the middle of May, to Oswego, and take a post there, or in the neighbourhood;to be defended by about five hundred men. That they be also employed in forwarding the vessels to be built for securing the navigation of Lake Ontario, and in making excursions towards Niagara;so as to keep the Indian country in alarm, and facilitate the operations in that quarter.

5. That a number of regiments be cantoned along the upper parts of Connecticut river, to be recruited in the winter; so as to form a body of five thousand regular troops, rank and file; and every preparation made to penetrate into Canada by the way of the river St. Francis. The time of their departure must depend upon circumstances; and their objects be kept as secret as the nature of the thing will permit. When they arrive at the St. Lawrence, they must take a good post at the mouth of St. Francis, and turn their attention immediately to the reduction of Montreal, St. John's, and the north end of Lake Champlain. These operations will be facilitated by the several movements to the westward, drawing the attention of the enemy to that quarter. If successful, so as to secure a passage across the lake, further reinforcements may be thrown in, and an additional retreat secured that way. The next operation will be in concert with the troops who are to gain the navigation of Lake Ontario, &c. This operation, however, must be feeble, so long as the necessity exists of securing their rear towards Quebec. Such detachment, however, as can be spared, perhaps two thousand, with as many Canadians as will join them, are to proceed up Cadaraqui, and take a post, defensible by about three hundred men, at or near the mouth of Lake Ontario. They will then join themselves to those posted, as aforesaid, at or near Oswego; and, leaving a garrison at that post, proceed together to the party at or near Niagara, at which place they ought, if possible, to arrive by the middle of September. The troops who have marched against Detroit should also, whether successful or not, return to Niagara, if that post is possessed or besieged by the Americans; as a safe retreat can by that means be accomplished for the whole in case of accidents.

On the supposition that these operations succeed, still another campaign must be made to reduce the city of Quebec. The American troops must continue all winter in Canada. To supply them with provisions, clothing, &c. will be difficult, if not impracticable. The expense will be ruinous. The enemy will have time to reinforce. Nothing can be attempted against Halifax. Considering these circumstances, it is perhaps more prudent to make incursions with cavalry, light infantry, and chasseurs, to harass and alarm the enemy; and thereby prevent them from desolating our frontiers, which seems to be their object during the next campaign.

But if the reduction of Halifax and Quebec are objects of the highest importance to the allies, they must be attempted.

The importance to France is derived from the following considerations:

1. The fishery of Newfoundland is justly considered as the basis of a good marine.
2. The possession of those two places necessarily secures to the party, and their friends, the island and fisheries.
3. It will strengthen her allies; and guarantee more strongly their freedom and independence.

4.It will have an influence in extending the commerce of France, and restoring her to a share of the fur trade, now monopolized by Great Britain.

The importance to America results from the following considerations:

1.The peace of their frontiers.
2.The arrangement of their finances.
3.The accession of two states to the union.
4.The protection and security of their commerce.
5.That it will enable them to bend their whole attention and resources to the creation of a marine, which will at once serve them and assist their allies.
6.That it will secure the fisheries to the United States,and France their ally,to the total exclusion of Great Britain.

Add to these considerations:

1.That Great Britain, by holding these places, will infest the coasts of America with small armed vessels to the great injury of the French as well as the American trade.
2.That her possessions in the West Indies materially depend on the possession of posts to supply them with bread and lumber,and to refit their ships, and receive their sick, as well soldiers as seamen.

In order then to secure, as far as human wisdom can provide, the reduction of those places, aid must be obtained from France.

Suppose a body of from four to five thousand French troops sail from Brest,in the beginning of May,under convoy of four ships of the line and four frigates.Their object to be avowed;but their clothing stores &c.,such as designate them from the West Indies. Each soldier must have a good blanket, of a large size, to be made into a coat when the weather grows cool.Thick clothing for these troops should be sent in August, so as to arrive at such place as circumstances by that time may indicate,by the beginning of October. These troops, by the end of June or beginning of July,might arrive at Quebec, which,for the reasons already assigned, they would in all probability find quite defenceless. Possessing themselves of that city, and leaving there the line of battle ships, the marines and a very small garrison, with as many of the Canadians as can readily be assembled (for which purpose spare arms should be provided, which might be put up in boxes, and marked as for the militia of one of the French islands,) the frigates and transports should proceed up the river St. Lawrence, and a disembarkation take place at the mouth of the river St. Francis. If the Americans are already at that place, the troops will co-operate for the purposes above mentioned:if not,a post must be taken there,and expresses sent, &c. In the interim, three of the frigates, with four of the smallest transports, should proceed to Montreal, and if possible possess that city;when the nobles and clergy should be immediately called together by the general, who should, if possible,be well acquainted with the manners both of France and of the United States.

The troops should bring with them very ample provisions, especially of salted flesh, as they will come to a country exhausted by the British army. By the latter end of July,or about the middle of August, the reduction of Canada might be so far completed,that the ships might proceed to the investiture of Halifax,taking on board largesupplies of flour.

A part of the troops might march, and be followed by the sick, as they recover. A considerable body of American troops also might then be spared for that service, which, with the militia of the states of Massachusetts Bay and New Hampshire, might proceed to the attack of Halifax, so as to arrive at the beginning of September; and if that place should fall by the beginning or middle of October, the troops also might either proceed against Newfoundland, or remain in garrison until the spring; at which time that conquest might be completed. If Halifax should not be taken, then the squadron and troops would still be in time to operate against the West Indies.

To the Honourable BENJAMIN FRANKLIN, Esquire.

Sir: The above plan, referred to in your instructions, you shall lay substantially before the French minister. You shall consult the Marquis de la Fayette on any difficulties which may arise; and refer the ministry to him, as he hath made it his particular study to gain information on those important points.

By order of Congress.

Attest. H. L. President."

C.T. Sec'y.

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P.S. "H.L." is Henry Laurens; "C.T.," Charles Thomson.

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