





THE FRENCH-CANADIAN  
UNDER  
BRITISH RULE, 1760-1800

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## INTRODUCTION

This thesis does not attempt to trace British policy in Canada in the late eighteenth century, nor to discover the springs of that policy in other parts of the Empire or in Europe. It is only incidentally concerned with many of the statutes and ordinances pertaining directly to Canada, for their import was not always understood by the French-Canadians in the way that they were intended in London or even in Quebec; likewise, the military phases of the dispute between Great Britain and the American colonies, and even the invasion of Canada in 1775-76 have been most summarily treated. The vast volume of secondary material upon the late eighteenth century in Canada deals almost exclusively with these subjects, either justifying British policy, attacking it from the point of view of the modern French-Canadian, or attempting to reconcile these divergent views. Instead, this thesis attempts to discover the effects of the transfer of authority from French to British hands, in so far as that transfer affected the population of Canada in 1760. It is thus primarily concerned with the re-

actions of one generation of French-Canadians to the substitution of British for French rule, and to the economic and social changes that they encountered as a result. The fact that these reactions were frequently negative or else rested upon an erroneous conception of the policy of the British government has often led to the conclusion that they were either negligible or non-existent. This feeling that the French-Canadians of the late eighteenth century had virtually no history has thus tended to obscure one phase of their development.

A great part of the thesis is based upon documents in the Baby collection, a small part of which has been used by L.F.G. Baby in his monograph entitled "L'exode des classes dirigeantes au cession du Canada," and a number of letters from which have been published in Abbé Hospice Verreau's "Invasion du Canada" under the title "Lettres écrites pendant la révolution américaine." With these two exceptions, however, little use seems to have been made of this important collection. The absence of secondary material upon the immediate results of the British conquest for the French-Canadian is the only excuse for adding still another piece of work to the volumes dealing with the late eighteenth century in Canada.

Although the terminal date of this thesis has been stated as 1800, the study ends, in many respects with the year 1796--the year in which General Anthony Wayne received the submission of the French-Canadians in the Michigan territory to the government of the United States; the year in which Lord Dorchester left Canada for the last time; the year in which Lower Canada's

first acquiescent and largely ineffective assembly was replaced by a new and more demanding group. The events of the years after 1796 are treated most cursorily, for I have merely attempted to select a few indications of the continuation of the developments of the earlier years, rather than to consider the new problems that arose at the end of the century.

In the preparation of this work, I have been given a great deal of assistance which I should like to acknowledge here. My deepest gratitude goes to the Alumnae Association of Victoria College, University of Toronto, whose grant of the Margaret E.T. Addison Postgraduate Scholarship has made possible a year of research in Michigan. The staffs of the Detroit Public Library, the Laval University Library, the Redpath Library of McGill University, the Bibliothèque de St. Sulpice, and the Bibliothèque Municipale in Montreal, have given me every assistance in their power. In my search through manuscript materials in Canada, I have been much aided by the staff of the Public Archives at Ottawa, particularly by Miss Story and Miss Richard of the Manuscript Division, by Mlle. Hamel at the Archives de la province de Québec, and by M. Turcot, the assistant archivist of the Séminaire de Québec. In Ann Arbor, Michigan, my tasks have been made much easier by the kindness of Dr. Randolph G. Adams and Mr. Colton Storm, the Director and Assistant Director of the William L. Clements Library, while Miss Margaret E. Larson, the Assistant Curator of Manuscripts, has answered innumerable questions cheerfully and helpfully. Dr. Hilda Neatby of the University of Saskatchewan and Dr. F. Clever Bald of the Michigan Historical Collections have both given me valuable advice on the material to be consulted, while Miss Hilton

McLain of Washington, D.C. and the Abbé Arthur Maheux of Laval University have been most helpful in answering the questions that I have put to them. Finally, it has been my privilege to have as my director of studies Professor E.R. Adair of McGill University, and I wish to thank him for the constant guidance and helpful criticism that he has given me throughout the preparation of this work.

Elizabeth Arthur,  
McGill University,  
April, 1949.



## TABLE OF ABBREVIATIONS

Burton . . . . .	Burton Historical Collection, Detroit.
Can. Arch. Report. . . .	Report of the Canadian Archives.
Can. Catholic Hist. Assn. Report. . . . .	Canadian Catholic Historical Association Annual Report.
Champlain Soc. Pub . . .	Publication of the Champlain Society.
Clements . . . . .	William L. Clements Library, Ann Arbor.
Internal Corr., Prov. of Que. . . . .	Internal Correspondence of the province of Québec.
Pub. Arch. Can. . . . .	Public Archives of Canada.
Que. Arch. Report. . . .	Rapport de l'archiviste de la province de Québec.
Que. Exec. Council . . .	Minutes of Quebec Executive Council.
Que. Leg. Council. . . .	Minutes of Quebec Legislative Council.
Que. Lit. & Hist. Pub. .	Publication of the Literary and Historical Society of Quebec.
Trans. of Royal Soc. of Can. . . . .	Transactions of the Royal Society of Canada.

## CHAPTER I

### FRENCH CANADA IN 1760.

On September 8, 1760, at Montreal, Sir Jeffrey Amherst, the commander of all British forces in North America, and the Marquis de Vaudreuil, the governor of New France, signed the articles of capitulation which surrendered Canada to the British army. Many Frenchmen must have considered this but a temporary change of authority, but the Peace of Paris made it clear that capitulation was actually to mean a changed allegiance for the French-Canadian, and that this change was profoundly to affect the development of his country in the ensuing years.

Before it is possible to undertake a study of the changes that took place following the British conquest, it is necessary to formulate some picture of the colony as it existed on the eve of the transfer of authority. It is necessary to discover something of its extent and population, of its sources of wealth and forms of government, of its social and religious patterns, and, also, of the problems that it faced before an invading army ever entered it, in order to obtain a general view of the country which, by the terms of

the capitulation, now came under British control.

The very boundaries of this immense tract of land were hazy and indistinct, and considerable confusion arose as to their exact outlines. The home government in London was certainly not aware of the size of the colony it now undertook to administer,<sup>1</sup> and the confusion was increased in later years when Governor Guy Carleton sought to restrict the use of the term "Canadian" to those inhabiting the province of Quebec--<sup>2</sup> perhaps because such a restriction absolved him from any responsibility for the conduct of those who had settled at Detroit, Michillimackinac, or in the Illinois territory. If Carleton's view of the application of the term "Canadian" is considerably too narrow, any interpretation of the term which would include the inhabitants of all the French colonial possessions in North America is much too broad. There was never any idea that the terms of the capitulation applied to Louisiana, and the private letters of Canadians offer convincing proof that they regarded Louisiana and the Illinois territory as completely foreign to their tastes,<sup>3</sup> and quite as foreign to their government as the French West Indies.<sup>4</sup> Certainly they had no thought that the inhabitants of the southern colonies should also be considered Canadians.

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(1) Clements, Amherst Papers, vol. V, p. 114, Egremont to Amherst, Whitehall, Dec. 12, 1761.

(2) FLICK, A.C. (ed.) Papers of Sir William Johnson, vol. VI, pp. 157-8, Carleton to Johnson, Quebec, March 16, 1768.

(3) Pub. Arch. Can., Collection Baby, vol. VII, p. 245, J.F. Perrault to his cousin, St. Louis-on-the-Illinois, March 7, 1774.

(4) Ibid, vol. XXXIX, pp. 123-4, Louis Perras to Pierre Guy, St. Pierre, Martinique, Sept. 23, 1794.

The dividing line between Canada and Louisiana in the French period, however, was much more definite than the foregoing might suggest. Not only the inclinations of the Canadians, but also a decree of the French king placed the boundary line just south of the Great Lakes, or approximately<sup>1</sup> on the fortieth parallel of latitude. This was the answer which Thomas Gage gave to the inquiries of his superior officer in 1762,<sup>2</sup> but he gave it haltingly and with little assurance, and later opinions frequently contradicted the statements he made. For all that, his version seems to have been substantially correct,<sup>3</sup> and, for the purposes of this work, the term "Canadian" will be taken to refer to the inhabitants of the St. Lawrence valley and of the Great Lakes posts, but not to the French settlers in the Illinois or along the Mississippi. At the same time, it might be pointed out that "Canadian" was the term used of the natives of the colony, while "French" characterised those who had come to the colony either very recently or else on a purely temporary basis, for service in the army or the administration.

Within the vast territory surrendered to Britain, by far the largest part of the population inhabited the valley

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(1) CARTER, C.E.: The Illinois country under British rule, p. 6, note (i); Clements, Delisle, Guillaume: Carte d'Amérique, 1722.

(2) Clements, Gage Letter Books, Gage to Amherst, Montreal, March 20, 1762.

(3) CARTER, C.E.; op. cit., p. 11; Clements, Gage Papers, American Series, vol. CXXXVIII, Thos. Hutchins' remarks on the country of the Illinois, New York, Sept. 14, 1771.



of the St. Lawrence from the mouth of the Saguenay to the mouth of the Ottawa, and the valley of the Richelieu up to Lake Champlain.<sup>1</sup> The population of that area was variously estimated at between 65,000<sup>2</sup> and 70,000<sup>3</sup> persons, and it is almost impossible to arrive at any very exact population figures, for even if the census of the St. Lawrence valley were accurate, the population of the upper country was never exactly known, and the problem of the floating population of voyageurs complicated the task of the census-taker. Some authorities add their own estimates of the numbers living at Detroit and Michillimackinac, while others omit any consideration of the French residents at the posts, and this fact alone accounts for much of the variation in population figures. That there were settlements of considerable size at Detroit and Michillimackinac, and small settlements at Sault Ste. Marie, St. Joseph, La Baye (Green Bay, Wisconsin), Fort Miami (Fort Wayne, Indiana) and so on, seems to be agreed. The impossibility of computing their population exactly, however, is illustrated by three points. First, the estimates fluctuated to an incredible extent at Detroit in particular, for some observers included the garrison, while others listed only the permanent residents, and some interpreted "Detroit" as including the settlements on both sides of the river, while

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(1) Clements, Carte du gouvernement de Montréal, 1759, prepared for Gage.

(2) CARON, ABBÉ IVANHOË: La colonisation de la Nouvelle-France, vol. I, p. 144.

(3) DAVIDSON, G.W.: The northwest fur trade, Appendix C, pp. 266-8, Testimony of Thomas Ainslie before the Board of Trade; Pub. Arch. Can., Series B, vol. VIII, pp. 1-6, Murray to Shelburne, London, Aug. 20, 1766.

others restricted the application of the term to the northern<sup>1</sup> shore. Secondly, at Michillimackinac and the other posts, and to some extent at Detroit as well, population figures<sup>2</sup> were given in terms of French families, not of individuals. Finally, there is a lack of evidence about whether or not there were settlements around some of the French forts, for example, Niagara. Sir William Johnson's letters following the capture of Fort Niagara in 1759, and the maps and plans that were prepared for him<sup>3</sup>, show no sign of a French settlement, but this does not preclude the possibility that there were actually permanent residents there; it merely serves to illustrate the impossibility of arriving at a definite statement of the population of Canada in 1760. If the population of the St. Lawrence valley is taken as 65,000 and that of the upper country as 2,500, the figures must be understood to be only approximate.

This vast expanse of territory with its sparse settlements, had certain characteristics that distinguished it from the other colonies in America. In the first place, the fur trade was of overpowering importance, a necessity of its existence. It was the fur trade that constituted the importance of the colony in European eyes, and that linked Canada irrevocably with the fortunes of Europe. In the

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(1) RUSSELL, N.V.: The British Regime in Michigan, p. 103,

(2) WALKER, C.I.: The north-west in the American Revolution, pp. 6-8.

(3) FLICK, A.C. (ed.) Papers of Sir William Johnson, vol. III, p. 108, Johnson to Amherst, Niagara, July 25, 1759; map facing p. 52, of trails, portages & settlements from Albany to Niagara, 1759; plan facing p. 80, Niagara with adjacent country, 1759.

second place, the agricultural community in the St. Lawrence valley had developed along lines quite different from those of Europe and, as a result, was cut off from European life and currents of thought in a way that could not hold true for those who constantly carried on trade across the Atlantic. That is not to say that the agricultural and trading groups were cut off from each other, Men from the agricultural districts who were most impatient with the conservatism they found there could always express their revolt by entering the fur trade and, in doing so, forsake the purely Canadian part of life in New France, and align themselves with French and, in a larger sense, European forces. The Canadian merchant, also, might feel resentment at the encroachments of the French on what he considered his just preserves, and this antagonism was very similar to that of the habitant militiaman for the French officer. Incipient nationalism, however, could not make the merchant forget the connection between himself and the continent that was at once his market and his source of supply. While life on the seigneuries tended to become static and unprogressive by the middle of the eighteenth century, just as the land itself was becoming less productive, life in the forest seemed to attract the more progressive, the more realistic, and the more adaptable citizens of New France. Within the colony itself, there were thus two diametrically opposed forces, the one uniting it with Europe, and the other creating a separate entity, a society at once more egalitarian and more insular than the society of contemporary Europe.

It was the fur trade that made New France something far

*1 another footnote: and divergence  
13 columns*

more important than a mere agricultural colony could ever have been; it was the fur trade that made the colony valuable to France and desirable to England; it was the fur trade that brought about the clash of interests in North America that led to the Seven Years' War and to the conquest of the colony by Britain. To thousands of Canadians in 1760, the fur trade was a promise of livelihood and a hope of fortune, and only in one area of that trade did French interest predominate. The Compagnie des Indes had been given a monopoly over the marketing of beaver,<sup>1</sup> or about forty percent of the entire fur trade out of New France, for the private enterprise of Canadian merchants had met with no great success in that field;<sup>2</sup> by contrast, the Company did its work effectively, and provided stable prices and an assured market.<sup>3</sup> It remained, however, a French rather than a Canadian concern, even though it did appoint Canadians like Joseph Cugnet and Fleury Deschambault to act as its agents. Beyond the limits of this monopoly, the greatest part of the fur trade in New France was carried on by Canadians.

At the King's Posts, the trade was sometimes in the hands of a government official who dispensed goods from the King's stores, and sometimes in the hands of a merchant who secured a monopoly over the trade of the region by paying an annual rent. The King's Posts included the forts on Lake

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(1) Culture, vol. VIII, p. 435, ADAIR, E.R.: "Anglo-French rivalry in the fur trade during the 18th century."

(2) SHORTT, ADAM: Currency Documents, vol. I, Introduction, p. lvii.

(3) MUNN, A.J.E.: Economic development in French Canada, 1713-1760, MS. thesis in Redpath Library, McGill University, p. 148; pp. 151-3.



Ontario and the Ohio where English competition was greatest and where the trade was frequently carried on at a loss; they also included the fur trading posts and fisheries of the lower St. Lawrence, where the income does not seem to have been particularly large.<sup>1</sup> F.J. Cugnet, the son of one of the men who leased the posts of the Domaine du Roy, computed the annual revenue at 20,000 livres tournois,<sup>2</sup> but the difficulty the government experienced in finding lessees, and the fluctuating amounts of rent charged<sup>3</sup> suggest a less profitable enterprise.

The large profits from the fur trade undoubtedly came from farther west. There the military commandants of the posts often exercised a monopoly over the fur trade that<sup>4</sup> offered them an excellent opportunity of enriching themselves. Many of these commandants came from Canadian families and in 1760, for example, de Beaujeu was commanding at Michillimackinac and Picotté de Bellestre at Detroit. It is doubtless true that it was the aim of the impoverished gentry to make their fortunes in this way, and certain Canadian fortunes did

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(1) LUNN, A.J.E.: op. cit. p. 191; MORGAN, MILDRED: The office of Receiver-General and its tenure by deputy..., MS. thesis in Redpath Library, McGill University, p. 10.

(2) Pub. Arch. Can., Series Q, vol. III, p. 293, Cugnet's account of the King's Posts, Oct, 13, 1768.

(3) LUNN, A.J.E.; op. cit. pp. 191-2.

(4) Pub. Arch. Can., Series B, vol. V, p. 382, Carleton to Shelburne, Quebec, March 2, 1768; GIPSON, L.H.: The British Empire before the American Revolution, vol. V, pp. 46, 55.

rest upon the fur trade,<sup>1</sup> but it must be remembered that it was the poverty rather than the wealth of the seigneurial class as a whole that impressed the Englishmen who came into Canada in 1760.

Not all the lucrative western posts poured wealth into the purses of military commandants. In some posts, the trade was open to all who had bought congés or who acted as agents for merchants who held congés. This system was naturally the one that pleased the Canadian merchant class best, and it was the one in general use from 1726 to 1742. Only in the last years of the French regime was there an increasing tendency to limit the congé system and to allow<sup>2</sup> monopolies by wealthy merchants or military commandants, to the dissatisfaction of the smaller trader in furs.

To the voyageur, the fur trade offered a freedom he could not find in the settled parts of New France, and, at the same time, the highest wages to be found anywhere in the colony. At the beginning of the Seven Years' War, an experienced voyageur could command two hundred to two hundred and fifty livres tournois each month, in addition to the provisions which he required for his journey,<sup>3</sup> and this was reckoned an enormous wage at the time. In addition, he might make an extra profit by the illegal sale of furs to the

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(1) DANIEL, ABBÉ: Histoire des grandes familles, p. 523.

(2) Culture, vol. VIII, p. 441, ADAIR, E.R.: "Anglo-French rivalry in the fur trade during the 18th century."

(3) LUNN, A.J.E.: op. cit, p. 126; KALM, PETER: Travels, vol. II, p. 411.

English on the Hudson River, Dissatisfaction with the monopoly system may also have contributed to the participation of many Canadian merchants in the flourishing smuggling trade with Albany,<sup>1</sup> but still another factor entered very decisively into this trade. The Canadian merchant was keenly aware of the fact that the Indians preferred English manufactured articles to the goods they were supplied from France. Both in quality and in price, the English strouds and scarlets and copper kettles<sup>2</sup> were a far better bargain, and even the Compagnie des Indes had to take official notice of this fact, and buy English goods<sup>3</sup> for resale to the Indians, naturally at increased prices. The smuggling trade which undoubtedly created some of the fortunes of Montreal merchants was, in large part, the Canadian solution to the problems of gaining suitable goods with which to trade with the Indians.

The Canadian trader always maintained the closest of relationships with the Indians among whom he traded, and this point was illustrated time and again throughout the French and English rule in Canada. There was an understanding between Canadians and Indians that was almost entirely lacking in the dealings of the English in the fur trade. The work of the Jesuit missionaries who had frequently gone ahead of all traders undoubtedly contributed to the feeling that the Canadians were not interested merely in the acquisition of furs.

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(1) Can. Hist. Assn. Report, 1939, pp. 65-8, LUNN, A.J.E.: "The illegal fur trade out of New France."

(2) INNIS, H.A.: The fur trade in Canada, p. 79, 85, 87.

(3) Culture, vol. VIII, p. 335, ADAIR, E.R.: "Anglo-French rivalry in the fur trade during the 18th century."

The stern opposition of the Roman Catholic church to the selling of brandy to the Indians, moreover, aided in convincing certain of the Indian chiefs that the Canadians were their brothers and were concerned for their welfare and not merely eager to obtain furs without adequate payment.<sup>1</sup>

Such an impression, of course, would never have persisted among the Indians had the traders themselves not shown them greater consideration than did their English rivals. The Canadian liberality in dealing with the Indians was one of the great advantages they possessed, and along with this liberality went a willingness to learn various Indian dialects and attitudes of mind.<sup>2</sup>

The close relations between the Canadian traders and the Indians were already being subjected to a severe test by the 1750's, for the English, even though they lacked the confidence of the tribes, were offering superior manufactured goods, and their supplies were constant and unfailing, whereas, in each of the recurring wars of the eighteenth century, English control of the Atlantic caused delays and interruptions in the trade with France.<sup>3</sup> Some Canadian traders might even welcome British conquest, for their future under a new rule might be still more prosperous. They continued to hold the confidence of the Indians, and the possibilities of an unfailing supply of

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(1) GIPSON, L.H.: op. cit. vol. IV, p. 168, cites Indian treaties printed by Benjamin Franklin, (ed. by J.P.Boyd)p.130.

(2) Ibid., vol. V, p. 107.

(3) O'CALLAGHAN, E.B. (ed.) Documents relating to the colonial history of the state of New York, vol. X, p. 2, Beauharnois to the minister, Quebec, June, 1745.



of British manufactured goods must have led many to take an optimistic view of the future.

Disputes between French and Canadian merchants also contributed to the tendency among the Canadians to regard the conquest as no unqualified disaster. In the last years of the old regime, there had been a strong feeling against the practice of French merchants--les marchands forains, as they were significantly called in Canada-- who went through the country districts, selling their commodities direct to the inhabitants and cutting out entirely the precarious profits of the Canadian middlemen.<sup>1</sup> Travellers deplored the effect of this practice,<sup>2</sup> and the intendant Hocquart, writing at a time when the abuse had by no means reached its peak, declared that the Canadian merchant did not profit by half the trade of the colony.<sup>3</sup> With the advent of Bigot as intendant, and with his issuance of contracts for army foodstuffs to his own friends,<sup>4</sup> competition by private merchants became virtually impossible. In the last years of French rule, the Canadian bourgeois class was largely on the outside, eagerly hoping for a share of profits that they probably imagined were far greater than they actually were. Thus, it was not the Conquest that brought about the financial ruin of a large part of the class; that ruin was already complete before British armies ever entered

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(1) SHORRT, ADAM & DOUGHTY, A.G.: Documents relating to the constitutional history of Canada, 1759-1791, p. 60, Murray's report on the state of Quebec, June 5, 1762.

(2) FRANQUET: Voyages et memoires sur le Canada, p. 154.

(3) LUNN, A.J.E.: Economic development of French Canada, p. 353.

(4) Ibid, pp. 92-3.

Canada. The merchants had reluctantly accepted the letters of exchange that were the usual means of transferring money across the Atlantic, just as the army and the religious institutions had accepted them,<sup>1</sup> but the value of these slips of paper was exceedingly problematical by 1759. Financial crises in New France had always been met by the issue of additional paper money,<sup>2</sup> and the Seven Years' War was no exception. Because it surpassed in importance and in magnitude of expense all previous colonial wars, the flood of inflation rose highest, and the Canadian merchants were very much alarmed at the danger that their certificates would never be redeemed.<sup>3</sup>

The fur trade had created the merchant class of Canada, but, by bringing about the conflict of European powers in America, the fur trade had also brought about the conditions under which the merchants faced ruin by 1760. The merchants were extremely aware of the critical financial situation in which they found themselves, and they were not entirely unaware of the causes that brought it about. Among them, there was a certain bitterness against France, and an overwhelming sense of the dependence of Canada upon Europe. Not only the pressure from English competition, but the changing fashions in hats thousands of miles away from them, and the struggle for

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(1) SHORTT, ADAM: Currency Documents, vol. I, Introduction, p. xxxix.

(2) Ibid, vol. I Introduction, p. lxix, lxxi, lxi-lxiii.

(3) Ibid, vol. I, Introduction, p. lxxxiii.

markets in the Netherlands and Russia had had their effects upon the price of fur in Canada, and in that price, the Canadian merchant was vitally interested.

In sharp contrast to the merchant in this respect was the habitant in the agricultural community along the St. Lawrence. The seigneur's sons might go to France for their education, or an army career might take them far from Canada, but, for the most part, the seigneur was as insular as his censitaires. The family fortunes had almost all begun with the removal to Canada, and, very seldom, were there legends glorifying the exalted position the family was supposed to have enjoyed in the old country. If the seigneurs had any doubt whatever of their lowly position upon the social ladder of France, they were disillusioned by the visits they paid to their mother country in 1761 and 1762. With the exception of a very few families recently come from France, the connection between the mother country and the colony tended to be vague and indistinct.

Only the Catholic communion constituted any real link between the habitant and Europe, and this link might well have been a very strong one, for, during the French regime, two-thirds of the <sup>1</sup>secular clergy and almost all the regular clergy had been born in France. There is no indication, however, that the curés used their influence very largely to emphasize the connection, and there was still less probability that they would

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(1) SULTE, BENJAMIN: Histoire des canadiens-français, vol. VII, p. 73.

continue to use it for this purpose. To preach fidelity to France, or even to underline the connection with Rome would have been to involve themselves in difficulties with the new government; to preach fidelity to Canada, to cater to the insularity of their people was their obvious course of action.

That spirit of insularity was already very marked under the French regime. The habitant showed a marvellous contentment with his lot, coupled with a profound indifference to all plans that might increase his income by increasing his work. Government efforts to induce the Canadians to grow hemp and to prepare it carefully serve as an example of the way in which Canadian farmers showed no interest in new methods,<sup>1</sup> preferring their own regrettably careless ones which,<sup>2</sup> with a minimum of effort, still secured them a livelihood. Some ascribed this reluctance to laziness pure and simple; it seems more likely that the Canadians saw no good reason for putting themselves to any particular trouble to change their methods merely to satisfy a remote government. They could not see why the fact that there were more horses than cows in New France should cause any alarm.<sup>3</sup> They liked horses, and owned as many as they could, and, at the same time, remained obdurate when the advantages of owning cows instead were

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- (1) LUNN, A.J.E.: Economic development in French Canada, pp.75-7.  
(2) KALM, PETER: Travels, vol. I, p. 307.  
(3) LUNN, A.J.E.: op. cit. p.108.

presented to them. They were even less impressed by ingenious suggestions for filling up their gloriously idle winter months with all kinds of useful activity. The French government, on the other hand, was justly alarmed about the economic position of a colony that showed an increasingly unfavourable balance of trade.<sup>1</sup> All that the financial difficulties of the home government ever meant to the habitant, however, was that paper money was being issued in increasing amounts, and that the prospect of its being paid back were becoming remote.<sup>2</sup> As a result, the habitants frequently refused to accept paper money, and hoarded any specie that came into their hands, thus removing from circulation whatever money France did send out to the colony and making the financial situation progressively worse.<sup>3</sup>

Attempts to introduce industries into New France were bound to fail also,<sup>4</sup> for the habitants were reluctant to serve as wage-labourers, even though the scarcity of unskilled as well as skilled labour meant that wages in Canada were generally high.<sup>5</sup> The St. Maurice forges at Three Rivers was the largest industry that the colony boasted, and the traveller Franquet stated that one hundred and twenty workmen<sup>6</sup> were employed there just before the Seven Years' War. The

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(1) LUNN, A.J.E.; op. cit., Government expenditures in Canada, p. 478.

(2) Pub. Arch. Can., British Museum Additional MSS. 35915, f. 309-310, Notes on government at Quebec, 1768; SHORTT, ADAM: Currency Documents, vol. I pp. 350-8, Murray to Halifax, Quebec, Aug. 20, 1764.

(3) SHORTT, ADAM; op. cit. vol. I, Introduction, p. lxxxv.

(4) KALM, PETER: Travels, vol. II, p. 411.

(5) LUNN, A.J.E.: op. cit. p. 329.

(6) Ibid, p. 337.

industry struggled through several years of company ownership and, finally taken over by the government, turned out about 400,000 pounds of iron a year during the 1740's<sup>1</sup>, but it declined steadily during the war years<sup>2</sup>, and, in 1760, Governor Burton of Three Rivers, could find only seven or eight men who were still employed at the forges<sup>3</sup>. Shipbuilding likewise had been a moderately flourishing industry in the earlier years of the eighteenth century, but shipbuilding by private individuals had come to a sudden and complete end in New France in 1743<sup>4</sup>, and skilled workmen for the King's ships came from France, received high wages for a few years of exile<sup>5</sup>, and then returned home.

The habitant showed little or no interest in these proceedings, for the surplus profit motive seems to have had little influence; he was moved far more by a fear of losing what he had than by a hope of ~~grasping~~<sup>gaining</sup> something that he had not yet grasped. This conservatism could only have been possible in a society where the conditions of life were fairly satisfactory to the habitant, and a consideration of his position in New France shows most clearly the way in which the feudal system had become transformed in a Canadian environment.

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(1) LUNN, A.J.E.: op. cit. p. 329.

(2) Ibid. p. 337.

(3) Les Ursulines des Trois Rivières, vol. I, p. 340.

(4) LUNN, A.J.E.: op. cit. pp. 245-6.

(5) Ibid. pp. 11-12.

In Canada, the seigneurs usually received their lands as a reward for military or civil service of some kind, and very rarely could they trace their ancestry back to the noblesse of France itself. This meant that social lines of distinction were far less marked than in Europe<sup>1</sup>; it also meant that unless they had been fortunate enough to command in one of the western posts, the seigneurs were relatively poor. Neither by claims of birth nor by evidences of wealth were the seigneurs very clearly marked off from their censitaires.

The habitant, whether he rented his land from a seigneur<sup>2</sup> or directly from the king as was the custom in the upper country, was in a much more favoured position than the French peasant. He was liable for a fraction of the purchase price if his land passed from the direct succession, but his rent was always low. The cens amounted to about one sou for each arpent of frontage, and the rente averaged one livre for each superficial arpent, and both these charges were frequently paid in kind, with one<sup>3</sup> fat capon or one demi-minot of wheat calculated at one livre. It was the established rule that no seigneur could raise these taxes once they were established,<sup>4</sup> and the habitant lived secure in that knowledge. Moreover, the taille was unknown in Canada,

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(1) REID, A.G.: The importance of the town of Quebec, MS. thesis in Redpath Library, McGill University, p. 350.

(2) Clements, Gage Papers, American Series, vol. LVIII, Gage to Campbell, New York, Oct. 6, 1766.

(3) LUNN, A.J.E.: op. cit. p. 62.

(4) CARON, ABBÉ IVANHOË: La colonisation de la Nouvelle France, vol. I, p. 149.

(5) LUNN, A.J.E.: op. cit. p. 67.

and, until 1748, customs duties existed only on liquor and tobacco. In 1748, there was a general import tax of three<sup>1</sup> percent levied on all goods except salt and cordage, but, in general, these duties cannot have affected the habitant greatly, nor does it seem likely that seigneurial or merchant classes suffered unduly from them.

Habitants, however, viewed with considerably less equanimity the other obligations incumbent upon them--the corvée and militia duty. Governor Haldimand, who made extensive use of the corvée twenty years later,<sup>2</sup> claimed that he did no more than follow the French practice but actually there were very strict rules governing its use under the French regime. The seigneur could only demand this service, if it were so stipulated in the title deed, and, although it averaged only three to six days of work each year, these days had to be divided among the different seasons of the year, and the habitant could commute his labour into a money payment of two livres for each day. The authorities saw to it that the seigneur did not exploit the habitant in this regard,<sup>3</sup> and the habitants themselves saw to it that the government requisitions of men for building roads or bridges did not<sup>4</sup> disturb them overmuch. It was with this second type of corvée, or labour for the state, that the English government

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(1) LUNN, A.J.E.: op. cit. pp. 364-5.

(2) Trans, of Royal Soc. of Can., vol. VI, p. 106, LeMoine, J.M. "Le general Sir Frederick Haldimand a Quebec."

(3) LUNN, A.J.E.: op. cit. p. 63.

(4) Ibid. p. 31.



was chiefly concerned, and the very interest which Englishmen showed in the corvée as a means of carrying through public projects indicates a shift of emphasis that was completely bewildering to the habitants. The number of roads and bridges in New France was so small that raising men for public services of this kind must have been a very rare occurrence, while the use of the corvée upon the seigneuries themselves seemed to be slipping out of existence.

The duty of serving in the militia, however, was a very real one under French rule.<sup>1</sup> Again, complaints against this obligation were loud in later years, but the militia does not seem to have been used extensively during the War of the Austrian Succession,<sup>2</sup> and, during the Seven Years' War, the habitants served willingly, if not eagerly; General Murray felt that the resistance that the Canadian militia had offered to his troops had been extremely stubborn,<sup>3</sup> and the estimates agree that three thousand or more militiamen accompanied Montcalm's army on each of its last three campaigns.<sup>4</sup> That the obligation of serving in the militia had reached an intolerable limit by 1760 is quite evident, however, for there had been repeated levies year after year,

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(1) Pub. Arch. Can., Murray Papers, vol. III, p. 35, Murray to Pitt, Quebec, Oct. 22, 1760.

(2) LUNN, A.J.E.: op. cit. p. 102.

(3) Pub. Arch. Can., Murray Papers, vol. I, p. 6, Murray to Amherst, Quebec, Nov.--, 1759.

(4) CHAPPAIS, SIR THOMAS: Montcalm, p. 82; KNOX, CAPT. JOHN: Journal (Champlain Soc. Pub.) vol. II, p. 164.

and the periods of service each year had been so long that sowing and harvesting had been neglected in some regions. It might be claimed that, in her last desperate effort to retain her colonies in America, France exhausted the efficacy of a system which had hitherto been productive of much more good than evil for the colony; it might likewise be claimed that the Canadians raised no serious objections to militia service until the time came when they were asked to sacrifice their own interests in a cause that seemed foreign to most of them. Again, the isolationism of the Canadians came into play.

While the reaction against service in the militia was evidence of the habitants' lack of interest in the disputes of European powers, the system itself under the French regime had constituted one of the few links between the habitants and their government. The captain of militia in each parish was an officer who owed his appointment to the governor of the colony,<sup>1</sup> but who was, nevertheless, usually chosen for his popularity in his community. There was an extremely good reason for this deference to public opinion, for all sorts of regulations were addressed to the captain of militia and it was his duty to inform his parish of the regulations, and to see that they were put into execution. In these circumstances, it was only wise to choose a man who had considerable

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(1) Bulletin des Recherches Historiques, vol. XXXI, p. 184, Note re the Canadian militia.

influence in his parish and, significantly enough, this man, who was chosen because of his popularity, and whose very position increased his influence, was never the seigneur. The Canadian landlord class disdained service in the militia, and performed their military service in the regular troops of the French king. As a result, the office of captain of militia, perhaps the only element of local government in eighteenth century New France, grew to real importance in the districts of Montreal and Three Rivers, but the seigneurs were not concerned with it.<sup>1</sup>

The position of the seigneur was to be magnified in importance by Englishmen coming into the country, for they thought they had found on the banks of the St. Lawrence an exact counterpart of the European feudalism they already knew. Actually, the obligations upon the seigneurs were light--taking the oath of fealty and homage, paying the king one-fifth of the purchase price when land passed out of the direct succession, allegedly clearing their<sup>2</sup> lands, although this demand was never strictly obeyed--<sup>3</sup> but, at the same time, the habitants regarded the seigneurs as far less exalted and far less obnoxious than the peasants of France regarded their lords. In Canada, the seigneur was little more than a landholder, and the respect and deference

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(1) BURT, A.L.: The old province of Quebec, p. 154.

(2) LUNN, A.J.E.: op. cit., p. 32.

(3) Ibid., p. 35.

of the censitaires depended, in large part, upon the individual seigneur. There was not the hatred for the class as a whole that was festering in eighteenth century France; there was frequently admiration and respect on the part of the habitants, but there is no indication that a seigneur could impose his views upon them. Authorities seem to agree that there was a divergency of outlook in the Canada of 1760<sup>1</sup> that certainly does not suggest the imposition of the ideas of one class upon the others. There are no indications, for example, that the habitant was dispirited or degraded. His very bonhomie suggests a lack of authority over him, and travellers commented far more<sup>2</sup> upon his gaiety and hospitality than upon his docility. Canadian conditions had assuredly changed and modified the feudal system to such an extent that it was scarcely recognizable.

In spite of these significant changes in the feudal system as it operated in Canada, it is not safe to assume that the Canadians were governed by customary rules, developed to meet the necessities of a new environment. The customary part of their law was almost entirely negative; that is, certain parts of the law as it was applied in France had been allowed to fall into disuse. The positive part of their law was almost entirely written down in ordinances, contracts, and so on. This was a fact that

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(1) CHAPPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 57; MUNRO, W.B.: The seigniorial system, p. 143.

(2) FRANQUET: Voyages et mémoires sur le Canada, p. 103.

Englishmen did not realise, perhaps because they were deceived by the very name of the code of laws in practice in Canada--the *coûtume de Paris*. In actual fact, written laws were of predominant importance; to the French jurist, no claim gained validity merely by long assertion, and this was a point which the English lawyers of the post-conquest<sup>1</sup> period utterly failed to comprehend.

To realise the precise nature of the rules embodied in the *Coûtume de Paris*, one has only to read the abstract, ambiguously entitled "*Coûtumes et usages de la province de Québec*" which Governor Carleton enclosed in his dispatch of April 12, 1768<sup>2</sup>. This document was probably the work of F.J. Cugnet, and it attempted to state the exact French legal position upon a multitude of questions--upon debts, marriage contracts, arrest, personal actions, succession, fealty, legacies, and numerous other points. This lengthy document is significant for two reasons, in so far as the history of Canada before 1760 is concerned. First, it illustrates admirably the exactness and the detail of the law by which the colony was governed; secondly, it shows the complexity and the intricacy of that law, So precise were its formulae, that the whole was extremely difficult to understand. A brilliant English Attorney-General of Canada wrote, after studying this document, that he had spent four

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(1) MUNRO, W.B.: *op. cit.* pp. 206-7; Pub. Arch. Can., Series Q, vol. V, p. 525, *Coûtumes et usages de la province de Québec*.

(2) Pub. Arch. Can., Series Q, vol. V, pp. 483-559, *Coûtumes et usages de la province de Québec*, enclosed in Carleton to Shelburne, Quebec, April 12, 1768.

hours ferreting out the meaning of the first few pages, even though he had the writer at his elbow to explain the text to him, but, when he did understand it, he thought "the several propositions neatly and accurately expressed."

In sharp contrast to this complexity was the apparent smooth operation of the Canadian administration of justice under the French regime. To be sure, the machinery of justice was as simple as the law was complicated. Besides special courts like the Admiralty and Maréchaussée, there were the Court of the Prevoté at Quebec and the cours royales at Montreal and Three Rivers,<sup>2</sup> while seigneurial courts, although provided for in some of the land titles, had virtually fallen into disuse.<sup>3</sup> These courts sat frequently, and their procedure was very simple; there were no avocats, a minimum of officials, and few witnesses, while the testimony seems to have been exclusively verbal.<sup>5</sup> Canada prided itself upon the speed, low cost, and lack of corruption of its legal machinery, but if a suitor felt that he had not obtained justice in the inferior courts, he could appeal to the Conseil Supérieur at Quebec, a body composed of a first conseiller and eleven

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(1) Pub. Arch. Can., British Museum Additional MSS. 35915, f. 297, Maseres to Richard Sutton, Quebec, Aug. 14, 1768.

(2) LANCTOT, GUSTAVE: L'administration de la Nouvelle-France, p. 12.

(3) Pub. Arch. Can., Series Q, vol. V p. 478, Carleton to Shelburne, Quebec, April 12, 1768; LANCTOT, GUSTAVE & KENNEDY, W.P.M. (eds.) Reports on the laws of Quebec, pp. 54-6, Report of Carleton and Hey, 1769.

(4) Canadian Historical Review, vol. I, p. 170, SMITH, WILLIAM: "The struggle over the laws of Canada, 1763-1783."

(5) Bulletin des Recherches Historiques, vol. IV, p. 18, Note on Canadian legal system.

others in civil cases, and including also the procureur du Roy in criminal matters.<sup>1</sup> Finally, the governor and intendant formed a tribunal which judged, to the exclusion of all other jurisdictions, all disputes arising from land concessions-- validity of deeds, position and extent of grants, and so forth.<sup>2</sup>

The explanation of the apparent contradiction between the complexity of the law of the province and the simplicity of its administration may lie in either of two directions. First, the Canadian habitant, litigious though he undoubtedly was, seldom went beyond the borders of his own parish for legal redress. He might take his problems to his captain of militia, or, more probably, to his curé.<sup>3</sup> It is only reasonable to suppose that these men were dominated more by their knowledge of the persons involved and by their own judgment of the matter, than by the intricate provisions of the Coûtume de Paris that might apply in the particular case. As in all pioneer communities, there was likely to be a tremendous divergence between law and practice, and thus the difficulties inherent in the Coûtume de Paris might be imperfectly understood.

The royal courts, however, still had a large amount of business to transact, and another explanation must be advanced

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(1) Pub. Arch. Can., British Museum Additional MSS. 35915, f. 303, Notes on civil establishment at Quebec by F. Walker.

(2) LANCTOT, GUSTAVE: L'administration de la Nouvelle-France, p. 37.

(3) CARON, ABBÉ IVANHOË: Au lendemain de la capitulation, p. 78.

to account for their smooth operation. The concentration of all questions of land claims in the hands of one particular judicial body may have done much to simplify matters in a colony where land disputes were very important. Moreover, cases involving traders were almost certain to concern Frenchmen as well as Canadians, and it was only to be expected that these Frenchmen would demand the use of the code marchand, the compilation of commercial laws in common use in France at this time, but never registered by the Conseil Supérieur at Quebec, and therefore of doubtful legal validity in Canada.<sup>1</sup> The coutume de Paris simply would not fill the needs of a trading community; for example, by means of the saisie, a man's entire property "might be sealed up for a trifling debt and with no real evidence of intended fraud. In a commercial community, where any stoppage of business was dangerous, this might and often did, cause bankruptcy."<sup>2</sup> Canada before 1760, however, was not predominantly a commercial community; that was the only thing that made the coutume de Paris workable; even so, the French merchant law, later described as similar to the English commercial law in most respects,<sup>3</sup> was in actual use in Canada, and demands for legal reform, especially in the laws relating to the collection of

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(1) BURT, A.L.: op. cit. p. 154.

(2) NEATBY, H.M.A.: Administration of justice under the Quebec Act, p. 97.

(3) BOUCHER DE LA BRUÈRE, fils: Le Canada sous la domination anglaise, p. 10.



debts, had already been heard.<sup>1</sup> Two factors, then, seem to have saved Canada from legal chaos before the conquest--the fact that so many of its disputes were settled locally, with little reference to the abstract principles of the law, and the fact that the colony had not yet become a predominantly commercial community.

Just as Englishmen coming to Canada wrongly regarded the old French laws as oppressive upon the individual, they overestimated the power which church and state exercised over the French-Canadian. Even though the death of Bishop Pontbriand removed the chief of the Roman Catholic hierarchy in 1760, Englishmen felt that the church, under the leadership of its three vicars-general,<sup>2</sup> was a unified and even a despotic organisation, commanding the obedience of its communicants in all matters spiritual and temporal, and exacting unreasonable dues from them. This view, so often expressed in later years by the more militant Protestants among the newcomers, deserves some examination.

In the first place, there seems to be ample evidence that the Roman Catholic clergy in 1760 were in neither a strong nor a unified position. They supervised the work of one hundred and ten parishes,<sup>3</sup> and conducted missionary work throughout the upper country, and operated a number of schools,

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(1) NEATBY, H.M.A.: op. cit. p. 17.

(2) GOSSELIN, ABBÉ AUGUSTE: L'église du Canada après la conquête, vol. I, p. 6.

(3) CARON, ABBÉ IVANHOË: La colonisation de la province de Québec, vol. I, p. 25.

yet the number of secular and regular clergy combined was not more than one hundred and forty<sup>1</sup>, and some estimates<sup>2</sup> place it much lower. The chapter at Quebec, normally consisting of a dean and twelve canons, had just seven canons<sup>3</sup> in 1760; the rest were absent in France. Depleted in numbers, the clergy were also suffering from divisions within their own ranks. The rivalries of Recollets, Sulpicians, and Jesuits, were well known, and there was considerable criticism<sup>4</sup>, particularly of the last two. Perhaps more important from a Canadian point of view were the differences between the Canadian-born curés, whose intransigence and ignorance the higher clergy often deplored<sup>5</sup>, and the French-born incumbents of the higher positions in the church. It was not until the 1780's<sup>6</sup> that a man born in Canada was appointed Bishop of Quebec, and that day seemed very remote in 1760.

Still more significant than the divisions within the ranks of the clergy was the control which the state exercised over all religious matters, throughout the whole French regime. The church seems to have been the prisoner of the state in many respects, and this fact alone does much to undermine the

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(1) GOSSELIN, ABBÉ AUGUSTE: op. cit. p. 17.

(2) Bulletin des Recherches Historiques, vol. IX, p. 111, TÊTU, MGR. HENRI: "M. Jean-Felix Récher, curé de Québec."

(3) GOSSELIN, ABBÉ AUGUSTE: op. cit. p. 2.

(4) Mémoires sur les affaires du Canada, pp. 19<sup>4</sup>-5.

(5) Pub. Arch. Can., Series C11A, vol. III, pp. 246-8, Dosquet, coadjutor at Quebec, to the minister, Quebec, Oct. 17, 1730.

(6) TÊTU, MGR. HENRI: Lettres et mandements des évêques de Québec, vol. II, p. 341.

position that the Roman Catholic church had exercised vast powers in New France. It was the state that controlled the appointment of a prelate, and then carefully scrutinised his actions, once he was appointed. In Louis XIV's instructions to Talon, he wrote: "Il est absolument nécessaire de tenir dans une juste balance l'autorité temporelle qui réside en la personne du Roy et de ceux qui le représentent, et la spirituelle, qui réside en la personne dudit Sieur Evesque et des Jésuites, de manière toutefois que celle-cy soit inférieure à l'autre."<sup>1</sup> There is no evidence that this attitude changed during the eighteenth century, for bishops were sometimes reprimanded for their actions, throughout the entire French regime, and the government controlled their actions, with no hint of relaxing that control. The king's interest extended beyond the bishop to every member of the secular and regular clergy, and there were occasions when he intervened in the internal discipline of the chapter at Quebec,<sup>2</sup> and commented upon the individual conduct of its members. Furthermore, no religious order could come to Canada without royal consent, and, once such consent was given, the order was strictly regulated as to numbers, and its accounts were examined and verified by the civil authorities.<sup>3</sup>

The position which the church occupied in Canada in

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(1) Can. Catholic Hist. Assn. Report, 1940-41, p. 43, LANCTOT, GUSTAVE: "Situation politique de l'église canadienne."

(2) Ibid, p. 44.

(3) Ibid, pp. 46-8.

1760 was thus by no means an authoritarian one. Montcalm had noted the attitude of deference that the Canadians adopted toward their priests, but at the same time, he had commented<sup>1</sup> upon the absence of any real obedience. In this observation may be seen much of the strength and the weakness of the church's position at the time of the conquest. Almost every Canadian was strict in his religious observances, but that did not mean that he blindly followed the curé's opinions, particularly when these included what he considered unjust demands for subscriptions. The history of French Canada abounded in examples of disputes over the payment of tithes, and, in these disputes, as in the quarrels over seigneurial dues, the habitant had a protector in the government.

In matters not so intimately bound up with <sup>their</sup> his own purses, the Canadians were likely to be influenced very greatly by their priests. One reason for this was the clerical monopoly over education, but this operated in a slightly different way from the one in which it may operate in a community in which the majority of the people are literate. In French Canada, the parish priest was important in shaping men's opinions, not so much because of the teaching in the schools, but by virtue of the fact that he was the educated one among many. He was thus regarded as the one who knew the answers, and his opinions carried still more weight for that reason.

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(1) CASGRAIN, ABBÉ H.R. (ed.) Journal de Montcalm, p. 63, (Collection Lévis, vol. VII)

There seems to be little doubt that the opportunities of gaining an education in Canada in 1760 were very limited. The Jesuit college, the seminary at Quebec, the few boys' schools directed by religious orders or parish priests, could<sup>1</sup> give training to only a few Canadian boys each year. The girls had a slightly better chance of gaining some education, for the Ursulines at Quebec and Three Rivers, the sisters of the Hôpital-Général and the Hôtel-Dieu at Quebec, and the various schools conducted by the Sisters of the Congregation all had small classes. A later generation of Englishmen found it<sup>2</sup> easy to blame the prevalence of illiteracy upon the clergy, but, in doing so, they failed to recognize the presence of certain factors that should not be disregarded--the smallness of Canadian incomes, the unwillingness or inability of parents in the country districts to send their children to the towns for an education, the scarcity of books, and the custom of outdoor living that made children unwilling to submit to indoor scholastic training which seemed to bear no relation to their needs. In their denunciation of the lack of education among the Canadians, Englishmen were attacking the virtually unassailable position of the curé in his community, and to this position the lack of education undoubtedly contributed. That is by no means evidence that the curés encouraged lack of education to buttress their own positions, for there are no indications

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(1) CHAUVREAU, J.O.: L'instruction publique en Canada, pp. 5-3.

(2) MASERES, FRANCIS: The Canadian freeholder, p. 27, vol. I; SHORTT, ADAM & DOUGHTY, A.G.: Documents relating to the constitutional history of Canada, 1759-1791, pp. 500-01, Finlay to Nopean, Quebec, Oct. 22, 1734.

that Canadians in general were eager for an education that the clergy were reluctant to offer them.

The respect in which the clergy were generally held in Canada certainly does not suggest that there was any feeling that they were deliberately limiting educational opportunities; the myriad good works of the religious communities and of many of the parish priests rather strengthens the impression that the Canadian clergy were vitally interested in the welfare of their people. To a striking extent, the influence of the clergy rested upon their individual worth and popularity, rather than upon any authoritarian position which they occupied. The French-Canadian in 1760 was by no means the slave of a tyrannical hierarchy, as the English imagined him to be. Furthermore, the leadership of the curés had, in the past, never been exercised in the political sphere; the absolutism of the French government was such that the clergy were definitely prevented from spreading political opinions. If they were to enjoy that power in the future, there was no precedent for it before 1760. The French regime had left little opportunity for leadership among the Canadians, from the seigneurial class, or from the Roman Catholic clergy.

Canadians generally seem to have had little interest in political issues before 1760, and when opposition to laws repugnant to them did arise, the opposition was of a kind very different from that encountered in the New England town meeting.

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(1) LANCTOT, GUSTAVE: Les Canadiens-français et leurs voisins du sud, p. 94.

The Canadian, confronted with a legal duty to perform some action that he did not wish to perform, frequently did nothing at all. "Les gouverneurs et les intendants n'insistaient pas; ils connaissent trop bien la profondeur de l'opiniâtreté<sup>1</sup> canadienne, et la proximité de la forêt sans fin." During the French regime, law-making was restricted to a narrow group, and the opportunities for overt criticism were few, but that is not to say that the edicts of the king or the ordonnances of the Conseil Supérieur were burdensome; still less does it imply that they were always obeyed.

At the head of the government was a small group of officials, chosen by the king, and sent over from France to serve their terms in Canada. The governor acted as honorary president of the council and controlled all military matters in the colony; the intendant, actual president of the council, supervised innumerable matters of legal and financial routine. There is little doubt that these men held in their hands very large, perhaps almost absolute, powers, for the Conseil Supérieur had little authority, so far as the making of laws was concerned. The governor possessed an absolute veto over its legislative acts, and it was forbidden to take any action, no matter how trivial, in the absence of both governor and<sup>2</sup> intendant. Actually, however, the majority of Canadians

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(1) LANCTOT, GUSTAVE: L'administration de la Nouvelle-France, p. 140.

(2) Ibid, p. 110.

seem to have regarded the governmental structure at Quebec as almost as remote from them as was the French government itself; their contacts were usually with lesser officials, almost all of them Canadian-born. The decisions of the governor and the intendant undoubtedly had the power to make life difficult for the Canadians, but, until the extraordinary years of war at the very end of the French regime, these decisions were seldom troublesome. The government was rather their protector than their oppressor, and some of the officials sent out from France seem to have won respect in the colony, while others, like Bigot, succeeded in making themselves<sup>1</sup> thoroughly unpopular. The generally high standard of these officials in the eighteenth century, and the probity and efficiency of Intendant Gilles Hocquart in particular, did much to ease the possible friction between an absolute form of government and an independent citizenry. In securing the smooth operation of the government, however, these men were at once obscuring the difficulties inherent in the system under which the colony was governed, and contributing to the growth of the isolationism that was the most outstanding feature of the Canadian agricultural settlement.

The years of war with Britain meant inconvenience to the Canadians from the very outset; later it meant<sup>2</sup> financial loss and depredation of their property, and, to a

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(1) Trans. of Royal Soc. of Can., Series III, vol. III, p. 53  
SULTE, BENJAMIN: "Le Chevalier de Niverville".

(2) KNOX, Capt. JOHN: Journal (Champlain Soc. Pub.) vol. II, pp. 147-50; DOUGHTY, A.G. & PARMELEE, G.W. (eds) The siege of Quebec in 1759, vol. V, p. 44, Journal of Major Moncrief.



certain extent, the deepening of the antagonism against the French. The scarcity and the high prices that prevailed everywhere in Canada by 1759<sup>1</sup> were inevitable results of war, but the Canadians, in many cases, blamed the condition upon their government. Not even the invasion of a foreign army was able to awaken in most of the inhabitants of the St. Lawrence valley any realisation of their own position. Their entire concern was for their economic problems, but, at the same time, they failed to recognize the connection with Europe that was vital to their economic welfare.

In 1760, habitant and trader in Canada shared a concern over the disruption of business that had resulted from the war; both desired peace as a prerequisite for returning to their farms, in the one case, and for re-building their trade, in the other. To both of them, the question of a changed allegiance was largely a tenuous one, for the habitant and the voyageur were both likely to regard an oath of allegiance to a sovereign overseas as almost as nebulous as the Indians' pledge to a Great White Father. Seigneurs and clergy could only hope that the colony would eventually be returned to France, as it had been over a century before. The Canadian merchant, meanwhile, could not ignore the opportunities that British citizenship might open for him in the future, even at the moment that his trade was ruined.

It thus happened that the terms of the capitulation

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(1) CHAPPAIS, SIR THOMAS: Montcalm, pp. 622-3; CASSEMAIN, ABBÉ H.R. Journal de Montcalm, p. 472 (Collection Lévis, vol. VII)

agreed to in September, 1760. were of little interest to most Canadians; for some, the mere fact that war had ceased in Canada was sufficient; for others, the fact that the capitulation was not a definitive treaty of peace still left room for hope. Governor Vaudreuil himself professed his satisfaction with the terms, in his letters to the commanders at Detroit and at Michillimackinac,<sup>1</sup> but the fact that his letters were to be carried by Major Robert Rogers and his Rangers may have had some effect upon the phrasing of them. Actually, the articles promised only that the Canadians would remain undisturbed in the possession of their property, and that they would be permitted the free exercise of their religion,<sup>2</sup> and thus, from the very outset of British rule, the position of the Canadians was precarious and insecure. Expediency was to allow them to maintain much more than the articles of capitulation ever hinted at, but expediency was an unsure protector, for it might just as easily dictate harshness as lenity.

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(1) Pub. Arch. Can., Series H, vol. ~~CC~~ I, pp. 219-21, Vaudreuil to Bellestre, Montreal, Sept. 9, 1760; Clements, Gage Papers, American Series, vol. VI, Vaudreuil to de Beaujeu, Sept. 9, 1760.

(2) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 8-15, Capitulation of Montreal, Sept. 8, 1760.

## CHAPTER II

### MILITARY RULE IN QUEBEC, 1760-1764.

In the history of French-English relations in the years immediately following the Conquest, the brief period between the capitulation of 1760 and the final cession of the country to England three years later takes on a particular significance. It is naturally important because it is the first period in which the two nationalities met on terms at least some degrees removed from hostility. That importance, however, was imperfectly understood at the time because of the uncertainty felt by French and English alike as to the eventual fate of the colony.

England was by no means sure in 1760 that Canada would remain in her hands; there were those who counselled against holding the country, even if the war should go well enough elsewhere for her to demand it. General Murray, for example, is credited with the view that Canada should be returned to France, because "il faut que la Nouvelle Angleterre ait un <sup>1</sup> frein à ronger." Such uncertainty was bound to affect the

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(1) MALARTIC, COMTE DE: Journal, p. 331.

British policy, to delay the completion of any comprehensive plan for the government of the country and, as a result, to dictate the adoption of the old French system almost in its entirety. Almost inevitably, the belief grew up among the French-Canadians that, if English government continued in Canada, a system similar to that of the military regime would also remain. The uncertainty over the eventual fate of the colony had a still more direct result, in so far as the French-Canadians were concerned, for it led to the creation of new lines of division among them, and to the reduction of the powers of both clergy and gentry. With both these classes, eagerness to return to France was mingled with a fear, growing increasingly strong, as the period progressed, that the colony was to remain British. Conflicts and doubts as to the proper policy to follow--and this policy always depended upon what the final peace treaty would say--weakened both classes.

As soon as Canada had capitulated, some measures had to be taken for the government of the colony. James Murray, who had been in command at Quebec since the fall of that fortress a year before, was continued in his position. Thomas Gage became the military governor at Montreal, and Ralph Burton at Three Rivers, so that the old French division of Canada into three districts was maintained during the military regime. Since all three governors were army officers, they were responsible to their commanding officer, Sir Jeffrey

Amherst; since they were in charge of a country where fighting was no longer going on, they were also, although more indirectly, under the control of the home government.<sup>2</sup> This dual control, however, contrived to increase rather than to diminish their powers, and the three men worked independently of each other, and often without any direction from either their commander-in-chief or the British ministry.

Until the fate of the colony should be known, the security of British troops in Canada was the primary aim of all three governors. Their secondary aim, which they pursued in so far as it did not interfere with the first, was the well-being of the Canadians. They very early realised that their two purposes were not isolated from each other, and that military security might well hinge upon the way in which the Canadians were treated. For this reason, there was as little interference as possible with the lives of the inhabitants of the colony and, even in the Quebec region in the months before the capitulation of the rest of Canada, there was a remarkable disposition among the Canadians to adapt themselves to their new situation, and to do nothing that would incur the wrath of the British authorities.

After the capitulation of Montreal, the number of restrictions upon freedom of action were naturally fewer. The

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(1) Pub. Arch. Can., Murray Papers, vol. III, p. 78, Murray to Amherst, Quebec, Sept. 24, 1760.

(2) Pub. Arch. Can., Series B, vol. XXVII, p. 10, Egremont to Amherst, London, Dec. 12, 1761; Clements, Amherst Papers, vol. V, pp. 69-70, Amherst to Gage, New York, March 20, 1761.

(3) CASGRAIN, ABBÉ H.R.: (ed.) Journal du Maréchal de Lévis, p. 225.

Canadians were still required to hand their weapons to the captains of militia, and they protested against this order, and sometimes disobeyed. All three governors repeated threats against any of the inhabitants who continued to shelter deserters from the British forces, but this aid to deserters does not seem to have sprung from any desire to weaken the occupying forces, but rather from the friendliness which many of the inhabitants entertained for individual soldiers. Both Amherst and Captain Knox testified to the generally good relations between the troops and the citizenry.

If every precaution was taken for the security of the troops, all possible safeguards were also erected to protect the French-Canadians from insult or injury as a result of the presence of troops in the country. The inhabitants were encouraged to take their grievances to the court which Murray set up in Quebec in January, 1760, and orders were likewise issued to prevent any possible clashes between troops and civilians--Roman Catholic processions, for example, were not to be interfered with in any way--

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(1) Clements, Gage Papers, American Series, vol. VI, Massey to Gage, St. Antoine, Oct. 6, 1760.

(2) Can. Arch. Report, 1918, Appendix B, pp. 91-5, Proclamations of October, 1760.

(3) Pub. Arch. Can., Series C.5, vol. LIX, pp. 355-7, Amherst to Pitt, Crown Point, Oct. 16, 1760.

(4) KNOX, CAPT. JOHN: Journal (Champlain Soc. Pub.) vol. II, p. 147.

(5) Ibid, vol. II, pp. 206-28; 260.

and still another possible cause for friction was overcome when the troops were ordered to pay the Canadians in specie<sup>1</sup> for their goods. For the most part, leaving the Canadians unmolested did not interfere with British security, and it thus proved a feasible as well as a desirable policy. The home government signified its approval, when Egremont wrote: "Nothing can be more essential to His Majesty's service than to retain as many of the French subjects as may be... Employ the most vigilant attention and the most effective care that the French inhabitants be... humanely and kindly treated and that<sup>2</sup> they do enjoy the full benefit of an indulgent and benign government."

The governors all seem to have believed that the easiest and most satisfactory way of keeping the Canadians contented was to continue as nearly as possible the same government and the same laws as had existed before the conquest. As a permanent policy, this had obvious defects, for it permitted no progress from the old system, and, at the same time, it failed to recognize that the Canadians had had certain grievances against their government and laws, even before the question of two nationalities arose to complicate matters further. As a temporary expedient, however, this continuation of the old system without any examination of its

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(1) KNOX, CAPT. JOHN: Journal, (Champlain Soc. Pub.) vol. II, p. 269.

(2) Pub. Arch. Can., Series B, vol. XXXVII, p. 10, Egremont to Amherst, London, Dec. 12, 1761.

merits or demerits worked very well.

To aid in their duties as governors of their respective districts, Murray, Gage, and Burton made use of their military officers. At Montreal and Three Rivers, they served as a court of appeal, while Murray gave them still other duties at Quebec, and it was thus a group of Englishmen who made up the new "Cour et Conseil Supérieur"<sup>1</sup> of 1760, although the old French name was copied. It was by no means true, however, that the government of the military regime in Canada was exclusively, or even chiefly, English. All the governors spoke French; their secretaries--Cramahé, Maturin, and Bruyères-- had French names as well, and the government was thus only partly English, even at the top; it was entirely French below, "for the whole administration was carried on through the agency of the Canadian militia officers. They were the hands, the eyes, the ears, and the mouth of the government."<sup>2</sup> The records of the period show clearly the extent to which lesser French officials were used,<sup>3</sup> and it must be remembered that it was these lesser officials with whom the people came most frequently in contact. Especially since the Canadians usually made it a policy to steer clear of the English wherever possible,<sup>4</sup> the two races had few contacts, during the

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(1) Can. Arch. Report, 1918, Appendix B, pp. 14-17, Murray proclamation, 1760.

(2) BURT, A.L.: The old province of Quebec, p. 32.

(3) MAHEUX, ABBÉ ARTHUR: Ton histoire est une épopée, pp. 64-5.

(4) Pub. Arch. Can., Murray Papers, vol. II, pp. 15-16, Murray to John Watts, Quebec, Nov. 2, 1763.



military regime, outside of the law courts and the fur trade.

As far as edicts of the government were concerned, the Canadians might well have failed to discern any change of authority. The same taxes were judged to be in force as in earlier years<sup>1</sup>, and the regulations concerning prices, traffic, fire hazards<sup>2</sup>, and so on, were almost identical to the rules issued by the Intendant under the French regime. In the administration of justice also, French precedent was followed so faithfully that the changes were often imperceptible. There was some variation in the legal machinery set up in each of the three governments, but even this was a pursuit of the earlier custom, rather than a deviation from it. At Montreal and Three Rivers, the court of English officers acted only in appeals, while the militia officers formed a court of first instance; at Quebec, where the militia officers had never exercised as much power under the French government, Governor Murray was doubtful of the value of such courts. He had scant respect for the captains of militia who, he contended, had been chosen, not for outstanding abilities, but for a "depravity of heart that will not hesitate implicitly to execute the commands of an oppressive governor."<sup>3</sup> It is quite possible that his view was more justified in Quebec than in the other governments. Whatever the differences of opinion among the governors as to the

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(1) Can. Arch. Report, 1913, Appendix B, p. 60, Gage proclamation Aug. 15, 1762.

(2) Ibid, p. 6, Murray proclamation, Jan. 15, 1760; p. 47, Gage proclamation, Oct. 12, 1761; p. 120, Haldimand proclamation, June 5, 1762.

(3) Pub. Arch. Can., Murray papers, vol. III, pp. 37-8, Murray to Pitt, Quebec, Oct. 22, 1760.

reliability of the militia officers, and whatever the variations in the composition of the courts, the administration of justice in all three governments had certain common characteristics. In all, there was an attempt to administer French laws; in all, there was the use of French clerks and notaries; in all, there was the use of the French language.

It was Garneau who began the legend that these courts were shunned by the Canadians. In his view, the military courts were a violation of the terms of the capitulation, because they overturned the entire social and judicial system to which the Canadians had been accustomed, because they replaced Canadian judges with English ones, and because they administered the harsh justice to be expected under martial law.<sup>1</sup> This indictment deserves minute examination.

It is difficult to understand where the myth of swift and violent upheaval of the old French laws could have had its origin. During the military regime, every attempt seems to have been made to follow the ancient custom of the country—the old taxes to repair the Montreal walls were collected in the same manner and in the same amounts as before;<sup>2</sup> those who bought fiefs and seigneuries and neglected to pay the king the quint demanded by French law<sup>3</sup> were ordered to do so at once; censitaires were ordered to build houses on their lands or see

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(1) GARNEAU, F.-X.: Histoire du Canada, 5th ed. vol. II, p. 297.

(2) Can. Arch. Report, 1918, Appendix B, p. 60, Gage proclamation, Aug. 12, 1761.

(3) Ibid, p. 41, Gage proclamation, Feb. 20, 1761.

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their property reunited to the seigneurial holdings; land grants, like those given in 1762 to John Nairne and Malcolm Fraser, followed the French form exactly, except that there was no mention of "haute, moyenne, et basse justice"; French precedent served as a guide in the courts.<sup>2</sup> It would certainly appear that this part of Garneau's accusation is unwarranted by the facts.

It was undoubtedly true that few of the former judges were entrusted with similar positions under British rule, and for an excellent reason, Gage afterwards declared that "every court of civil or criminal judicature had left the country," and his statement was substantially correct. Of the members of the Conseil Supérieur as it existed in 1759, only Jacques Belcourt de la Fontaine and Joseph-Etienne Cugnet seem to have remained in the colony,<sup>5</sup> and they were both used by Murray in the administration of justice in the government of Quebec.<sup>6</sup> This is scarcely the story of Canadian judges being thrust out of office to make way for English ones.

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(1) Can. Arch. Report, 1918, Appendix B, pp. 66-7, Gage proclamations of Jan. 12 and Jan. 21, 1763.

(2) CARON, ABBÉ IVANHOË: La colonisation de la province de Québec, vol. I, p. 3.

(3) Pub. Arch. Can., Appels des jugements, Chambre de milice, Montreal, Aug. 22, 1762; Registre d'audience, Chambre de milice, Montreal, Aug. 7, 1761.

(4) Pub. Arch. Can., Series C.C.5, vol. LXV, pp. 89-90, Gage to Charles Gould, New York, April 10, 1764.

(5) Bulletin des Recherches Historiques, vol. I, pp. 167-8, ROY, J.E.: "Les conseillers du conseil souverain de Québec."

(6) Can. Arch. Report, 1918, Appendix B, p. 16, Murray proclamation, Nov. 2, 1760.

The suitability of de la Fontaine for his position has sometimes been questioned. He had been noted chiefly for his speculations in land and furs, and whatever knowledge of the law he did have, he had learned from a brief contact with one Verrier, the procureur-général at Quebec in the 1750's. Moreover, his qualities had not been appreciated by some of his superiors during the French regime, and continued complaints against him were to be expected. These complaints may be accounted one of the unhappy results of taking over intact an old legal system and employing as many of its administrators as remained in the country. There was no time to examine the merits of each; merely having served under the old government was sufficient qualification for office under the new.

Whether or not there were complaints against Jacques Allier, whom Murray appointed as judge in January, 1760, the scarcity of records makes it virtually impossible to tell. His removal ten months afterwards and the substitution of an entirely different system of administering justice suggest, however, that his authority was either unsatisfactory to the Canadians or prejudicial to British military security. His removal, however, did not take place until the most dangerous period for the British troops had already passed, and that

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(1) GFOULX, M<sup>re</sup> LIONEL: Lendemain de conquête, p. 122.

(2) Bulletin des Recherches Historiques, vol. XXXVI, pp. 464-5, cites letter of Blot & Vaudreuil to minister, Quebec, Aug. 18, 1756.

(3) Can. Arch. Report, 1913, Appendix B, p. 1<sup>st</sup>, Murray proclamation, Nov. 2, 1759; Can. Arch. Can., Plumatifs des audiences de la juridiction de la c<sup>te</sup> du sud, depuis St. Nicolas jusqu'à Berthier, is the only surviving record of this court.

removal does not seem to have aroused any protest from the inhabitants, so the first of the two suggestions would appear to be the more probable.

In Montreal, the court of militia officers was also the cause of a number of complaints. This court was composed of de Couagne, Léry, Bozière, Leveux, Bondy, LeCompte Dupré, Gamelin, Rhéaume, Hervieux, and one of the ubiquitous Panets.<sup>1</sup> The last four of these frequently figured in cases brought before the Montreal courts, although they were not present while their own cases were being considered. All of them were suspected<sup>2</sup> of partiality in their decisions, and all of them seem to have had too extensive business interests in the town to be really unbiased judges. Rhéaume, in particular, was suspected of having too personal an interest in the decisions of the court, and finally Gage found it necessary to write a stern letter to the officers, stating that there had been complaints against their conduct, and emphasizing the necessity for fairness.<sup>3</sup> The court at Vaudreuil was also the cause of complaints, for there, Cherrier, a militia officer, was demanding a fee before a case could be considered. It appeared that this money was not a regular charge demanded by the authorities,

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(1) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montreal, Nov. 9, 1760.

(2) Ibid, November 1761-March, 1762.

(3) Ibid, Gage to militia officers, Montreal, Jan. 14, 1762.

(4) Clements, Gage Letter Books, Gage to Major Beckwith, Montreal, April 8, 1762; Gage Papers, American Series, vol. VIII, Beckwith to Gage, Boucherville, April 7, 1762, April 11, 1762.

but an original plan of Cherrier's for making money for himself. It thus appears that some of the officials chosen by the English during the military regime were not satisfactory to the French-Canadians; one is struck, however, by the fact that these complaints were directed against French officials who had served under the former government.

With regard to the alleged harshness of the military courts, there is some evidence that the defendant had very little chance of absolving himself of the offense with which he was charged. Out of eighteen cases heard on January 19, 1763, for example, judgement was given against the defendant in sixteen, and the other two were deferred.<sup>1</sup> This was by no means unusual; in fact, the records show very few cases in which the defendant was able to exonerate himself completely.<sup>2</sup> It can scarcely be argued that so large a proportion of the cases heard were just, so there appears to be some ground for the charge that the military courts, deluged with far more cases than they could possibly examine thoroughly--sometimes as many as fifty in one day--<sup>3</sup> took what they considered the best way out of the dilemma and handed down judgments against the defendant about ninety percent of the time. In these circumstances, it was necessary for the defendant to have a very

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(1) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montreal, Jan. 19, 1763.

(2) Ibid., July 17, 1762; Pub. Arch. Can., Appels des jugements, Chambre de milice, Montreal, July 12, 1761.

(3) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montreal, March 31, 1763.

strong case indeed to attract the favourable attention of the court

On the other hand, the penalties demanded were not heavy, for the usual judgment was the restitution of money owed, plus the very moderate cost of the proceedings<sup>1</sup>. In sharp contrast to the courts set up after the formal cession of the country these military courts seem to have escaped all complaints on the score of high charges. To be sure, it must have been small comfort to a defendant against whom a hasty judgment had been given, to reflect that the costs were moderate! The constant use of these courts, moreover, may not necessarily be a commentary upon the justice of their decisions; one could expect courts that gave judgment so frequently against the defendant to be popular with those who brought the cases before them.

Records of heavy penalties were rare in civil cases, and, for criminal offenses, there are few instances of French-Canadians suffering the death penalty during the military regime. One, a Captain Nadeau, was ordered hanged by Murray in 1760 as an example to the residents of the south shore who were aiding Lévis' army in its attack on Quebec<sup>2</sup>. Gage ordered two men hanged after a general court martial had passed sentence upon them in 1761, but the home government, after that time, was most reluctant to allow the governors the right to impose the death penalty, and Murray complained that the widow Corriveau, accused of murdering two husbands in three years, remained at large

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(1) Pub. Arch. Can., Montreal court of officers sitting in appeal, Rules and regulations, Oct. 15, 1761.

(2) ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. III, p.7.

for some time.<sup>1</sup> Finally, Murray seems to have got the power he asked for, because there is a record of the execution of the widow,<sup>2</sup> who does not seem to have been mourned by the inhabitants of her native St. Vallier.

Fortunately for the Canadians, the military courts did not discriminate against them in favour of the English. Most of the cases, of course, concerned only Canadians, but almost all cases involving Englishmen offered illustrations of the conflicts of two nationalities, for there were few instances of one Englishman suing another. This was partly due to the smallness of their numbers; it was also partly due to their unwillingness to submit their differences (at least in Montreal and Three Rivers) to a French tribunal administering French law. Both of these courts had been established for some time before any Englishman appeared before them as plaintiff,<sup>3</sup> while the Quebec court recorded such cases somewhat earlier.<sup>4</sup> Englishmen did appear before these courts, however, when charges were brought against them by Canadian suitors and, in Montreal, Robert Mackay and Francis Noble Knipe appeared quite frequently, and Canadian after Canadian received judgment against Knipe in particular, for he seems to have been notorious from the

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(1) Pub. Arch. Can., Murray Papers, vol. II, pp. 29-30, Murray to Charles Gould, Quebec, Nov. 12, 1763.

(2) ROY, J.E.: op. cit. vol. III, p.8.

(3) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montréal, March 16, 1762, Blake v. LeDoun.

(4) Pub. Arch. Can., Registre du conseil militaire de Québec, Feb. 12, 1761.



first for his attempts to evade his debts.<sup>1</sup>

Perhaps the clearest evidence of the lack of discrimination in favour of English disputants is the recurrence of their complaints against the courts. They criticized the whole procedure of the military tribunals.<sup>2</sup> In the early months, that procedure had consisted of merely listening to the testimony of plaintiff and defendant. Later, witnesses began to be called, first for the plaintiff--who seems to have been given every advantage-- and then, much more rarely, for the defendant.<sup>3</sup> Very occasionally, lawyers appeared to plead the case of their clients, but, out of twenty-two cases heard on September 27, 1763, lawyers entered into only three of them.<sup>4</sup> That was about the usual percentage toward the end of the military regime; at the beginning, it was even smaller.

Usually Englishmen appearing before the courts would conform to the rules and then complain to the governor. There were, however, two notable exceptions to this rule. Joseph Howard, called as a witness in the case of Dussault v. Walker, refused to take the oath, and denied the authority of the court.<sup>5</sup> Some months later, Thomas Walker refused to appear before the court of militia officers. The court decided to

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(1) Pub. Arch. Can., Registre d'audience, Chambre de Milice, Montréal, Dec. 17, 1761; March 16, 1762; Sept. 27, 1763; Oct. 11, 1763.

(2) Clements, Gage Letter Books, Gage to Amherst, Montreal, Oct. 12, 1763.

(3) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montréal, Oct. 9, 1762; July 20, 1763.

(4) Ibid, Sept. 27, 1763.

(5) Ibid, July 17, 1763.

fine him forty-nine piastres for his failure to appear, and then entered on the records, this censure of his conduct: "Faire defenses au dit Sieur Walker de plus à l'avenir tenir aucun propos sur le compte de demandeur dont il ternit tous les jours la réputation.<sup>1</sup>"

If the actions of Howard and Walker were part of an attempt to discredit the courts, they failed miserably, for the Canadians offered few complaints. That acceptance might have been partially due to the fact that, as a conquered and reputedly more docile people, they would be less likely to air their grievances. It is to be doubted, however, if Beausoleil and Desaulniers, traders called along with Howard as witnesses in the case mentioned earlier, would have remained silent if they had shared his views. Certainly the punishment of Howard--his testimony's being struck from the record--was not such as to deter them from speaking; this was one case where the silence of the men certainly implied their agreement with the court procedure and their disagreement with Howard.

If the position of the Canadians as the conquered people did not affect their behavior in the militia courts, it may well have affected their willingness to appeal to the British officers and to the governors. They were never led to hope for reversals of decisions there, and Gage and Burton made it quite clear from the outset that appeals were to be discouraged; the expense of the appeal was to borne by the

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(1) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montréal, Oct. 6, 1763.

appellant, and a fine was to be added in cases where appeal<sup>1</sup> seemed unnecessary—and a very wide discretionary power might well have been concealed in such directions. Besides, it was nearly always the custom to uphold the decision of the lower courts so that, if the Canadian did not obtain justice from the militia courts, it was highly improbable that he would ever obtain it. He seems to have recognized this, for the<sup>2</sup> number of appeals dropped steadily.

There remains the incontrovertible fact that the Canadians made extensive use of the militia courts. As soon as they were set up, they were flooded with business; weekly meetings were soon found inadequate to handle the tremendous volume of cases that increased steadily throughout the military<sup>3</sup> regime. An examination of the records shows that, by all odds, the greatest number of these cases concerned traders, but that does not mean that there is any evidence that any one class shunned the courts. Seigneurs appeared to do battle with each other;<sup>3</sup> ecclesiastics as well as laymen carried their differences to the courts, and Briand, the vicar-general, attempted to curb the practice by urging the priests to settle their quarrels<sup>5</sup> among themselves, rather than appeal to English judges;

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(1) Pub. Arch. Can., Appels des jugements, Chambre de milice, Montréal, Dec. 6, 1760; March 17, 1762.

(2) Pub. Arch. Can., Montreal Court of Officers sitting in appeal, Gage instructions, Oct. 15, 1761.

(3) Pub. Arch. Can., Audience du Conseil Militaire de Québec, Nov. 4 - March 4, 1760-61, 111 cases; May 1- August 1, 1764, 209 cases.

(4) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montréal, Aug. 7, 1761, de Rouville v. de Ramezay.

(5) GOSSELIN, ABBÉ AUGUSTE: L'église au Canada après la conquête, vol. I, p. 40.

censitaires used the courts to sue their seigneurs and each other;<sup>1</sup> fathers sued their children for suitable living allowances;<sup>2</sup> women, as well as men, appeared before the courts, to sue for rents in their own right, or, because of their superior education, to plead their husbands' causes.<sup>3</sup> It is still true that all this litigation touched the town people far more than it did the residents of the country parishes. The peasant was not likely to carry his case to the towns for legal redress, but would rely upon the judgment of the local captain of militia or curé. This situation, however, existed under both the French government and the military regime; it in no way implied the dissatisfaction of the habitants with the military courts.

The government and laws of Canada, then, in the brief period of intermission between the capitulation and the formal cession of the country, seem to have been substantially the same as they had been under the French regime. The real pre-occupation of Canadians does not seem to have been the laws, or even the country, by which they were to be governed. Out of the confusion that characterised the period comes the concern of habitants and traders for their paper money and, to a lesser extent, for their religion. The church railed at what it considered a mistaken emphasis, and Briand wrote: " Vous connaissez

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(1) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montréal, Nov. 9, 1760.

(2) Ibid, Sept. 27, 1763, Lacombe v. Lacombe.

(3) Ibid, Dec. 9, 1761.

les habitants, leur avarice, leur préparation de coeur à tout pour les biens.<sup>1</sup>" The trading group in the towns was likewise engrossed in business matters, so that the church could not arouse there any lively sense of the peril to the Roman Catholic faith, while the seigneurs, during the military regime, took practically no part in Canadian affairs.

There were several reasons for this temporary eclipse of seigneurial power. In the first place, many of the gentry were absent from the country, and names like de Léry, de Lanaudière, and de Lavaltrie, which had been important before 1760 and were to be so again, disappeared from Canada for several years. It was not until a definitive peace was signed that most of the seigneurs returned to the colony, complaining of the treatment they had received in France,<sup>2</sup> and announcing their intention to remain in Canada. During the military regime, then, the seigneurial class was much depleted in numbers and, as a result, its influence was greatly diminished.

A second reason for the failure of the seigneurs to act as spokesmen for the Canadians was the attachment which most of the gentry felt for France. They believed that they had a great deal to lose from a change of government and, in the years of indecision, their usual policy was one of waiting,

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(1) GOSSELIN, ABBÉ AUGUSTE: L'église du Canada après la conquête, vol. I, p. 33, cites Briand to Judge Panet, Quebec, April 29, 1761.

(2) Trans. of Royal Soc. of Can., Series III, vol. III, pp. 53-4, SULTE, BENJAMIN: "Le Chevalier de Niverville", cites Haldimand to Gage, Three Rivers, Jan. 25, 1764; Bulletin des Recherches Historiques, vol. XL, p. 73, HARWOOD, C.A. de L.: "Chartier de Lotbinière."

hoping that Canada would be returned to its former masters. If this were to happen, a splendid isolation on the part of the gentry during the British occupation might well add to their influence when, and if, return of the old authority took place. Certainly the seigneurs of 1760-1763 could not have been accused of being collaborationist.

Finally, seigneurial power in Canada was limited by the English themselves, for the newcomers had scant respect for the class as they found it in 1760. Murray expressed a general feeling when he said that the seigneurs were impecunious, vain, contemptuous of trade, tyrannical to their vassals, and unalterably opposed to a British government which could never offer them the position that they had formerly enjoyed. The truth or falsehood of this judgment is not important in assessing its effect upon seigneurial power. It was the opinion held by Englishmen in positions of authority, and it therefore raised an almost insuperable barrier for any seigneurs who might have wished to take a leading role during the military regime.

What leadership there was for the bewildered habitants and traders of 1760 rested with the clergy who, from the first, seem to have taken a more realistic view of the situation. Very early, the possibility of Canada's remaining British occurred to the ecclesiastical leaders, and Jean-Olivier Briand, the vicar-

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(1) SHORTT, ADAM & DOUGHTY, A.G.: Documents relating to the constitutional history of Canada, 1759-1791, p. 63, Burton report on Three Rivers, 1762.

(2) Ibid, pp. 59-60, Murray report on Quebec, 1762.

general of Quebec and, after the death of Bishop Pontbriand in 1760, the leader of the Roman Catholic church in Canada,<sup>1</sup> decided upon a policy of coöperation with the English. This decision was made the easier by the generally good relations between the English soldiers and the inhabitants of Quebec, by the friendship begun in the common privations and dangers of the winter of 1759-60. Without their cathedral as a result of the siege, the parishioners at Quebec met in the Ursuline chapel from 1760 until December, 1764,<sup>2</sup> and, since this convent was one of the few buildings that had survived more or less intact, it was also used for Anglican services for the garrison. The sisters, deprived of their usual revenue, were very poor, and it was Murray who immediately saw to the necessary repairs for the convent,<sup>3</sup> while the sisters, on their part, expressed their alarm over the inadequacy of the uniform of the Highland regiments to meet a Canadian winter, and, soon after the Battle of the Plains, began to knit heavy stockings,<sup>4</sup> "pour couvrir les jambes de ces pauvres étrangers." The Ursuline school was again open in 1760-61, with an enrolment of thirty-seven girls, and, from that time on, a few English names began to appear on its rolls--sadly mutilated, it is true,

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(1) GOSSELIN, ABBÉ AUGUSTE: L'église du Canada après la conquête, vol. I, p. 2.

(2) Histoire des Ursulines de Québec, vol. III, pp. 47-8.

(3) Ibid, vol. III, p. 16.

(4) Ibid, vol. III, p. 18.

for the nuns were completely unable to cope with the strange combinations of vowels and consonants, and Naomi Hill, for example, became on the convent register, Nimbé Il.<sup>1</sup>

Relations with the Hôpital-Général were likewise friendly, and Captain Knox told of the gratitude that the British soldiers felt when they were fortunate enough to be moved from "their own odious regimental hospitals" to the cleanliness and excellent care of the Hôpital-Général.<sup>2</sup> Murray felt sympathy for this institution also, and asked the home government to allow it additional funds.<sup>3</sup> If there was any truth in the story that Mère Ste. Claude, the mother superior, was spreading rumours of the arrival of French ships in the St. Lawrence in the hope of lowering the morale<sup>4</sup> of the British garrison, the governor took no notice of it. The usual opinion expressed by the sisters of the Hôpital Général, as of the Ursulines, seems to have been one of gratitude for help received from the new government, conditioned, of course, by the hope that this government would not be of long duration. Mère Marie de la Visitation wrote to the French minister: "Quant aux Anglais, nous ne pourrions sans injustice nous plaindre de la façon dont ils nous ont traités."<sup>5</sup>

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(1) Histoire des Ursulines de Québec, vol. III, p. 204.

(2) KNOX, CAPT. JOHN: Journal, (Champlain Soc. Pub.) vol. II, p. 313.

(3) Pub. Arch. Can., Series Q, vol. I, p. 19, Murray to Egremont, Quebec, March 8, 1762.

(4) KNOX, CAPT. JOHN: op. cit., vol. II, pp. 367-8.

(5) ST. FELIX, SISTER: Monseigneur de St. Vallier et l'Hôpital Général de Québec, p. 374, cites Mère Marie de la Visitation to the French minister, Québec, Sept. 27, 1663.



These generally friendly relations may have encouraged Briand to adopt his policy of coöperation. At any rate, he considered it his duty to keep internal peace in the country by urging Canadian acquiescence to the new regime. He worked with the government to a surprising extent, stressed the confidence that Murray had in the priests, and urged them to comply with the governor's orders.<sup>1</sup> It was he who introduced prayers for an English Protestant king in Roman Catholic churches--a point that might well have been difficult.<sup>2</sup> Even in cases where his priests complained to him of unfriendly actions by the English, Briand lent a deaf ear. Instead of being sympathetic to their complaints, he advised them not to obstruct the English in any way, and to be careful not to give the conquerors an unfavourable opinion of the priesthood.<sup>3</sup> He also took the lead in numerous expressions of gratitude to the English, and the petition of the clergy in June, 1762,<sup>4</sup> illustrated this trend. It expressed satisfaction with the religious policy of the military government in Quebec, and the submission of the Canadian clergy to His Britannic Majesty.

It does not therefore seem to have been mere coincidence that when a Roman Catholic bishop was being selected in 1766, the choice fell to Briand. He had been making himself acceptable to

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(1) TÊTU, MGR. HENRI: Lettres et mandements des évêques de Québec, vol. II, p. 252, Briand's circular letter of 1761 re the declaration of wheat.

(2) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. I, p. 24, cites Briand to Perrault, Quebec, Feb. 22, 1762.

(3) Ibid, vol. I, p. 39.

(4) Pub. Arch. Can., Series Q, vol. I, pp. 32-4, Petition of Roman Catholic subjects to the king, enclosed in Murray to Egremont, Quebec, June 7, 1762.

the English for several years. It is significant that, in the movement to obtain a bishop for the decapitated Canadian church, he remained discreetly in the background until such a move had at least partly gained English official sanction. Murray felt that the gap left by Pontbriand's death was a stroke of luck for the English as, given these fortunate circumstances, it was possible to weaken the Roman Catholic church by the simple expedient of doing nothing. Free exercise<sup>1</sup> of the religion had been granted by the terms of capitulation, and that promise seemed sufficient to quiet the fears of most Canadians, but ecclesiastical leaders soon saw the joker in the deal. When the articles were signed, Canada was already without a bishop, yet it was explicitly stated that the King of France<sup>2</sup> no longer had the right to name a Bishop of Quebec. Without a bishop, there could be no consecration of priests; without priests, the religion would inevitably die out. That was the fear facing the Roman Catholic leaders during the military regime, and it was a fear that they had to face alone, for it was very late before the Canadian people could be made to see this peril. It was this fear that made Briand cooperate with the English as the only possible way of getting what the conquerors were so reluctant to give-- a Roman Catholic hierarchy in a British colony. It was this fear that made Briand write in disgust: " Il est étonnant combien il paraît d'indolence dans le

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. p. 14, Capitulation of Montreal, Sept. 8, 1760.

(2) Ibid, p. 15, Capitulation of Montreal, Sept. 8, 1760.

peuple canadien pour assurer la religion. Quelle différence de nos villes de France! .. Si vous ôtez cinq ou six de nos bourgeois, tout le reste demeure dans une stupide et grossière ignorance."

While ecclesiastical leaders felt that the doom of their church was already foreshadowed, the only concern of the Canadians generally seemed to be for their worldly goods. There were a number of reasons for this attitude. In the first place, there was no major disturbance to their way of living during the military regime, and religion and laws remained as they had always been. Secondly, the powers which seigneurs and clergy were to acquire under British rule were still in the future, and both classes were in a weakened position after 1760. The seigneurs, diminished in numbers and out of favour with the rulers, pinned all their hopes upon an eventual return to French rule. The clergy, without a bishop, struggled the more feebly against the complacency of Roman Catholic laymen because they disputed within their own ranks the proper policy to follow with regard to the English. Only a treaty of peace could clarify the positions of both classes.

At the same time, it was very clear that clergy, gentry, and habitants by no means shared the same objectives, and ~~that~~ this divergence of opinion was clearly illustrated in the varying degrees of attachment to France. Seigneurs felt the bond to be real and lasting; habitants were apt to remember the

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(1) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. I, p. 63, cites Briand to Jollivet, Quebec, October, 1763.

government be continued, for the justice it dispensed was prompt and efficient.<sup>1</sup> The fact that these adulatory addresses appeared at a time when the Seven Years' War elsewhere, upon which the fate of Canada depended, was taking a turn definitely advantageous to Britain and Prussia, minimizes their value as evidence of general contentment. Far more important, although less blatantly asserted, was the fact that Canadian loyalty, or at least obedience, was likely to go to the country that offered the greatest freedom to cultivate the soil and rebuild the ruined trade of 1760. On this point, habitants and bourgeois were united.

In the lower town of Quebec, only four or five houses, out of close to two hundred, were left standing after the siege,<sup>2</sup> and Bishop Pontbriand predicted that it would take twenty years to rebuild the town to its 1758 condition.<sup>3</sup> Inhabitants of the town had lost everything they owned, in many cases, and the outlying districts had been plundered by both French and British armies. Time and a broad policy of rebuilding would be necessary before the economic ills of 1760 could be alleviated, but some sort of temporary relief project had to be initiated at once. Given the conditions in Quebec after the capitulation, it was to be expected that any government holding power there would undertake some such scheme; that the English did undertake it,

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(1) Pub. Arch. Can., Series Q, vol. I, p. 31, Petition of the bourgeois and citizens of Quebec to Murray, June 7, 1762.

(2) DOUGHTY, A.G. & PARMELEE, G.W. (eds.) The siege of Quebec in 1759, vol. V, p. 44, Journal of Major Moncrief.

(3) Trans. of Royal Soc. of Can., Series I, vol. VIII, p. 74, LEMOINE, JAMES: "Le premier gouverneur anglais de Québec," cites Pontbriand to the French minister, Montreal, Nov. 9, 1759.

however, helped toward making the Canadians more satisfied with the new regime.

Inside Quebec, where wood, wheat, bread, and meat, were woefully lacking, many of the inhabitants, even of the formerly prosperous bourgeoisie class, lived on the scraps of biscuit which English soldiers sold them out of their rations.<sup>1</sup> Murray early began a campaign to help the Canadians, a campaign backed by both the merchants and the soldiers in the town.<sup>2</sup> Gage and Burton, at Montreal and Three Rivers respectively, collected grain to be sent to relieve the shortage at Quebec.<sup>3</sup> From New York, Amherst expressed his approval of these measures,<sup>4</sup> and sent additional supplies of pease and oatmeal. It is not clear whether the Canadians were especially eager for oatmeal or whether it was Murray's idea of a nutritious diet for them; in any case, the situation was acute enough to bar all chances of complaint. Without this aid, there was every possibility that many of the inhabitants of Quebec would have perished,<sup>5</sup> but still these were only temporary measures designed to help the people of one town.

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- (1) KNOX, CAPT. JOHN: Journal (Champlain Soc. Pub.) vol. II. p. 147.
- (2) Pub. Arch. Can., Murray Papers, vol. II, p. 50, Murray to Amherst, Quebec, Jan. 1, 1761; Series Q, vol. I, p. 4, Murray to Pitt, Quebec, Jan. 28, 1761.
- (3) Can. Arch. Report, 1918, Appendix B, pp. 39-40, Proclamations of Gage and Burton, Feb. 3, 1761.
- (4) Pub. Arch. Can., Murray Papers, vol. III, oo. 112-4, Amherst to Murray, New York, March 6, 1761.
- (5) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. p. 60, Murray's report on Quebec, 1762.

They were as local in their scope and as temporary in their effect as the relief given to the citizens of Three Rivers after the fire of July, 1762<sup>1</sup>.

In the country parishes, and in the towns farther from Quebec, quite different conditions were apparent. Knox reported little actual want there, but no luxuries; among luxuries, however, he included "pickled pork and beef, salt, pepper, ginger, soap, sugar, tobacco, spirituous liquors, and wines."<sup>2</sup> It does seem clear that, while lacking many commodities, the country districts were not in danger of famine. Other measures, however, were necessary to protect the country inhabitants against city traders, and the city dwellers against exorbitant prices and inferior goods sold by the country districts. Prices of certain necessities were fixed by proclamation. Wood was to sell at one and a half dollars a cord;<sup>3</sup> the prices of meat and bread were also fixed.<sup>4</sup> At the same time, attempts were made to stop the activities of the coureurs de côtes, or hucksters, who, without government permission, went through the country parishes buying up provisions. Three Rivers, in particular, seems to have been troubled by these black market activities.<sup>5</sup>

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(1) Can. Arch. Report, 1918, Appendix B, pp. 132-3, Haldimand Proclamation, July 4, 1762; Histoire des Ursulines des Trois Rivières, vol. I, p. 342.

(2) KNOX, CAPT. JOHN: op. cit. vol. II, p. 497.

(3) Can. Arch. Report, 1918, Appendix B, p. 47, Gage Proclamation, Oct. 12, 1761.

(4) Ibid, p. 6, Murray Proclamation, Jan. 15, 1760.

(5) Ibid, p. 117, Burton Proclamation, Jan. 30, 1762.

All these were obviously temporary remedies to meet temporary ills. Any comprehensive attempt to improve the general economic position of the colony had to wait until the peace was signed. The English government, during the military regime, did no more than collect information, through the three governors, concerning the conditions in Canada. None of this information was put to any use during the military regime—there was no effort to introduce new crops or new methods; there was likewise no English aid in rebuilding Quebec, for, if the colony were returned to France, such an investment would scarcely have been a sound one. In fact, the ruins of Quebec remained, for several years, virtually as they had been in 1759, nor did the misery of the population abate to any considerable extent.<sup>1</sup> On the other hand, British rule did ensure peace, the one requisite without which the economic ills of the country had no opportunity of righting themselves. It was possible that freedom from attack and the passage of time might serve to remedy a great part of the difficulties, even without direct aid from the conquerors.

Far more important from the French-Canadian point of view was the fate of the paper money that remained in Canada. That problem was only indirectly connected with British rule, but its solution had a great deal of bearing upon the general attitude of the people in the colony toward their old rulers, as well as toward their new ones; the problem was far from being

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(1) Histoire des Ursulines de Trois Rivières, vol. I, p. 328.

solved when the Peace of Paris was signed. Almost interminable commissions and inquiries were to be held before the French government paid even a small proportion of the face value of the Canada paper. With the publication of the treaty of Paris, in 1763, then, the most general reaction among the Canadians was a swift increase in the intensity of the fear that had been with them for several years.<sup>1</sup> Dejection was apparent, not because of a changed allegiance--the past three years had given the Canadians no grounds for fear on that count-- but because the transfer of authority might endanger whatever chances there were for the repayment of French debts in Canada.

The Canadians, during the military regime, appeared lethargic when the clergy attempted to awaken them to the danger facing their religion; the habitants at least seemed indifferent to their fate as a nation. Interest in nationalism and in political liberty were alike absent among them; interest in material well-being was paramount, as it must ever be in a country, so recently the battleground in a series of costly wars. "Puisque tous cultivateurs, ils ne s'intéressent qu'à leurs champs, n'ambitionnent qu'une vie facile, et ne détestent rien au monde que les impôts."<sup>2</sup>

For a brief moment in their history, the Canadians

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(1) Pub. Arch. Can., Series B, vol. I, p. 269. Haldimand to Amherst, Three Rivers, 1763.

(2) LANCTOT, GUSTAVE: Les Canadiens-français et leurs voisins du sud, p. 94.



appeared without leadership and without ambition, deceptively easy prey to the English, who began to arrive in the colony in greater numbers once the uncertainty was over and the fate of Canada became known. To these newcomers, the moment seemed auspicious for inaugurating a policy of anglicisation, for they felt that the military regime had shown that the Canadians had no deep attachment to their religion or their laws, to the traditions that marked their country off from the other British colonies of 1763. What the military regime had actually shown was that the Canadians were slow to awaken to the danger to their way of life, for the government of the years 1760-1763 had given them no real inkling of what changed allegiance might mean.

### CHAPTER III

#### THE BEGINNING OF BRITISH RULE IN THE COUNTRY PARISHES.

With the signing of peace between Great Britain and France in 1763, the people of Canada encountered a problem of which most of them had hitherto been completely unaware. The shock of the defeats of 1759 and 1760 had been followed by a period of military rule which had done nothing to prepare Canadians for an English civil administration. To most of them, that military government had been a fairly satisfactory temporary expedient--made tolerable for them by the fact that the English undertook to follow the old French patterns as much as possible, and by the fact that there was still hope that English government in Canada would end with the signing of a peace. When that hope vanished in 1763,<sup>1</sup> there was consternation among many Canadians, and the consternation was in direct proportion to the attachment which they felt to France.

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(1) Clements, Gage Letter Books, Gage to Amherst, Montreal, Feb. 11, 1763.

To almost every group of Canadians, the cutting of the tie binding their country to France meant a real danger to their savings, for the French government might well refuse to pay its debts to those who now became British subjects, and there was some doubt that the British government would interest itself in this problem. To the seigneurial class, the cession of Canada to Great Britain meant a separation from relatives in France, in many instances, and invariably it meant a diminished social position. To the clergy, the cutting off of connections with France was doubly important: it entailed the loss of much financial aid, and it also removed the possibility of procuring priests from France; in addition, it threatened the continued existence of the Roman Catholic church in Canada. To the merchants, on the other hand, English rule did not seem such an unqualified disaster. The possibilities of trade with English firms had already occurred to prominent Canadian<sup>1</sup> merchants by 1763, and there were hopes that the end of the rivalry of England and France in the fur trade might bring with it a new era of prosperity for the Canadian bourgeois class.

French-Canadians in the 1760's, then, faced the new era with varying feelings of concern and hope. All were united, however, in their doubts over what the changed

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(1) Pub. Arch. Can., Collection Baby, vol. XIII, pp. 165-9, Baby to Perry, Hayes, & Sherbrooke, Quebec, Nov. 27, 1763.

authority would bring; all were, to a greater or less extent, bewildered by the changes they saw about them; all must have been impressed, if they considered the matter, by their own helplessness before whatever innovations the British government might seek to introduce. These are perhaps the chief characteristics of the years immediately following the signing of the peace--the bewilderment and the helplessness of the French-Canadians. All were aware of the first, and it was an important contributing factor to the less widely-realised second.

Bewilderment among all classes of French-Canadians was caused, in large part, by their lack of knowledge of what their new government planned for them. Whatever information they did receive came, very frequently, through a most unreliable channel--the British merchant group in the towns. In addition, the British government vacillated so much that the governor himself was often ignorant of its exact intentions. It is thus not surprising that the French-Canadians formed quite erroneous ideas of what the changed allegiance would mean to them. In the towns, they were likely to identify the policy of the government with the extravagant demands of the British merchants; in the country, a still more significant error crept into their thinking. With the exception of some of the parish priests, who derived their information from the higher clergy in the towns, virtually no one in the country districts even realised that any radical changes were ever contemplated in London.

The numbers of old subjects-- as the newcomers from the British Isles and the American colonies were called--were so small outside the towns of Quebec and Montreal that French-<sup>1</sup> Canadians naturally saw little danger of being assimilated. French remained the language in exclusive use, and the new-<sup>2</sup> comers found it necessary to acquaint themselves with it. The few Scottish soldiers who married into Canadian families and settled in the country districts became, in time, indistinguish-<sup>3</sup> able from the people among whom they lived. The vicar-general of Quebec and the Ursuline sisters deplored the marriages between<sup>4</sup> Canadians and newcomers, but actually the number of such marriages was small, and almost invariably the Canadian women retained their Roman Catholic religion and brought up their<sup>5</sup> children in their own faith. The insignificant number of old subjects in the country parishes effectively removed any danger that intermarriage would lead to the dissolution of the Canadian nationality; it was the national characteristics of the new- comers that tended to disappear.

The history of the Fraser family serves as an example

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(1) BELLEMARE, R.: Les bases de l'histoire d'Yamachiche, p. 10.

(2) Clements, Sydney Papers, vol. XI, "Choses indispensables à considérer..." par Chartier de Lotbinière, 1774.

(3) Bulletin des Recherches Historiques, vol. XXXIX, pp. 267-71, WALLACE, W.S.: "Malcolm Fraser."

(4) Histoire des Ursulines de Quebec, vol. III, pp. 52-3, Mère Antoinette Poulin de St. François to Mère St. François-Xavier, Québec, 1766; Que. Arch. Report, 1929-30, p. 59, Briand to Bédard, Quebec, Dec. 8, 1763; p. 53, Briand to Perrault, n.d.

(5) Bulletin des Recherches Historiques, vol. XXI, pp. 84-5, MASSICOTTE, E.Z.: "Les mariages mixtes."

of the way in which certain families became absorbed into the French-Canadian population. Several members of the Fraser family married French-Canadian women; some of them became Roman Catholics themselves,<sup>1</sup> while, in nearly every case, their children were Roman Catholic; several members of the family, within a very few years after the cession, were using the French language not only for their official business transactions,<sup>2</sup> but also for their private memoranda as well.<sup>3</sup> It is frequently stated that friendly relations generally existed between the old and new subjects in the first years of British rule; in so far as the country districts were concerned, this harmony was achieved because lines of national division almost ceased to exist there. It was not a question of the conqueror forcing the vanquished to adjust themselves to a new system, but rather a mass of French-Canadians absorbing the small number of incoming Scots. This development, although noteworthy, was not of primary importance in the history of the relations between the old and new subjects. If the only way harmony was to be achieved was by one of other of the groups forsaking its own traditions and becoming expatriate, there seemed little hope for a solution of the Canadian problem.

The absorption of the few Scottish soldiers in the country parishes, however, was significant for one reason. It

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(1) Histoire des Ursulines de Québec, vol. III, pp. 336-7.

(2) Pub. Arch. Can., Miscellaneous Documents, vol. V, p. 97, Will of Captain Fraser, 1791.

(3) Ibid, vol. V, p. 96, Memorandum of Alexander Fraser, 1783.

strengthened the belief held by most seigneurs and habitants that there was no danger of anglicisation. Modern French-Canadian writers are apt to assume that a determination to preserve the traditional religion and laws was explicit and firm in the immediate post-conquest period, even though political questions attracted little attention. "Quand nous aurons fait l'essentiel pour assurer la nationalité, nous commencerons une campagne pour conquérir la liberté.<sup>1</sup>" This position becomes doubtful as soon as the general lack of information among the French-Canadians of 1764 is realised. To agree with the statement just quoted is to assume that the French-Canadians were aware of the ultimate aim of the British government--that is, to divest the new subjects of their language, laws, and institutions, and, at the very least, to make it easy and profitable for them to let slip their religion as well;<sup>2</sup> but it seems clear that only a small number of people in the country parishes ever perceived that this was the plan of the home government. The fact that such a plan for anglicisation did exist, and the equally patent fact that it did not succeed in its objectives, cannot be taken as proof that Canadian national resistance brought about its failure. The people of the country districts, though somewhat stunned by the events of the years just passed, gave no sign that they recognized the danger in which they

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(1) CHAPPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 26

(2) Pub. Arch. Can., British Museum Additional MSS, 35915, f. 70-2, Report of Board of Trade, Feb. 13, 1764; Clements, Gage Papers, English Series, vol. V, Report of Board of Trade on Acadian petitions, Nov. 6, 1765; Shelburne Papers, vol. LXVIII, p. 525, Hints on government of the colonies, March 10, 1763.

stood in the 1760's. There were remarkably few indications of any desire to preserve their nationality, much less to proceed to a conquest of liberty. The very fact that the mass of French-Canadians was illiterate and politically untutored made it possible, at the time, for rival groups to claim their support without much fear of contradiction, but, since evidence upon the attitude of the habitants is so meagre and and so negative, one can only assume that they clung to what they were accustomed to, and that all change was apt to be repugnant to them. Questions of how strong was the attachment or how great was the repugnance, however, received no answers during the first years of British rule, and it is not safe to assume that the answers given a decade or two later were applicable to the 1760's.

French-Canadians in the country districts, whether seigneurs or habitants, greeted the establishment of civil government with indifference. Rule by governor and council did not appear to them an essentially tyrannical form of government, and they had none of the interest in the summoning of an assembly that the old subjects evinced so strongly. They seem to have shown virtually no concern about the form of government that should prevail in Canada. They likewise had no thought that their language was in danger. Official dicta of the governor and council were published in both English and French, and the Quebec Gazette ran parallel columns of English reports and their French translations. Records of the Court of Common Pleas at Quebec and Montreal were kept in both languages, and testimony in French was admitted whenever the suit was between French-Canadians, and even occasionally in cases



involving Englishmen.<sup>1</sup> Technically, of course, English was the official language, and French translations were only supplied for the general convenience,<sup>2</sup> but French-Canadians continued in the use of their language, quite unperturbed by the official ruling. It is true that the Court of King's Bench was presided over by Chief Justice Gregory, who knew no French,<sup>3</sup> but the fact that English was the only language permitted in the superior court<sup>4</sup> can have imposed little hardship upon the residents of the country parishes, for reasons that will be considered later.

It was Garneau who began the legend that the 1760's witnessed a tyrannical administration of justice, against which the Canadians registered constant complaints,<sup>5</sup> but this statement is open to serious question, particularly with reference to the inhabitants of the country districts. It does seem that the legal chaos of the 1760's, initiated by the ordinance of September 17, 1764, brought with it hardship and uncertainty for the French-Canadians, and the loopholes in that ordinance were such that Englishmen tended to have a distinct advantage in their legal contests with French-Canadians. This was true because the superior court--to which all cases involving property of more than £20

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(1) Pub. Arch. Can., Que. Leg. Council, vol. B, p. 30v, Report of Price & Mabane, June 27, 1765.

(2) Ibid, vol. A, p. 143, Resolution of Council. Dec. 13, 1764.

(3) Pub. Arch. Can., Dartmouth Papers, vol. I, p. 89, Cramahé to Dartmouth, London, Aug. 2, 1765.

(4) Can. Arch. Report, 1913, Appendix E, pp. 46-9, Ordinance establishing courts, Sept. 17, 1764.

(5) GARNEAU, F.-X.: Histoire du Canada, 5th ed, vol. II, pp. 220-21.

in value might be appealed-- used only the English law and language, and, until 1766, admitted only English<sup>1</sup> advocates and jurors. Moreover, by the use of writs of certiorari, suits might be called before the King's Bench<sup>2</sup> immediately, completely by-passing the inferior court. Again, an English suitor in the Common Pleas might demand and get trial by jury, a practice which most French-Canadians regarded as of doubtful legal value. All these considerations, however, affected the French-Canadians but slightly. The fact that legal precedents from the period before 1760 were used only in cases in which the old subjects were not involved might have been a cause for complaint, had it not been that a very large proportion of the cases in which French-Canadians were involved had no connection whatever with the old subjects, and, consequently, the evil effects of a theoretically unjust system were not immediately apparent. In the country districts, the suits were almost invariably between French-Canadians, and there are few examples of decisions of the judges of the Common Pleas, in these cases, being appealed to the higher court, where English law did prevail.

It was to the Common Pleas, then, that French-Canadians took their disputes, and there obtained decisions

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(1) Pub. Arch. Can., Series Q, vol. III, pp. 181-4, Ordinance to alter and amend the ordinance of Sept. 17, 1764.

(2) Pub. Arch. Can., Que. Leg. Council. vol. B, p. 188, Petition of French attorneys, July 30, 1766; Clements, Shelburne Papers, vol. LXIV, p. 311, Habane to Murray, Quebec, Aug. 20, 1766.

in accordance with the law and custom of the country. The judges of the inferior court were instructed to be guided by "equity, having regard nevertheless for the laws of England as far as the circumstances and present situation of things will admit",<sup>1</sup> and, at the same time, to take French-Canadian precedent into account in all cases between natives of the province, when the cause of action had arisen before October 1, 1764. To make this impossible task more hopeless still, the men chosen to act as judges in the Common Pleas--Adam Mabane, John Fraser, and François Mounier--were all completely lacking in legal training. They all sympathised with the governor's effort to cushion the shock of English law upon the French-Canadians, and they dispensed justice in the lower court, conformable to what they conceived to have been the old custom. In actual fact, they were left an enormous discretionary power, and they virtually made their own law in many cases after 1764.<sup>2</sup> Time and again, they used French-Canadian legal precedents in their decisions,<sup>3</sup> and they tended to adopt more and more French usages, as they became more fully acquainted with them,<sup>4</sup> but the result, nevertheless, was a mongrel legal system, often far from French law, a mere fabrication of the judges. Their decisions were frequently

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. p. 150, Murray's marginal notes on the ordinance of Sept. 17, 1764.

(2) WALLACE, W.S.: (ed.) The Maseres letters, p. 83, Maseres to Fowler Walker, Quebec, April 4, 1768.

(3) BURT, A.L.: The old province of Quebec, p. 95.

(4) RIDDELL, W.R.: Michigan under British rule, pp. 366-7.

detrimental to the interests of the censitaires in their disputes with the seigneurs,<sup>1</sup> for Mabane, Fraser, and Mounier did not see themselves as the protectors of the habitants against the unreasonable demands of the seigneur and the curé,<sup>2</sup> in the way that the French judges had been,<sup>2</sup> and this was certain to lead to dissatisfaction. The very fact that there were criticisms of these judges for not following the old precedents faithfully enough is evidence of the French-Canadians' lack of knowledge of the exact situation.

It seems certain that the residents of the country parishes were quite unaware that the legal system had undergone any changes whatever, and therefore they complained against any new interpretation of the old law, which they ascribed to the judges' lack of knowledge.<sup>2</sup> Seigniorial tenure was continued on a temporary basis,<sup>3</sup> and the old dues were collected under the new regime,<sup>3</sup> but few, if any, French-Canadians regarded this in the way that the British ministry regarded it--as an expedient to be altered as soon as possible. It is true that there were occasional complaints from censitaires who declared that their dues were illegal under English law, but such complaints were so rare that their importance is almost negligible; moreover, they may have

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(1) MUNRO, W.B.: The seigniorial system, p. 133.

(2) Bulletin des Recherches Historiques, vol. VII, pp. 43-4, BOIS, ABBÉ L.E.: "L'honorable Adam Mabane."

(3) Clements, Shelburne Papers, vol. LXIV, pp. 67-8, Report of Attorney and Solicitor General, Aug. 6, 1764.

stemmed quite as much from dissatisfaction with the decisions of the judges of the Common Pleas as from any knowledge of English law. The changing attitude of the habitant toward his seigneur may well have indicated an awareness of the seigneurs' diminished prestige in the first years of British government, as has sometimes been claimed,<sup>1</sup> but it is extremely doubtful whether the perception went so far as questioning the right to collect feudal dues. That was the logical next step, but few French-Canadians seem to have taken it in the 1760's. They might accept English methods of conveyancing as simpler than the French,<sup>2</sup> but there are no indications that there was any interest, at that time, in free and common socage, or any thought that it might be introduced.

If the governor and the judges of the Common Pleas had as their object the mitigation of the shock of English law upon the French-Canadians, they succeeded to such a remarkable extent that most country dwellers were quite unaware that English law had ever been introduced. Legal experts later agreed that the habitants really held the correct view of the situation in the 1760's, and that the old laws had never been abrogated.<sup>3</sup> In any case, the complaints

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(1) SHORTT, ADAM & DOUGHTY, A.G. Canada and its provinces, vol. III, p. 130, MACARTHUR, DUNCAN: "Canada under the Quebec Act."

(2) MUNRO, W.B.: op. cit. p. 203.

(3) SHORTT, ADAM & DOUGHTY, A.G.: Documents relating to the constitutional history of Canada, 1759-1791, pp. 79-81, Maseres' considerations on the expediency of procuring an act of Parliament; Pub. Arch. Can., Series Q, vol. XIIa, pp. 6-7, Hillsborough to Carleton, Whitehall, March 6, 1768; CHAPPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 163, cites judgment of Hypolite LaFontaine in Wilcox v. Wilcox.

that did arise against the administration of justice were not complaints against an alien law, but rather against an inefficient administration of the known law. The heavy fees<sup>1</sup> charged by the courts, and the rarity of their sessions, were particularly trying to the inhabitants of the country districts, as was the abolition of the government of Three Rivers, and the consequent long distances which some had to travel to appear at courts at Quebec or Montreal. Actually, the right of suit must have been removed from some French-Canadians, but the volume of business flooding the court of Common Pleas suggests that their litigious spirit was not dampened overmuch, either by these difficulties or by the<sup>2</sup> clergy's advice to stay away from the English courts.

The French-Canadians had likewise cause to complain about the conduct of the Justices of the Peace, who were given final authority in cases involving less than £10, even though the Board of Trade was strong in its disapproval of allowing them such power, either in Quebec,<sup>3</sup> or in the other colonies.<sup>4</sup> As a result, there were numerous grievances occasioned by the cupidity and the arbitrary decisions of the

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(1) Pub. Arch. Can., Que. Leg. Council, vol. B, p. 30v, Report of Price & Mabane, June 27, 1765; Collection Baby, vol. XCIV, p. 238, Lotbinière to Baby, Montreal, June 14, 1769.

(2) ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. III, p. 10.

(3) Pub. Arch. Can., Series Q, vol. XVIIIa, pp. 160-62, Report of the Board of Trade, Sept. 2, 1765.

(4) O'CALLAGHAN, E.B. & BRODHEAD, J.R.: op. cit. vol. VII, p. 406, Lords of Trade to Lieut.-Gov. de Lancey, Nov. 14, 1759.

justices. They charged exorbitant fees;<sup>1</sup> they issued blank summons;<sup>2</sup> they meddled consistently in disputes over titles, and ordered land sold for trifling debts;<sup>3</sup> in short, their administration was, at best, onerous, and, at worst, intolerable,<sup>4</sup> and it is not surprising that the office of magistrate was sinking into contempt in Canada during the 1760's.<sup>5</sup> It seems likely, however, that these complaints, legitimate though they undoubtedly were, were not primarily against English law per se, but rather against the oppressive administration of that law by individuals extremely ill-qualified for their positions.

The fact that the Justices of the Peace were all Englishmen and Protestants, and the fact that their authority was most objectionable to the French-Canadians, cannot be taken to prove that their nationality or their religion was the cause of their unpopularity. The impression that French-Canadian complaints were not of a nationalistic character is strengthened by an examination of the office of bailiff during the same years. The bailiffs were chosen by their own

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(1) Pub. Arch. Can., Series Q, vol. V, pp. 55-7, Desrosie to Carleton, Yamaska, July 3, 1769.

(2) Pub. Arch. Can., Que. Leg. Council, vol. B, pp. 38-9, Testimony of Henry Boone, July 17, 1765.

(3) Ibid, vol. C, p. 65v, Report of Hey, Cramahe, Dunn & Drummond, Sept. 14, 1769; Series S (Int. Corr., Prov. of Que.) vol. XIII, No. 17, Joseph Gridley's answer to his accusers, 1767.

(4) Pub. Arch. Can., Que. Leg. Council, vol. C, pp. 60-62, Carleton to Justices of Peace at Montreal, July 10, 1767.

(5) Ibid, vol. B, p. 28v, Report of Price & Mabane, June 27, 1765.

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fellow-parishioners, and the lists of suggested names sent in  
by the different parishes were apparently read at council  
meetings and approved without discussion.<sup>2</sup> Only in cases  
where a parish had not named its own preferences did the  
council take steps to appoint bailiffs.<sup>3</sup> It is of course  
true that the office was not of sufficient importance for  
the English to show any particular interest in the persons  
that filled it, but certain points of significance nevertheless  
do emerge from a consideration of these appointments. First,  
the office was invariably held by French-Canadians; secondly,  
these men were frequently the same ones who had held office as  
captains of militia under the previous regime, and they were  
accorded some of the privileges that had formerly been given  
to captains of militia.<sup>4</sup> Logically, then, one might expect  
that, if there were complaints about the holders of this  
office, they would deal with the diminution of their power  
and prestige, by comparison with that of the earlier  
officials. Instead, the 1760's were filled with incidents  
in which the people of the country districts charged their  
bailiffs with extorting unreasonable fees, and with duping  
certain of their fellow-countrymen.<sup>5</sup> There were many instances

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(1) Can. Arch. Report, 1913, Appendix E, p. 49, Ordinance establishing courts, Sept. 17, 1764.

(2) Pub. Arch. Can., Que. Leg. Council, vol. C. p. 96v, p.106, p. 119v, p. 120, p. 135v.

(3) Ibid., vol. B, p. 346.

(4) TÊTU, MGR. HENRI: Lettres et mandements des évêques de Québec, vol. II, p. 214.

(5) Pub. Arch. Can., Court of Quarter Sessions, Montreal, vol. I, p. 100, Jan. 9, 1769.



of bailiffs' being attacked, and at least two of their being murdered in the execution of their duty.<sup>1</sup> Inadequate supervision by the English authorities might well have accounted for much of the unpopularity of the bailiffs, but, again, such inadequacy was not an intrinsic quality of any legal system. The system in Canada was assuredly in need of drastic reform in the 1760's, but there is no evidence that a deliberate policy of anglicisation was responsible for the condition, nor that the French-Canadians blamed such a policy for the uncertainty and hardship they experienced.

One class of French-Canadians in the country districts remained strangely silent, despite additional causes for complaint during the first years of British rule. The seigneurs seemed to left little hope under the new regime, and when many of them began to re-appear in Canada after several years in France, they received no cordial welcome from the British authorities.<sup>2</sup> Some of the English felt that the seigneurs might be dangerous because of the influence they might exert over their censitaires; more felt, probably with greater reason, that they would become merely a mal-content group in the midst of an indifferent citizenry;<sup>3</sup> all agreed, however, that their attachment to France was likely to make them unsatisfactory subjects of Great Britain, and

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(1) Quebec Gazette, April 14, 1768; August 16, 1769.

(2) Clements, Gage Papers, American Series, vol. IX, Burton to Gage, Montreal, Nov. 16, 1763, with list of French officers recently returned to Canada.

(3) Ibid, vol. XIII, Gage to Murray, New York, Feb. 3, 1764; Pub. Arch. Can., Murray Papers, vol. II, p. 34, Murray to Amherst, Quebec, Dec. 4, 1763.

none suggested placating the seigneurs as a means of attaching the people as a whole to the new mother country. Such a theory seemed doubly fallacious in 1763; in the first place, it presumed that the seigneurs enjoyed a power that they probably did not possess; secondly, even if such a policy had succeeded, it would have meant the very antithesis of anglicisation.

Even Governor Murray, for all his professions of sympathy for the French-Canadians, made it quite clear that he thought that the fewer seigneurs there were among the new subjects, the more amenable they would be, and, in this view,<sup>1</sup> General Gage heartily concurred.<sup>2</sup> In these circumstances, one might have expected a large number of seigneurs to take advantage of the clause in the Treaty of Paris which gave landholders the right to sell their land and repair to France within eighteen months. Most seigneurs, however, chose to remain in Canada. Some of them had spent several years in France and their experiences had not been happy; they had almost all been dissatisfied with the treatment they received there and, therefore, were the more willing to stay in Canada. Moreover, their property and interests lay in Canada, and for those

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(1) MUNRO, W.B.: op. cit. p. 191; SHORTT, ADAM & DOUGHTY, A.G. op. cit. p. 62, Murray's report on Quebec, June 5, 1762; LACORNE, ST. LUC: The sinking of the Augusta, p. 1; ROY, P.G.: La famille Margane de Lavaltrie, p. 37.

(2) Clements, Gage Letter Books, Gage to Amherst, Montreal, July 12, 1763.

(3) Pub. Arch. Can., Series B, vol. II, p. 110, Haldimand to Gage, Three Rivers, June 25, 1764; Series Q, vol. IV, p. 276, Memoire of the Chevalier de Léry; Bulletin des Recherches Historiques, vol. XII, p. 41, CASGRAIN, P.B.: "François Baby."

whose families had left France a generation or more earlier, these interests were compelling enough to keep them in the colony as long as the new government, whatever its prejudice against them, did not pursue a policy of active persecution. The sinking of the "Augusta" with the drowning of over a hundred passengers and members of the crew may also have been a deterrent to emigration, for almost all the casualties were representatives of seigneurial families en route to France;<sup>1</sup> certainly, French-Canadians at the time felt that the disaster would prevent others from embarking.<sup>2</sup>

The seigneurial families remaining in Canada did still maintain close relations with France during the next three decades. That was precisely the reason that they were suspected by the British government. In many cases, the French branches of the families urged their Canadian relatives to leave a land oppressed by alien law and endangered by heresy,<sup>3</sup> but a jeremiad of loneliness and friendlessness away from the country of their birth was repeated just as frequently.<sup>4</sup> Sons of the seigneurial families still went to France to serve in the army—de Léry, Bellestre, and de Rouville, for example, all had sons in the

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(1) FLICK, A.C. (ed.) Papers of Sir William Johnson, vol. III, pp. 643-4, John Welles to Johnson, Montreal, March 3, 1762.

(2) Histoire des Ursulines de Québec, vol. III, p. 142.

(3) Pub. Arch. Can., Collection Baby, vol. XXVII, pp. 436-8, Charles Lacorne to his sister, Mme. de Lavaltrie, Rochefort, Nov. 30, 1767.

(4) Ibid, vol. XXXII, p. 143, Mlle. Babette Lacorne to her sister, Mme. de Lavaltrie, Loches, Feb. 23, 1768.

the French service. Perhaps the de Léry family serves as the most striking illustration of the way in which Canadian seigneurial families were separated after the cession. Of eighteen members of the family living in 1760, only three died in Canada--several in France, two in England, one in Guadeloupe, one in Russia and so on; two of the de Lérys served under Napoleon, and one became tutor to the children<sup>1</sup> of the Tsar of Russia.

Even though relations with France still remained close, there were indications that the seigneurial class was adapting itself to the new government, and reconciling itself to a loss of its former position. In the records of the period, there was a marked tendency to drop the "de" which formerly distinguished these families,<sup>2</sup> and, for a brief period, the distinctions between seigneurs and censitaires faded considerably. That is not to say that the differences disappeared; in later years, the seigneurs were loud in their demands for the very privileges they gave signs of abandoning in the 1760's. By their continued presence in Canada, however, they were showing their resignation, their subservience to a government which offered them no hope of continuance in their former positions of prestige in their communities, which barred them

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(1) Que. Arch. Report, 1933-4, p.1, Note re de Léry family; SULTE, BENJAMIN: Les Canadiens-français, vol. VII, p. 128.

(2) Histoire des Ursulines de Québec, vol. III, p. 145.

from all offices, civil and military, and which threatened to deny them the legal system under which their estates had been granted to them.

The seigneurs cannot have been unaware of the effects of a changed allegiance upon their class. Barred from all offices, shorn of their real military and nominal judicial authority, they might expect soon to lose also the respect of their censitaires and be looked upon merely as obnoxious<sup>1</sup> landlords. They did not, however, take any steps to regain their lost position. They withdrew to their estates, for interest in politics had not penetrated their ranks, and, as a result, names like Cugnet, Baby, Sanguinet and Dupré soon appeared in the entourage of the governors. These were men who had been relatively unknown before the conquest, and who did not always sympathise with the seigneur and his<sup>2</sup> traditionalism. Aversion to politics, however, was a part of the seigneurs' traditionalism, and the fact that the class did not even rouse itself to utter a complaint or a suggestion to the government until 1766 indicates not only their lethargy, but also their defeatism. Even as late as 1770, a petition for the restoration of French law and custom gained<sup>3</sup> the signatures of only a scant half-dozen seigneurs; in 1765,

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(1) CARON, ABBÉ IVANHOË: Au lendemain de la capitulation, pp. 78-80; COFFIN, VICTOR: The province of Quebec and the early American revolution, p. 286.

(2) SULTE, BENJAMIN: Les Canadiens-français, vol. VII, p.125.

(3) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 292-3, Petition for the restoration of French-Canadian law & custom, 1770.

the names of only Lotbinière and Lanaudière represented the seigneurial class on the address to the king regarding the legal system.<sup>1</sup>

It is possible of course that the seigneurs believed that an attitude of aloofness and outraged dignity would eventually force the government into concessions; if they did believe this, it may be taken as an indication of their faulty judgment. On the rare occasions when they were roused to action, they gave no sign of political skill or promise of leadership for the future. When a meeting of seigneurs was called in Montreal early in 1766, its most noteworthy features were the distrust it inspired among the merchants of both nationalities, and the unfavourable impression of the seigneurs' ability that it left with the government.<sup>2</sup> The English had nothing to fear from a moribund class that gave every sign of quietly waiting for its own extinction, buoyed up by an optimism that ill accorded with its actual situation. Occasionally, the seigneurs caught glimpses of the dark prospect before them, but these were only glimpses, and, almost immediately, they returned to their customary good spirits and their Micawber-like faith that something would turn up.<sup>3</sup>

There seems little doubt that most seigneurs did remain

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 161-2, Address of French citizens to the king re the legal system, Jan. 7, 1765.

(2) Pub. Arch. Can., Que. Leg. Council, vol. B, pp. 125-6, Mabane report on the assembly of seigneurs, March 18, 1766; Clements, Shelburne Papers, vol. LXIV, p. 309, Mabane to Murray, Quebec, Aug. 26, 1766.

(3) Clements, Gage Letter Books, Gage to Amherst, Montreal, July 6, 1762.

in Canada after the cession, although Gerneau made popular the thesis that the exodus of seigneurs was so great that it robbed the country of <sup>(this)</sup> ruling class, and left the colony without leadership, a prey to whatever projects for anglicisation might mature in the minds of His Majesty's ministers.<sup>1</sup> Judge L.F.G. Baby and others have striven to correct this impression, and they have succeeded in proving that comparatively few individuals<sup>2</sup> left the country. These writers seek to prove that Canadian leaders did not abandon their country, but loyally set about building an essentially Canadian nationality, arming themselves against anglicisation, and maintaining the French language, law, and religion, under British rule. Actually, there were few indications that the seigneurs were trying to build anything in these years. In so far as the revisionists cite statistics to show the small number of families emigrating from Canada, they are on unassailable ground. What they do not do, and what makes their whole revision of the problem of emigration rather unconvincing, is to evaluate the importance of the small group that left the colony and the infinitely larger one that remained. They state that all French officials naturally left Canada and with them a small group of

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(1) GARNEAU, F.-X.: Histoire du Canada, 6th ed. vol. II, p. 298.

(2) BABY, L.F.G.: L'exode des classes dirigeantes au cession du Canada; CHAPPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 19; Pub. Arch. Can., Series Q, vol. II, pp. 170-71. Murray to Halifax, Quebec, Aug. 21, 1764; Histoire des Ursulines de Québec, vol. III, p. 141.

seigneurs whose connection with France was particularly close, but, they imply, these were Frenchmen rather than Canadians, and they exercised little influence over the people as a whole. Such an implication demands some examination of the word "influence", for the officials who left the country, whether popular or not, had been the men in complete control of the government under the French regime, in positions of such authority that there was virtually no opportunity for criticism or for direction of the masses by any man within the colony, no matter how personally popular he may have been. Influential and popular cannot safely be taken as synonyms. The emigration of a small group of officials might well be tremendously important, for mere statistics give no accurate picture of the relative importance of individuals.

If the official group was removed, and the seigneurs gave no sign of blocking anglicisation at all successfully, there were other classes in the country districts which might have been expected to offer resistance. In the words of Professor A.L. Burt: "It used to be said that the better classes as a whole retired to France after the conquest... This tradition was doubly false. In the first place, the so-called better classes clung to the colony. In the second place, these were not the real leaders of the people...the real leaders were two classes of men who sprang from their own midst and remained in daily and intimate contact with them--the curés and the captains of militia. They were the true shepherds and they never for one moment dreamed of



deserting their flocks,<sup>1</sup>" It seems quite clear that these groups did offer the only hope of organising resistance to projects of anglicisation in the 1760's; it remains to discover exactly how much power they could exercise at the beginning of British rule.

First, the captains of militia merit some attention. Under the French government and during the military regime, these officers had derived much of their influence from the fact that they were an agency through which the government made public its decisions. Once this function disappeared, as it did as soon as civil government was established in 1764, much of the captains' influence disappeared with it. Reports of new ordinances were henceforth published in the Quebec Gazette, and, even granting the limited extent of literacy at that time, the new procedure robbed the militia captain of his former exclusive position. In addition, the militia officers in the government of Quebec had never enjoyed as much responsibility as those in districts more remote from the capital, and it is reasonable to suppose that they would be correspondingly less influential. In cases where the prestige of the officer had rested upon his own personal popularity, rather than upon his official position, his voice was still likely to be listened to respectfully in his community, unless he had the misfortune to be selected as bailiff and suffered the contempt that was usually attached to that office. Perhaps most important of all, there is no

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(1) BURT, A.L.: The old province of Quebec, p. 12.

reason to believe that the militia officers, any more than other residents of the country parishes, would realise the nature of the changes contemplated in London, or recognize that any danger of assimilation existed.

The curé, on the other hand, was likely to be much better-informed, and behind him was the all-pervading influence of his church. The parish remained the real unit of government under British rule as it had been under French, and it was from the priest, if from anyone, that the residents of the country districts could have learned the situation as it existed during the 1760's and could have been fired with a determination to resist anglicisation. The fact that no such educational or inspirational programme did take place does not in any way imply that the curé was losing his influence; it rather shows that he was almost as slow to awaken to the danger as were his parishioners. His superiors, in Quebec and Montreal, were keenly aware of their peril, and constantly reminded him of it, but the very fact that these reminders were adjudged necessary may be taken as an indication that even the curés, in the country parishes, were lulled into a sense of security that the ecclesiastical leaders knew to be false, 1.

As long as there was no bishop in Quebec, new priests could not be <sup>ordained</sup> consecrated and, by 1766, a number of parishes in Canada had no resident curés; in addition, the lack of a central authority was an invitation to intransigence among the clergy. It is assuredly not true that there was any widespread spirit of rebellion among them, but it was inevitable that the vacancy in the episcopate should allow

more room for differences of opinion among the clergy, and it appears probable that one of the matters upon which there were dissenting opinions was the danger of anglicisation. The clergy in the country had reason to see the matter in a quite different light from those in the towns, for they might well feel that the granting of the free exercise of the Roman Catholic religion was a sufficient guarantee. It is significant that when the clerical leaders sought lay support in their campaign for the appointment of a bishop, they did not seek any assistance outside the towns. They confined their activities to Quebec and Montreal<sup>1</sup>, for illiteracy and indifference were both so great in the country parishes that they seemed to have considered the task of rousing opposition to the government policy virtually impossible.

The curés remained in just as important a position as they ever had been, but they had not the power nor the inclination to rouse an indifferent populace to combat an unrecognized evil. If there had been present in the country districts any of the mass discontent that a few zealous men might fan into open rebellion, the curés would have been the obvious leaders, but the grievances of the Canadians in the 1760's could scarcely be taken as evidence of mass discontent. The country parishes presented rather a picture of bewilderment and lack of information concerning the struggles that were taking place in the towns. In consequence,

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(1) Pub. Arch. Can., Series Q, vol. I, pp. 224-7, Memorial of Charest to Halifax, Sept. 1763, with petitions of clergy and citizens.

an artificial line of division between French-Canadians in the town and country parishes grew up in the first years of British rule. The conflict between traders and seigneurs became particularly apparent and, at the same time, not even the clergy who usually succeeded in unifying divergent groups to some extent, escaped the divisive influences of the period. The habitants, meanwhile, remained quiescent, while one group in the towns railed against their slavish submissiveness, and an opposing faction sought to form a so-called French party with predominantly country support, failing to recognize the obvious fact that alliance with an inert mass is apt to be as exasperating as combat with it. The submissiveness of the country parishes was thus to exercise a profound effect upon the shaping of party policies in the early years of British rule, but it was in the towns that those parties were being formed.

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(1) Pub. Arch. Can., Dartmouth Papers, vol. I, p. 64, Quebec merchant to his friend in London, Quebec, Jan. 25, 1765.

## CHAPTER IV

### THE BEGINNING OF PARTIES IN THE TOWNS.

If the primary characteristic of most Canadian country parishes in the 1760's were ignorance of the changes contemplated in London and helplessness to combat any policy that the new government might undertake, the French-Canadian inhabitants of the towns of Quebec and Montreal were placed in an entirely different situation. The obvious difference between the two lay in the numbers of newcomers in their midst. The old subjects who went to the country districts, principally as seigneurs, were almost all from the British Isles, Scotland in particular; they were usually retired army men who expressed contempt for the traders in the towns; above all, they were few in number and, as a result, they tended to be absorbed into the population. If the number and character of the newcomers be taken as the striking difference between town and country in the 1760's, it is clear that the town of Three Rivers belongs rather with the country parishes than with the towns of Quebec and Montreal. The separate government

of Three Rivers was abolished at the beginning of civil government, because there were scarcely any Protestants in the entire district, and only Protestants could hold public office.

In Quebec and Montreal, on the other hand, French-Canadians could scarcely remain unaware of the presence of the newcomers, nor could they ignore the possibility that these newcomers, if given free rein by the governor, would impose upon them a tyrannical minority rule that would mean the extinction of their language, their laws, and, eventually, their religion as well. The group from whom the French-Canadians learned these lessons was not numerically very impressive. It consisted of the troops stationed in the two towns, on the one hand, and, on the other, the two or three hundred merchants who had flocked into Canada in search of the fortunes reputedly to be made from the fur trade. These two groups of old subjects quarrelled violently and constantly during the first years of British rule, and their incessant and occasionally colourful encounters fill a large part of the records of the period.

In these quarrels, the French-Canadian was usually a by-stander, and certainly his inclination must have been to remain aloof from the newcomers and their squabbles. Soon, however, it became evident to the most intelligent of the French-Canadians that an alliance with one or other of the

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(1) Can. Arch. Report, 1913, Appendix E, p. 46, Ordinance establishing courts, Sept. 17, 1764.

contending groups was necessary if they were to gain an audience in England. Unless some connection were established, the French-Canadians--whether ecclesiastics or laymen--would lack the means of presenting their case in London, and might be completely ignored by the new government. This decision, which a number seem to have reached soon after the establishment of civil government, is significant for two reasons. In the first place, it is indicative of the greater awareness of events that characterised the ecclesiastical leaders and the bourgeois of the towns; in the second place, it shows most conclusively the weakness of French-Canadian national sentiment in the 1760's, for both important groups among the Canadians agreed upon enlisting English support in their campaigns, and, at the same time, they reasoned in quite opposite fashion in determining which English group would form the more effective ally.

At first, the sympathy of most Canadians was with the military rather than with the merchant group among the newcomers, and a number of reasons dictated this preference. In the first place, the soldiers were members of the British regular army and not men from the colonies, while the merchants had almost all come from Boston and New York. Canadians always found the Americans more antagonistic to them than men directly

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(1) Pub. Arch. Can., Series C.O.5, vol. LIX, pp. 348-9, Deposition of troops in North America, Oct. <sup>1</sup>, 1760.

from the British Isles, for the tradition of hostility between the two colonial empires in North America and memories of past fears and frontier massacres combined to make each intolerant of the other. The regular troops, however, were not regarded with the same suspicion in Canada, and likewise, their experiences had not been such as to make them so violently anti-French-Canadian.

In the second place, French-Canadians of all classes remembered the friendliness of the conquering troops in the period immediately after the capitulation.<sup>1</sup> They also remembered that the military regime had brought with it none of the uncertainty and turbulence that characterised the years after the arrival of a considerable merchant group. Indeed, it may well have seemed that British rule had been tranquil and equitable until the merchants disrupted the calm of military rule.

Thirdly, the soldiers were a transient group, and thus unlikely to attempt any major changes in the government of the colony; in addition, if the French-Canadians disliked any particular individual, there was a good chance that he would soon be removed from their midst. Military men were always subject to discipline in a way that the merchants were not, and, if there were complaints about the conduct of an individual, or even an entire regiment, it was reasonably certain that the authorities would take some

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(1) KNOX, CAPT. JOHN: Journal (Champlain Soc. Pub.), vol. II, p. 313; Histoire des Ursulines de Québec, vol. III, pp. 16, 18, 204.



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action. On the other hand, the government found it very  
difficult to control the merchants, and the character of the  
men themselves made this lack of control very apparent. Governor  
Murray described them as the most contemptible, immoral, and  
2  
ignorant men he ever knew, and his diatribes against them  
cannot be disregarded, for less biased sources bear out his  
judgment in this regard. The intransigence of the merchants,  
3  
especially at Montreal, and the genius for making trouble  
which some of them possessed to a remarkable degree, do not  
seem to have been mere figments of the governor's imagination.  
Mere turbulence, of course, would not necessarily have alienated  
the French-Canadians from the British merchants, but the fact  
that most of the clamour raised by the newcomers was anti-  
French and anti-Catholic was bound to have its effect. Certain  
individuals, moreover, seem to have been particularly unpopular,  
especially Francis Noble Knipe, who had a constitutional  
4  
aversion to paying his debts, and Thomas Walker, who led the  
5  
attack upon the use of French language and law in the courts.

Finally, the military group had immeasurably greater  
prestige at the beginning of British rule, and Governor Murray,

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(1) Clements, Gage Papers, American Series, vol. XLIX, Gage to Murray, New York, March 3, 1766.

(2) Pub. Arch. Can., Series B, vol. VII, pp. 1-2, Murray to Shelburne, London, Aug, 20, 1766.

(3) Clements, Gage Papers, American Series, vol. XIII, Burton to Lords of Trade, Montreal, Feb. 1, 1764.

(4) Quebec Gazette, April 20, 1769, Notice of sale.

(5) Pub. Arch. Can., Registre d'audience, Chambre de milice, Montreal, July 17, 1763; Oct. 6, 1763.

himself a military man, chose as his advisers a group of councillors almost all of whom had served in the army. To many French-Canadians, the good-will of the governor seemed the best means of obtaining their desires, for it was known that he had consistently expressed admiration for and sympathy with the conquered.<sup>1</sup> Ecclesiastical leaders in Quebec and Montreal early resolved upon a policy of coöperation with the governor, and, as his support among his own countrymen practically vanished, Murray drew closer to those leaders through whom he hoped to attach the French-Canadians to his cause.

The higher clergy were quite aware of the dangers of a policy of anglicisation; they saw very clearly the effects that might ensue if no bishop were appointed, no priests were consecrated, and, at the same time, encouragement were given to the Protestant faith. Their reaction to the proposals of Pierre Roubaud illustrates this point most clearly. Roubaud's declarations appealed strongly to the British ministers, for he, an ex-Jesuit, assured his listeners with great eloquence<sup>2</sup> that Canada was ripe for conversion to Protestantism. All his statements were undoubtedly exaggerated, for he was animated far more by a private grievance against the Society of Jesus, than by any real conviction of the superiority of the Protestant faith that he then affected. In addition, he, like several of his contemporaries among the French-Canadians, was swift to

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(1) Pub. Arch. Can., Murray Papers, vol. II, p. 171, Murray to Eglinton, Quebec, Oct. 12, 1764.

(2) Ibid, vol. II, pp. 139-41, Murray to Halifax, Quebec, June 26, 1764; Series C.O. 42, vol. XX, pp. 2-4, Roubaud to Sutton, London, Sept. 15, 1766.

seize upon the opportunity offered by the conquest to attempt to hoist himself to a position of honour and trust which he had never formerly enjoyed. The cession of the colony to a different power offered an opportunity to the malcontents of the previous regime, and such was Pierre Roubaud.

Even though his plan failed, and the London government was soon undeceived as to the merits of any scheme propounded by Roubaud, his statements deserve a brief scrutiny because of their reception by ecclesiastical leaders in Canada. The British government did act upon his urging when it sent out Protestant clergymen to Quebec, Montreal, and Three Rivers. These men--DeLisle, Montmollin, and Veyssière--all spoke French, and their avowed aim was to win converts from the ranks of the Catholics.<sup>1</sup> There seems to be no doubt that these men were the worst possible instruments for such a policy,<sup>2</sup> and that their efforts met with no greater success than they deserved, but their failure does not alter the fact that the British government did consider widespread conversion to Protestantism as a feasible solution for its Canadian problems. The Roman Catholic clergy could not have known the opinions expressed on this matter in the memoranda of the British ministers, could not have known, for example, that Lord Shelburne felt that the Roman Catholic religion

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(1) STUART, H.C.: The Church of England in Canada, 1759-1793, pp. 78-80.

(2) Pub. Arch. Can., Series 3, vol. V, p. 278, Carleton to Shelburne, Quebec, July 31, 1768; Trans. of Royal Soc. of Can. Series II, vol. VI, p. 154, AUBIN, P.J.: "Le clergé protestant du Bas-Canada."

should be gradually eradicated in Canada, for it could never truly coalesce with the British constitution,<sup>1</sup> but they were shrewd enough to guess much of the truth. They had grave cause for alarm, not because they feared DeLisle, Montmollin, or Veyssi re, the feeble instruments of a government policy, but because the British ministry might well choose to implement its policy more adequately in the future. Their alarm suggests that there must have been some possibility of such a plan's succeeding. Later French-Canadian writers<sup>2</sup> express their disdain for Roubaud, but they do not express the contempt for his ideas that one might expect. Sir Thomas Chapais, for example, wrote: "Les infiltrations protestantes gagnaient de proche en proche, gr ce au silence du ch ur, au vide du confessionnal,   la solitude du presbyt re,   la seduction de l'avancement, des faveurs officielles, des alliances avantageuses, le peuple canadien glisserait insensiblement   l'anglicanisme, et de l'anglicanisme   l'anglicisation la distance serait franchi<sup>3</sup> peut- tre en moins d'un demi-si cle."

To the ecclesiastical leaders, the only way to combat these evils was by securing the appointment of a bishop, and for that task, it soon became clear that the support of the governor was essential. At first, some of the clergy had

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(1) Clements, Shelburne Papers, vol. LXVIII, p. 525, Shelburne's hints on the government of the colonies, March 10, 1763.

(2) GROULX, ABBE LIONEL: Lendemain de conqu te, p. 157.

(3) CHAPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 44.

attempted to impress the home government by besieging it with addresses and petitions, finally rousing a considerable number of laymen in the towns to form a committee and to send Etienne Charest as a delegate to plead<sup>1</sup> their case in London. It soon became apparent that these tactics would avail nothing; two of the possible candidates for the episcopate--the Abbé de Lacorne, and Montgolfier, the vicar-general at Montreal,-- were suspected by the authorities of being too pro-French to be trusted with the mitre,<sup>2</sup> and Roman Catholics in Canada must have been fairly certain that neither of these aspirants for office had a chance of success. Ecclesiastical leaders seem to have been fully aware of the attitude of the British government, and to have recognized that their political influence was at an immediate end unless they could find powerful support. Murray's instructions had forbidden him to tolerate any ecclesiastical jurisdiction of the See of Rome,<sup>3</sup> and the modified views of the Board of Trade went no further than to suggest a superintendent for the Catholic church, deprived of all the dignities of the episcopate, and subject, at every hand, to the temporal power

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(1) TÊTU, MGR. HENRI: Lettres...et mandements des évêques de Québec, vol. II, pp. 174-6, Address to the king from the Quebec Chapter, Sept. 13, 1763; Pub. Arch. Can., Series Q, vol. I, p. 125, Gage to Egremont, Montreal, July 31, 1763; pp. 224-9, Memorial of Charest to Halifax, Sept. 1763.

(2) Pub. Arch. Can., Series Q, vol. I, p. 120, Egremont to Murray, Whitehall, Aug. 13, 1763; p. 260, Murray to Shelburne, Quebec, Sept. 14, 1763; p. 256, Murray to Shelburne, Quebec, July 22, 1764.

(3) Can. Arch. Report, 1904, Appendix E, p. 200, Instructions to Governor Murray, 1764.

of the governor and council.<sup>1</sup>

Faced by these almost insuperable difficulties, the Canadian clergy might have adopted the same defeatist attitude that characterised the seigneurs, had not one of them already devised a plan that might secure their main objectives for them. This leader was Jean-Olivier Briand, the vicar-general of Quebec, who had adopted a conciliatory policy toward the English from the very moment of their arrival in Quebec. Having no alternative suggestions to offer, the Canadian clergy followed him on an almost impossibly tortuous path. Realising that all struggles against anglicisation were doomed to failure unless a bishop were appointed, Briand concentrated all his efforts upon obtaining that one objective. He almost completely disregarded other religious problems--such as the plight of the religious orders, for example--probably reasoning that too great a clamour upon too many issues would achieve action upon none of them. He apparently drew a line of distinction between what was entirely impossible at that time, and what might be achieved by constant striving. This may speak well for his political acumen, but it reveals also a fundamental weakness in his position. The sine qua non of the clergy's resistance to anglicisation was the appointment of a bishop, but the appointment of a bishop could be achieved only by convincing Murray, and through him the British government, that there was no danger to anglicisation in such a step. Every

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(1) Pub. Arch. Can., Series Q, vol. XVIIIa, pp. 88-103, Heads of a plan for the establishment of ecclesiastical affairs in the province of Canada, a report of the Board of Trade, May 30, 1763; vol. XVIIIb, pp. 64-83, Report of the Board of Trade, July 10, 1769.

time the clergy preached conciliation, and conciliation they had to preach if their primary aim were to be won, they were weakening their hand in the struggle against English laws, the English language, and English forms of government. Every time they glossed over other issues, probably with the view that they could return to these lesser matters once a bishop had been appointed, they were materially strengthening the position of those who sought to assimilate the French-Canadians. In actual fact, the Roman Catholic church did not dare offer leadership to any nationalistic movement in the 1760's, for, by doing so, it would probably have signalled the end of its own existence. It did not dare take too open a stand against the absorption it feared, lest it lose the opportunity to continue its fight in the future.

Obviously, any chances that Briand's policy had for success depended upon Governor James Murray. As the governor found himself more and more at odds with his own countrymen in Canada, the prospect of agreement with the clerical leaders, who might win a great deal of support for him among the French-Canadians, became most alluring. The increasing turbulence of the English merchant group in its opposition to all Catholic petitions had a great deal to do with Murray's turning for support to the people whom he pitied and whom he sought to protect against the unreasonable demands of his compatriots. He too began to see the necessity of securing the appointment of a bishop, for, provided Briand was given the mitre, he could be relied upon to acquaint the people as a whole with the sense of gratitude they should feel and the political support they should consequently give to the governor, who had made

possible this concession.<sup>1</sup>

The almost furtive consecration of Briand in a chapel near Paris in March, 1766, was not in itself so important in Murray's retreat from a policy of anglicisation as were the circumstances that brought it about. The British government had already considered the advisability of permitting such an appointment, for it could not afford to create any abiding sense of grievance in Canada,<sup>2</sup> but the choice of Briand and Murray's own shift in policy that preceded the consecration had made it clear that this concession, so far as Canada was concerned, was not just the answer to a popular demand, not just the granting of a boon much craved by every French-Canadian, as some contemporary sources pictured it.<sup>3</sup> These sources are either ecclesiastical Canadian or official English, so that it is not strange that they should have concealed the fact that the appointment of Briand was essentially a political move on the part of Murray, that it was, in a sense, the beginning of a bargain between church and state in Canada that was to constitute the first really effective barrier to anglicisation. Contemporary critics of

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(1) Que. Arch. Report, 1929-30, p. 65, Cardinal Castelli to Abbé de l'Isle Dieu, Rome, Dec. 17, 1766; p. 68, Murray to Briand, Quebec, June 20, 1766; Pub. Arch. Can., British Museum Additional MSS. 35915, f. 25, Fowler Walker's notes on Quebec, 1766; Bulletin des Recherches Historiques, vol. XVI, pp. 34-6, TÊTU, MGR. HENRI: "Le chapitre de la cathédrale de Quebec."

(2) BURT, A.L.: The old province of Quebec, p. 100.

(3) Que. Arch. Report, 1929-30, p. 67, Jacrau to Cardinal Colonna, Quebec, Aug. 20, 1766; Quebec Gazette, July 3, 1766.



the bargain usually fastened upon minor points,<sup>1</sup> failing utterly to denounce the most important feature of the agreement—that an English governor was placing himself in a position of dependence upon the group that would resist many of the policies to which he was pledged, and was augmenting the power of a group whose political influence the home government was seeking to eradicate.

The French-Canadian clergy, on the other hand, were not over-anxious to publish their share in the bargain. They were apparently willing to accept the responsibilities it imposed upon them of preaching subservience to the government and respect for the governor, but they could scarcely have wished to be reminded that they were at the mercy of a foreign non-Catholic power. Briand seems to have been perfectly aware that such was the case, however, for his fears for the Roman Catholic religion in Canada were still acute in 1766. He saw in England exactly how precarious Murray's<sup>2</sup> position really was, and there was no indication that the recent bargain would be acted upon by a new governor.

Briand had been able to achieve his main object by 1766, largely because of the clashing interests of the Englishmen in the colony, but there was plenty of reason to feel that all his work would be undone if Murray were recalled. This fear spread from the clergy to many French-Canadians whom

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(1) Clements, Shelburne Papers, vol. LIX, p. 32, Archbishop of York to Shelburne, London, April 10, 1767; vol. LXIV, pp. 411-13, Letter from Quebec, Sept. 30, 1766.

(2) Bulletin des Recherches Historiques, vol. XVI, p. 35, TETU, MGR. HENRI: "Le chapitre de la cathédrale de Quebec," cites Briand to Bishop of Orleans, London, May 1, 1766.

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they influenced, so that it is easy to discover many signs of dismay when the governor left Canada. To suggest that party lines were so drawn in 1766 that one group was made up of the English merchants, and the other of the governor, his small group of advisers, the British soldiers in the colony, and the entire French-Canadian population, is to oversimplify the situation. By 1766, for example, Murray had lost much support among the military group, and even among his own councillors.<sup>2</sup> More important from the French-Canadian point of view, the governor did not command the united support of the people whom he claimed to champion. All French-Canadians rejoiced over the appointment of a bishop, but this jubilation only temporarily obscured the differences among them. It might seem that Murray's policy would attach all groups of French-Canadians to his cause, but certainly he was only describing what he wished were true when he wrote that the French-Canadians, "to a man", would vouch that all the malice and clamour which has been exhibited against me proceeds from the protection I have given them."<sup>3</sup> Actually, there was no such thing as a single voice among the French-Canadians, and, indeed, some of the malice and clamour of which Murray wrote had come from French-Canadian sources. While the ecclesiastical leaders saw an opportunity

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(1) Pub. Arch. Can., Murray Papers, vol. II, p. 273, Murray to Lord Adam Gordon, Quebec, Nov. 1, 1765; p. 180, Murray to Halifax, Quebec, Oct. 30, 1764; Clements, Gage Papers, American Series, vol. XLIII, Murray to Mabane, Quebec, Sept. 3, 1765; vol. LI, Browne to Gage, Quebec, May 1, 1766.

(2) Pub. Arch. Can., Series M, vol. CXVI, p. 13, Murray to Abercrombie, Quebec, July 15, 1765.

(3) Pub. Arch. Can., Murray Papers, vol. II, p. 290, Murray to Charles Ross, Quebec, Dec. 4, 1765.

of securing their objectives by continuing the friendship with the military which had begun as soon as British armies entered Canada, another group of French-Canadians tended to break the early connection and to ally themselves, to a greater or less degree, with the British merchants.

The western extension of the fur trade in the early eighteenth century had served to promote the growth of a group of local merchants, and their challenge to the leadership of the seigneurs and clergy was already evident before 1760.<sup>1</sup> The growing alliance between Murray and the clergy, coupled with the dependence of French-Canadian merchants upon the old subjects who took over a great part of the wholesale trade,<sup>2</sup> tended to break up the solid front of French-Canadian support for the governor. There is evidence that these French-Canadian merchants began with a high opinion of Murray,<sup>3</sup> but the effects of the propaganda circulated by the English traders became evident soon after the publication of the new fur trade regulations in 1763.

Murray personally could not have been held responsible for the policy laid down in the Proclamation of 1763, but the joint petitions from English and Canadian traders which it occasioned offered the first example of cooperation between the two groups.<sup>4</sup> In addition, these memorials did not confine

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(1) CLARK, S.D.: The social development of Canada, p. 43.

(2) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. p. 60, Murray's report on Quebec, June, 1762.

(3) BABY, L.F.G.: L'exode des classes dirigeantes... p. 21, cites letter of a Quebec merchant, Feb. 4, 1764.

(4) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 168-9, Petition of traders, 1764.

themselves to protesting against the fur trade restrictions; they also complained of Murray's "angry and partial disposition" so that some of the new subjects were being induced to add their voices to the criticism of the governor. The Quebec petition of 1764 was signed by eighteen English merchants and only three French-Canadians, but the proportion of French names on such documents steadily increased during the next two years, especially in Montreal, where the English traders were most insistent in their attacks upon Murray. The Montreal memorial of March 9, 1765, bore twenty-six English names and thirty-two French,<sup>1</sup> and that of April 17, 1766, had fifteen English signatures and twenty-seven French.<sup>2</sup> In Montreal, likewise, the French-Canadian bourgeois united with the English in the protest against the calling of an assembly of seigneurs,<sup>3</sup> for they suspected that the governor was showing favour to their rivals.

At first glance, this alliance between the violently anti-French-Canadian merchants in the towns and the French-Canadian bourgeoisie seems completely incomprehensible. The newcomers were loud in their demands for an assembly of Protestants, for the adoption of English law in its entirety, for the sole use of English in the law courts and in government records. In addition, many of them were personally unpopular with the

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(1) Pub. Arch. Can., Series C.O. 42, vol. II, p. 362, Memorial of merchants and traders of Montreal, March 9, 1765.

(2) FLICK, A.C.(ed.): The papers of Sir William Johnson, vol. IV, p. 167, Welles to Johnson, Montreal, April 17, 1766.

(3) Bulletin des Recherches Historiques, vol. XXXVIII, p. 68, MASSICOTTE, E.Z.: "Les protets des marchands"; Pub. Arch. Can., Que. Leg. Council, vol. B, pp. 124-5, Report of Mabane, March 18, 1766.

French-Canadians, yet it was in Montreal, where the old subjects were most factious, that their influence over the French-<sup>1</sup> Canadians was greatest.

Murray's explanation was that the Canadians were merely the dupes of the English,<sup>2</sup> and he continued his policy of dis-<sup>3</sup> regarding the petitions which they signed, on that account. An examination of the presentment of the Grand Jury in 1764 might well lead one to this conclusion, for, on that occasion, the foreman and twenty jurors, both English and French-Canadians, joined in an attack upon the newly-created courts of justice, and listed a variety of evils, real and imaginary, in the exist-<sup>4</sup> ing government. A supplementary clause in this presentment denied the right of Roman Catholics to sit on any juries, and this clause naturally split the group along racial lines. The six French-Canadian jurors entered their protests against the final clause, then, upon reading the French translation of the fifteen clauses to which they had already agreed, they repudiated all connection with them, saying that the matter had not been properly explained to them. A year later, the King in Council blamed the Grand Jury for its presumption, and Governor Murray

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(1) Clements, Shelburne Papers, vol. LXIV, p. 201, Irving to Murray, Quebec, Aug, 23, 1766; Pub. Arch. Can., Series B, vol. II, p. 38, Haldimand to Gage, Three Rivers, July 7, 1764.

(2) Pub. Arch. Can., Murray Papers, vol. II, p. 116, Murray to Christie, Quebec, April 9, 1764; pp. 117-8, Murray to Burton, Quebec, April 11, 1764.

(3) Ibid, vol. III, p. 243, Murray's answers to his accusers, 1767.

(4) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 52-9, Presentment of the Grand Jury, 1764.

was instructed to signify to them "His Majesty's highest  
disapprobation." The whole affair is sometimes taken as  
evidence of the impossible position taken by the English  
minority, and of its political ineptitude of the French-  
Canadians, but it must be remembered that neither the  
most reasonable among the English nor the most astute  
among the French-Canadians were members of that jury.  
Williams Conyngham, it later appeared, had chosen them  
with great care, selecting some men stupid enough to be  
easily led, and some violent enough to lead the others  
into ridiculous extremes.<sup>2</sup> Murray's explanation of the  
cooperation between the two groups of merchants would hold  
true only in isolated cases such as this; it is difficult  
to accept it for all cases, for many French-Canadians  
were much too intelligent to be the dupes of men like  
Thomas Walker.

A keen perception of their own interests, however,  
might well lead the French-Canadian merchants into a  
policy of coopération with the English trading group. During  
the Murray administration, certain French names appeared  
prominently in the fur trade--Jean Orillat, Pierre du Calvet,  
and Pierre Foretier, for example--<sup>3</sup> and these merchants had

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(1) Pub. Arch. Can., Series Q, vol. II, p. 465, Conway to  
Murray, Whitehall, Nov. 8, 1765.

(2) Pub. Arch. Can., Series C.O. 42, vol. III, pp. 300-11,  
Memorial of Attorney-General George Suckling, May 3, 1765;  
BURT, A.L.: op. cit. p. 115.

(3) Bulletin des Recherches Historiques, vol. XLVII, p. 176,  
MASSICOTTE, E.S.: "Pierre Foretier."; vol. XLI, pp. 649-50,  
Nadeau, GABRIEL: "Orillat, negociant."

accumulated money and land in the early 1760's. Their fortunes were made after the conquest, and it was only natural that they should find a community of interest with the English merchants.<sup>1</sup> Trading was profitable enough in the early 1760's for a considerable number of labourers to leave their own occupations to engage in trade,<sup>2</sup> and it is not surprising that a group of comparatively prosperous French-Canadian merchants should listen to the explanation that the English traders offered for this prosperity, and ascribe their success to a change of government. The next logical step in such an argument was that their prosperity would be even greater were Murray removed, and with him the last vestiges of the old system. Fowler Walker, the London agent for the merchants, naturally put the best complexion upon the association between English and French-Canadian traders when he argued that, since they were both injured by the same malevolent government,<sup>3</sup> they sought redress in the same way.

It was true that the English and French-Canadian merchants did present a fairly united front in their complaints over economic grievances, and the indications are that this community of interest tended to obscure the real differences between them. The French-Canadian merchants, of

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(1) MASERES, FRANCIS: An account of the proceedings, p. 103.

(2) Quebec Gazette, Jan. 26, 1768, Letter to the publisher.

(3) Pub. Arch. Can., British Museum Additional MSS., 35915, f. 26, Fowler Walker's notes on Quebec, March 1, 1766.

course, remained loyal Roman Catholics, and any religious issue was certain to strain the alliance and, since ecclesiastical leaders were advocating support for the governor during the same years, some merchants would inevitably follow Murray.<sup>1</sup> This was particularly true as long as Roman Catholics were excluded from all offices which the English Protestant group was filling most inadequately. Once this grievance was at least partially removed, however, the French-Canadian merchants expressed remarkably few criticisms of English law, although they united with the old subjects in decrying its administration.

It must be remembered that this same bourgeois group was the one that had complained of the *coûtume de Paris* in the last years of French rule, and English commercial law does not seem to have been repugnant to them. Indeed, various French-Canadian traders uttered cries of approval for English law as more beneficial to the merchants.<sup>2</sup> It is true that du Calvet and Levesque, prominent among the French-Canadian trading group then and later, were themselves Huguenots, and thus more kindly disposed toward English law because of their prejudices against the Roman Catholic religion but there is no such explanation for the position taken by Pierre Foretier and his followers. This Foretier continued to

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(1) Pub. Arch. Can., Dartmouth Papers, vol. I, pp. 158-60, Canadians at Quebec to Vialars, Dec. 28, 1765.

(2) Ibid, vol. I, p. 130, Levesque to Guinand, Quebec, Sept. 27, 1763.



demand English commercial laws, and he was intelligent enough to be reckoned a dangerous adversary by his opponents. Other merchants may not have been as outspoken as Foretier, but they made use of the new laws frequently,<sup>1</sup> and, in their private correspondence, which one may assume was not influenced by the English merchants in the same way that public pronouncements may have been, they expressed an<sup>2</sup> optimism for the future under British rule that certainly suggested their acceptance of the changes involved. Within a few years, French-Canadian merchants were pointing out to their children the advisability of learning the English<sup>3</sup> language and, indeed, gave every sign of accommodating themselves to the new regime.

Financial advantage, then, dictated to the French-Canadian merchant a policy quite different from the one into which the clergy were driven in the first years of British rule. Each of these important groups in Quebec and Montreal saw alliance with Englishmen as their sole hope under the new regime, but the points of view of clergy and merchants were widely divergent. The bourgeoisie began a somewhat

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(1) Pub. Arch. Can., Register of Common Pleas, Montreal, 1765-7, pp. 263-6, Cazeau v. Linctot, Nov. 20, 1766; Quebec Gazette, Jan. 4, 1770.

(2) Pub. Arch. Can. Collection Baby, vol. XXXVIII, p. 209, Rhéaume to Baby, Ile Jésus, Dec. 27, 1768.

(3) Ibid., vol. XXIX, p. 77, Mme. Benoist to her brother, François Baby, Montreal, May 3, 1779; vol. XXXIX, pp. 116-7, Louis Guy to Pierre Guy, New York, Oct. 28, 1791; p. 151, Etienne Guy to Pierre Guy, New York, Oct. 10, 1794.

uneasy alliance with the English merchants, for mutual suspicion continued to exist, and the French-Canadians were not prepared to take the steps into which it seemed that such an alliance must inevitably lead them. They could accept with equanimity many features of the policy of anglicisation because they hoped that their fortunes would benefit, but they were not prepared to relinquish their religion. They had already compromised upon a number of points, and the alliance could continue only if the British merchants showed a similar willingness to compromise. The arrival of Attorney-General Francis Maseres in the fall of 1766 ushered in a new stage in the relations between the two groups of merchants, for he became, in a sense, the spokesman for the English traders, and he certainly exercised some restraint upon their violence. In one important respect, however, he was unlikely to exercise any restraint whatever. Of Huguenot descent, he had a strong prejudice against the Roman Catholic religion wherever he found it, and his leadership of the English group was likely to make the adherence of the French-Canadians more and more difficult. Modern French-Canadian writers are not always harsh in their judgment of Maseres, and one of them concludes: "Imbu de nombreux préjugés, il avait cependant une certaine droiture native qui le préserve de l'extrême

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(1) WALLACE, W.S.: The Maseres letters, Introduction, p. 33.

(2) KENNEDY, W.P.M. & LANCTOT, GUSTAVE (eds.): Reports on the laws of Quebec, p. 83, Carleton to Hillsborough, Quebec, Oct. 5, 1769.

d'injustice où tombent souvent les esprits absolus.<sup>1</sup>" At the time, however, these prejudices were likely to prove fatal to the alliance between English and French-Canadian merchants.

The clergy, on the other hand, had made its terms with the official group in the colony, and this alliance was to last for many years. The Roman Catholic faith was the most important factor militating against the success of the unity of the merchant groups; that faith was the most powerful cohesive force in the opposing alliance. The clergy consistently preached submission to the new authority, while the small group of officials sent out from England to exercise that authority inclined more and more to the belief that the policy of anglicisation must be abandoned.

Although the French-Canadian merchants did have frequent contact with the habitants of the country parishes,<sup>2</sup> they could never hope to win much support for their policy of adapting themselves to changes of which the habitants remained quite unaware. The clergy, on the other hand, had immensely greater influence and, at the same time, the much easier task of convincing the habitants that their view of the situation was quite correct, and of re-inforcing the habitants' faith in what they knew. In addition, the

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(1) CHAPPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 109.

(2) COFFIN, VICTOR: The province of Quebec and the early American Revolution, p. 296.

seigneurs, if they could be roused to take any action whatever, would inevitably throw their weight on the side of the clergy and the official, or, as it was becoming known in the colony, the French party.

In the towns, the first years of British rule were thus notable for the formation of rival alliances, each of which was eager for country support. By 1766, however, it was becoming clear that the French-Canadian bourgeoisie were being torn between the conviction that financial advantage was to be gained from a close association with the English merchants, and the knowledge that these new friends were also the enemies of their religion. While French-Canadian merchants were seeking a way out of this quandary, the clergy, with undivided minds, were winning more and more support for the French party, and the separate interests of the merchants tended to dissolve in a new unity.

## CHAPTER V

### THE ILLUSION OF UNITY AMONG THE FRENCH-CANADIANS, 1768-1774.

The first years of British civil administration in Canada had been characterised by a lack of unity among the French-Canadians and by a perceptible deepening of the lines of division separating the town and country districts of the province. The years between 1768 and 1774, however, did not witness a continuation of the development begun during the Murray administration, but rather, in sharp contrast to the earlier period, offered at least an illusion of unity among the French-Canadians. For a brief moment in their history, they seemed to share the same objectives, and the British government was advised by the small official group in Canada that a restoration of the old French forms of law and government, the legalisation of the tithe, the removal of the barriers preventing Roman Catholics from holding office, and the extension of the boundaries of the colony for the benefit of the fur-trading interests would be sufficient to please all French-

Canadians. Acting upon this advice, and upon the assumption that the French-Canadians were united in their demands for such a solution, the British government passed the Quebec Act in 1774, a year of triumph for the French party.

From the point of view of the members of that party, the Quebec Act was, in large measure, a step toward the preservation of the Empire which they served by the placation of the people whom they pitied<sup>1</sup>. It stemmed from the conviction that by perpetuating as much as possible of the old French forms of society and government, and by keeping Canada essentially different from the other British colonies in North America, British domination might be maintained there, even while it was being attacked elsewhere. The happiness of the French-Canadians was thus a secondary consideration. It so happened, however, that the desires of many French-Canadians did coincide to a remarkable extent with the plans of the French party, and thus the illusion of unity was heightened by a governor who represented himself as the champion of a vanquished race, at the same time as he brought about a solution of the Canadian problem that seemed to him the most suitable and desirable.

It became obvious, even before the Quebec Act had time to come into effect, that a grave miscalculation had been made, but, in the years between 1768 and 1774, an

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(1) Clements, Gage Papers, American Series, vol. LXXVII, Carleton to Gage, Nov. 22, 1768.

an impression of unity among the French-Canadians was created, in large part, by Governor Guy Carleton. The elements of divergence within the French-Canadian population were temporarily obscured, and the elements of cohesion were emphasized.

The arrival of Guy Carleton in Quebec in September, 1766, was an event of paramount importance for French Canada. There were few indications at that time, however, that he would ever claim, with any degree of truth, to express the dominant ideas of the French-Canadians. Even before he arrived, he was feared in Canada, for the home government and military officials as well were making it very obvious that he was being sent out to end the disputes to which the Murray administration had given rise, and these disputes had usually derived from Murray's friendship toward the French-Canadians and his rather blundering attempts to protect them from the unreasonable demands of the militant English merchants. The French-Canadians can scarcely have expected Carleton to do otherwise than to reverse the policy which had led to confusion and to institute the policy of anglicisation which their leaders feared. The very fact that Carleton was endowed with the military power that had been<sup>1</sup> denied his predecessor must have impressed the French-Canadians with the increased regard in which this man was held by his

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(1) Clements, Gage Papers, American Series, vol. XXIII, Murray to Gage, Quebec, Aug. 20, 1764; English Series, vol. VII, Barrington to Gage, London, May 17, 1768; Gage to Barrington, New York, Aug. 27, 1766.

superiors, and, certainly, the English merchants in their midst were assiduously spreading the report that Carleton would initiate English law at one sweep, call an assembly of Protestants, abolish seigneurial tenure, and, according to the English view, end all the confusion of the preceding years. According to the French-Canadian view, the arrival of Carleton could only mean disaster if he carried out the policy that, according to rumour, he was determined to follow.

The first few months of the Carleton administration can have done nothing to allay French-Canadian fears, for the governor's actions early gave him the reputation of being partial, arrogant, and vindictive,<sup>1</sup> and the French-Canadians must have heard an abundance of reports about his conduct, even if they were not personally concerned in his early encounters with the friends of Murray. It certainly seemed that his first objective in Canada was to oust from all positions of power, and to strip of as much influence as possible, any man who had given support to his predecessor;<sup>2</sup> this was no happy omen for the French-Canadians.

When the governor consulted only a small part of the council that Murray had selected, he was giving one of the first examples of his plan to dissociate himself from the

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(1) Clements, Shelburne Papers, vol. LXIV, pp. 448-9, Mabane to Murray, Quebec, Oct. 31, 1766; Pub. Arch. Can., Series B, vol. XLIX, p. 18, Hugh Wallace to Haldimand, New Yprk, Feb. 12, 1767.

(2) Pub. Arch. Can., Murray Papers, vol. III, p. 205, Walter Murray to James Murray, Quebec, March 15, 1767.



the previous regime.<sup>1</sup> A remonstrance against the exclusion of certain members was presented to the governor, and he replied positively that he had the right to call upon any men he chose. It certainly appears that he merely waited for a pretext to dismiss Adam Mabane and Lieutenant-Colonel Paulus-Aemilius Irving, the only two influential signers of the remonstrance.<sup>2</sup> If French-Canadians in the towns were unmoved by this incident, they had occasion to learn of the governor's temperament during the quarrels that followed the arrest of a group of men, one of them a French-Canadian seigneur, for the attack of two years before upon Thomas Walker. Memorials of both English and French-Canadian residents of the colony pleaded for the accused men,<sup>3</sup> but the Quebec Gazette was forbidden to publish the memorials,<sup>4</sup> and Mabane and Irving were signalled out for punishment because they had signed one of them. If all six of the councillors who had signed the petition had been similarly treated, the governor's declaration that such officials should know better than to interfere in the free course of justice would have been rather more convincing.<sup>5</sup>

There can be no doubt that these preliminary moves

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(1) Pub. Arch. Can., Que. Leg. Council. vol. B, p. 282, Minutes of Oct. 9, 1766.

(2) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 192-3, Carleton to Shelburne, Quebec, Oct. 25, 1766; p. 195, Remonstrance of the members of the council, Oct. 13, 1766.

(3) Pub. Arch. Can., Series Q, vol. IV, pp. 48-9, Memorials of Nov. 23, 1766.

(4) Pub. Arch. Can., Murray Papers, vol. III, p. 207, Walter Murray to James Murray, Quebec, March 15, 1767.

(5) Pub. Arch. Can., Series Q, vol. VII, p. 223, Carleton to Irving, Quebec, Nov. 29, 1766.

were designed to show hostile factions in Canada that Carleton was in complete command, at the same time, to impress the home government with a sense of his efficiency and to heighten that impression by drawing attention to what he considered the partiality and incompetence of his predecessor. In these first disputes, the French-Canadians were not directly concerned, but certainly the conduct of the governor during his first few months in the colony did teach them the folly of outright opposition.

The last months of 1766 were filled with examples of the futility of disagreeing with the governor, and this might well have meant the end of French-Canadian hopes. Within a remarkably short time, however, it became apparent that a new era of immense opportunity had dawned, for all an individual needed to do, provided he already possessed an assured position in clergy, noblesse, or bourgeoisie, was to give the governor the information that he was prepared to hear, and there was a great possibility for advancement. Acquiescence was the virtue that the French-Canadians<sup>1</sup> possessed to a remarkable degree, according to Carleton, and it was always acquiescence, rather than real guidance or constructive criticism, that he desired from them.

A knowledge of this characteristic of the second English governor of Canada could only have been comforting to

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(1) SEORITT, ADAM & DOUGHTY, A.G.: op. cit. pp. 181-5, Carleton to Shelburne, Quebec, Nov. 25, 1767.

the French-Canadians under one condition. Carleton would have to require the sort of information that some of them would delight to give, and he would have to seek the furtherance of a cause that had considerable appeal for them. Since this condition was present within a year after Carleton's arrival, he soon became <sup>1</sup>a hero to many of the new subjects, "a man whom every French-Canadian would honour if he knew the facts"<sup>1</sup>--as one writer has phrased it. Less laudatory writers also tend to the belief that after securing advice from responsible Canadian sources, Carleton proceeded to initiate a programme to remedy Canada's ills.<sup>2</sup> It seems more likely, however, that the governor arrived at somewhat hasty conclusions with little study, and then proceeded to look for evidence to buttress his arguments.

This impression is strengthened by the fact that Carleton's arguments were virtually complete by the fall of 1767, one year after his arrival in Canada. He had begun that year with a profound distrust for any man--Englishman or French-Canadian--to whom Murray had shown favour. Presumably, this prejudice would extend to the ecclesiastical leaders who had associated themselves with Murray, and also to the seigneurs who had expressed their sorrow at his recall.<sup>3</sup>

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(1) BOVEY, WILFRID: French-Canada today, p. 66.

(2) CHAPPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 113.

(3) Pub. Arch. Can., Series Q, vol. IV, p. 23, Les seigneurs du Canada au Roy, 1766.

Carleton's own letter of March 27, 1767, clearly indicates the feelings with which he had come to Canada. "Ever since my arrival," he wrote, "I have watched the Canadians with an attention bordering on suspicion."<sup>1</sup> Similarly, he expressed his concern over rumours among the French-Canadians that petitions would bring redress of their grievances. He stated that he made a practice of discouraging "that Humour of petitioning which is sometimes intended for the best, often for the worst purposes, and always carries with it an appearance of wresting from government even those things which it may be both just and wise to grant unasked; it prepares the minds of the people for general association and intrigues which in time might be turned against Government."<sup>2</sup> Nowhere does Carleton express more clearly his belief that the solutions to the Canadian problem lay in the plans he himself made and for which he subsequently looked for support.

It might be suggested that the amazingly adaptable Bishop Briand very soon obtained the confidence of the new governor and that Carleton relied upon the information that the Bishop was able to give him in formulating his solution. A few years later, the governor was criticized for the extent to which he relied upon the bishop,<sup>3</sup> but it seems

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(1) FLICK, A.C. (ed.) Papers of Sir William Johnson, vol. IV, p. 521, Carleton to Johnson, Quebec, March 27, 1767.

(2) Pub. Arch. Can., Series Q, vol. VI, pp. 163-4, Carleton to Hillsborough, Quebec, Oct. 25, 1769.

(3) Clements, Shelburne Papers, vol. LXVI, p. 198, Caldwell to Shelburne, Quebec, May 22, 1775.

unlikely that Briand had reached a position of confidence as early as the summer of 1767. The seigneurs, on the other hand, had given no sign that they had reached the stage where they could impress the governor with their plans, if any, for the future of Canada, nor did Carleton then or later suggest that he would have accepted any plan put forward by French-Canadians; during 1767, he would almost certainly have regarded any suggestions for a changed form of government as part of the machinations of the Murray party that he was seeking to destroy.

By November of 1767, however, in spite of the few contacts that he had had with French-Canadian opinion during the preceding year, Carleton was expressing the new policy that he had already formulated and that was eventually to become law under the Quebec Act. There can scarcely be any doubt that this policy was his own, and not the suggestion of French-Canadians; at the same time, it seems clear that the governor's mind was already made up when he wrote his vigorous despatch to Lord Shelburne, and his later contacts with French-Canadian leaders did nothing to modify his position. "Barring a catastrophe shocking to think of, this country must, to the end of time, be peopled by the Canadian race...Should a French war surprise the province in the present situation, the Canadian officers sent from France with troops might assemble such a body of people as would render the king's dominion over the province very

precarious.<sup>1</sup>" Already, Carleton was advising the continuance of a completely French-Canadian colony, already he was advocating the abandonment of all thought of anglicisation. His primary objective was, avowedly, the preservation of Canada as a British colony, but his secondary aim had become the contentment of the French-Canadians.

Seeing about him the remnants of the old French system, he leapt to the conclusion that a feudal society comparable to the one he knew in France had formerly existed on the banks of the St. Lawrence. There were plenty of men in Canada who could have disillusioned him at the very beginning, but their advice was not sought, and Carleton's aristocratic bent and the experiences of his fellow-governors in the thirteen colonies both inclined him toward a policy that would revive the old forms, for, to him, a firmer discipline and not a wider liberty was the solution to Britain's imperial problems. In his contemplation of the society he believed had existed in Canada, he found his answer to the difficult question of keeping the new colony within the Empire. Reinforce the diminishing power of the seigneurs, make sure that threats to ecclesiastical domination did not materialise, retain the laws which the French had introduced to Canada, eliminate the possibility of a clamorous assembly emulating its contemporaries in Massachusetts

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 181-5, Carleton to Shelburne, Quebec, Nov. 25, 1767.

and Virginia, and then would Canada be both secure and content.

Carleton was thus completely reactionary in his suggested solution. He was attempting to turn the clock back; he was ignoring the fact that Canadian conditions had wrought enormous changes in the feudal system; he was assuming that the clergy and the seigneurs were the sole leaders of New France, arbitrary lords over mere hewers of wood and drawers of water; furthermore, he was assuming that the complete restoration of the old laws was the desideratum of every French-Canadian in the late 1760's. His plan thus rested upon a number of false assumptions and it was not calculated to please many of the French-Canadians. Once Carleton had formulated the plan, however, and once he began to show favour to the seigneurs and clergy through whom he felt that he might influence the rest of the population, it was inevitable that he would find plenty of French-Canadians willing to subscribe to his views.

The clergy gave their support to a man who early showed his sympathy for their position, and perhaps their adherence was the more faithful as a result of the fears which they had felt at the time of his arrival. The gentry could be relied upon to give support to a man who was seeking to raise them to a loftier position than they had ever enjoyed, at the very moment

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(1) BURT, A.L.: The old province of Quebec, p. 154.

(2) Pub. Arch. Can., Series Q, vol. V, p. 260, Carleton to Shelburne, Quebec, Nov. 25, 1767.

when they felt their old powers slipping away from them at a dangerous rate. The seigneurs were quite aware of the low esteem in which they were held by the merchant class as a whole;<sup>1</sup> they could expect no aid from that quarter. Their experiences under Governor Murray had not always been happy, but, as the governor gradually discovered some attractive features in the feudal system that he had at first denounced, the hopes of the gentry had risen. The year 1766 had witnessed their first stirrings from the lethargy that had benumbed them since the cession, and they gave indications of their gratitude for Murray's friendship, and of their doubts for the future under a new governor.<sup>2</sup> Barely awakened then, and aware of political affairs for the first time in several years, the seigneurs were more than ready to give their support to Carleton when he chose to give them tangible signs of his friendship for them. He first made an enquiry into the numbers of men who had lost their civil or military appointments as a result of the conquest;<sup>3</sup> next, he expressed his sympathy for the plight of a class whose sons were leaving Canada to enter the French service,<sup>4</sup> because they were excluded from the British; he was firm in advocating a return to the old militia system,

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(1) Bulletin des Recherches Historiques, vol. XXXVIII, pp. 78-9, MASSICOTTE, E.Z.: "Protet des marchands"; Pub. Arch. Can., Que. Leg. Council. vol. B, p. 132, Petition against the meeting of seigneurs, March 5, 1766.


(2) Clements, Shelburne Papers, vol. LXIV, pp. 309-310, Mabane to Murray, Quebec, Aug. 26, 1766; p. 301, Irving to Murray, Quebec, Aug. 23, 1766.

(3) MASERES, FRANCIS: An account of proceedings, p. 166.

(4) Pub. Arch. Can., Series Q, vol. VI, pp. 8-10, Carleton to Hillsborough, Quebec, Jan. 18, 1769.



for he felt that it encouraged a spirit of subordination and obedience among the habitants,<sup>1</sup> qualities that the seigneurs could not but admire; he deferred to the seigneurial views, which were also his own, on the matter of the calling of an assembly and the return to French civil law;<sup>2</sup> he encouraged the British government to give pensions to those who had rendered some service or other to the British cause.<sup>3</sup> From the governor's point of view, these overtures were designed to please the seigneurs, and, eventually, to admit them into public office so that he might attach the entire population to the new government,<sup>4</sup> either directly because of the relation that all nationalistic spirits must feel at the inclusion of their countrymen in positions of trust, or, indirectly, because the seigneurs would be enabled to exercise greater authority over the habitants. Carleton erred on both these points, for he overestimated the national spirit existing in Canada and overlooked the fact that the real class divisions of the post-conquest years were not primarily racial ones, and, secondly, he overestimated the influence the seigneurs could exert over an independent citizenry.



These very errors in judgment, however, made it certain that most seigneurs would give Carleton their

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(1) KENNEDY, W.P.M. & LANCTOT, GUSTAVE (eds): Reports on the laws of Quebec, p. 53, Report of Carleton & Hey, Sept. 15, 1769.

(2) CAVENDISH, HENRY: Debates on Quebec Bill, p. 151, Examination of Chief Justice Hey, June, 1774.

(3) Pub. Arch. Can., Series Q, vol. VI, p. 8, Carleton to Hillsborough, Quebec, Jan. 18, 1769.

(4) Ibid, vol. V, p. 260, Carleton to Shelburne, Quebec, Nov. 25, 1767.

unqualified support. At the same time, no considerable group of Canadians presented themselves in opposition to the governor's plan. The habitants continued to be remarkable for the sprightliness of their disposition, the courtesy of their manners, and the indolence of their temperament,<sup>1</sup> and their obedience was recognized both by those who rejoiced in it,<sup>2</sup> and those who deplored it.<sup>3</sup> The habitants undoubtedly suffered inconveniences and hardships as a result of the long years of war and of the changed rule after the cession,<sup>4</sup> but few voiced their protests and Carleton assumed that, by remedying some of the more apparent ills, and buttressing the power of the seigneurs, and relying upon the clergy's assiduous spreading of the doctrine of subjection to the government, he could win unquestioning support. In the years before the outbreak of the American Revolutionary War, there was little to indicate that this assumption was incorrect. In fact, the early 1770's were a period of such calm and apparent unity among the French-Canadians that it is not surprising that the governor should have believed that such differences as did exist were merely the work of the English malcontents in their midst.<sup>5</sup>

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(1) Pub. Arch. Can., Dartmouth Papers, vol. II, p. 87, Lieut. Marr's account of Quebec, 1773.

(2) Ibid, vol. II, p. 85, Lieut. Marr's account of Quebec, 1773; KENNEDY, W.P.M. & LANCTOT, GUSTAVE: op. cit. p. 59, Report of Carleton & Hey, Sept. 15, 1769.

(3) Pub. Arch. Can., British Museum Additional MSS. 35915, f.27, Fowler Walker's notes on Quebec, 1766.

(4) Clements, Gage Papers, American Series, vol. LXXXIV, Carleton to Gage, Quebec, April 12, 1769.

(5) Pub. Arch. Can., Series Q, vol. XI, pp. 110-1, Carleton to Dartmouth, Quebec, Jan. 12, 1775.

The usual silence of the country districts was broken only when the investigation into the laws of Quebec elicited a few statements from those who had been injured by the new administration of justice. It might be suggested that the very fact that such an investigation was undertaken offers proof that Carleton was eager to collect evidence, and to form an exact picture of the Canadian situation. It seems more likely, however, that he had reached his conclusions long before, and a study of the reports that the governor, the chief justice, and the attorney-general, prepared during the year 1769 strengthens this impression. All three men agreed that delay, expense, and, above all, uncertainty, characterised the legal system of the 1760's, but their substantial agreement broke down when it came to suggesting remedies. Carleton was resolved from the first that the solution lay in a return to French civil law, and no arguments that such a policy would prevent British immigration or even that it was contrary to the earlier-stated plans of His Majesty, were likely to have any effect. Both Carleton and his critics agreed that most French-Canadians were unaware that any basic legal change had taken place, therefore it must have been true that the discontent that did exist was

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 201-2, Carleton to Shelburne, Quebec, Dec. 1767.

(2) Ibid, pp. 258-60, Maseres' criticism of Carleton's report, Sept. 11, 1769; KENNEDY, W.P.M. & LANCTOT, GUSTAVE: op. cit. pp. 74-5, Hey's appendix to the report of Carleton and Hey.

(3) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. p. 230, Draught of an intended report on the laws, prepared by Maseres, Oct. 27, 1769; p. 203, Carleton to Shelburne, Quebec, Dec. 24, 1767.

owing rather to faults in the administration than to any intrinsic qualities of English law. Carleton ignored this rather obvious conclusion, however, and proceeded to declare that there would be revolution in Canada if the French-Canadians ever suspected that English law had been introduced into the colony. This argument betrays the fact that the governor was not reasoning from evidence of the state of affairs as it existed in Canada, but was rather taking his stand upon the problematical ground of what would happen in the future, provided certain events took place.

Still another example of Carleton's disregard or misuse of evidence occurred in the testimony that he gave before the House of Commons, when the Quebec Bill was under consideration. There he stated that the French-Canadians were averse to serving on juries. This was probably the case, for the merits of having disputes judged by twelve good men and true were not apparent to the French-Canadians; moreover, Englishmen have often complained about jury service, even when they presumably entertained a strong conviction that the jury fulfilled an important function, and it can therefore be assumed that French-Canadians would relish the duty even less. It can well be doubted, however, that this duty intruded upon them at all frequently in the 1760's. It must be remembered that juries were optional in the Common Pleas, and that few French-Canadians elected to have them; in addition, French-Canadian jurors were called only when one of the litigants was a French-Canadian, so that one can question the extent of the burden which was imposed upon them. Carleton's whole

argument was again based upon a supposition, for all the concrete evidence he had on the subject was the seigneurs' dis-approval of the levelling tendencies of the jury system;<sup>1</sup> this was another case where the theory of the 1760's might conceivably have created a cause for dissatisfaction, but where the practice largely obviated the grievance. Throughout his arguments, Carleton acted upon the assumption that all possible grounds for complaint, did, in fact, exist in Canada; actually, the major part of his argument depended upon the French-Canadian attitude in contingencies that had not yet arisen. That fact made his predictions extremely difficult to contradict, but it should not be taken as proof of the validity of his arguments.

Once the governor had resolved that only an outright return to French civil law would serve his purpose, he naturally sought to emphasize the grievances that existed under the hybrid legal system of the 1760's, and he did find an impressive body of evidence with which to convince the home government. This task was doubly easy for him: in the first place, the flaws in the legal system were incontestable; in the second place, a solicitous enquiry as to whether there are not grounds for complaint is likely to produce an impressive number of cahiers. Carleton seemed delighted to hear complaints, and to ask a man or a group to

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(1) Pub. Arch. Can., Dartmouth Papers, vol. I, p. 749, Hey to Lord Chancellor, Lincoln's Inn Fields, Jan. 23, 1771.

criticise the existing government usually produces results. For example, -even though there is evidence that the administration of the British debt laws was open to serious criticism<sup>1</sup> in Canada, and in obvious need of reform, the only substantial collection of French-Canadian letters of the period makes no mention of the grievance until the early 1770's, when it was known that the governor was agitating for a return to French civil law.

The one specific ordinance to which the French-Canadians did raise objections, and that without encouragement from the English, was that requiring them to register their deeds.<sup>2</sup> The necessity of such a law in a colony recently ceded by one nation to another, and where records were lamentably few, seems patent. The French party, however, had to overlook the lack of basis which complaints might have, for Carleton, at this period, was bent upon assembling evidence with which to convince the home government of the justice of his earlier observations. Incidentally, he was also creating the illusion that every voice raised in complaint among the French-Canadians was the voice of the oppressed calling for aid. At this stage in his career, he seems to have been giving such complaints an aura of sanctity that did not always well accord with their nature; at the same time, his attitude was doing much to inculcate the

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(1) Pub. Arch. Can., Series Q, vol. XVIIIa, pp. 195-96, Report of Board of Trade re ordinances passed in Quebec, Sept. 24, 1765; vol. VII, pp. 55-7, Desrosie to Carleton, Yamaska, July 3, 1769.

(2) Pub. Arch. Can., Series C.O. 42, vol. V, p. 543, Memorial to Murray, May 15, 1765.

the belief among the French-Canadians that the coutume de Paris was only slightly less inspired than the instructions upon Moses' tablets of stone.

One of the most comprehensive surveys of French-Canadian grievances was that addressed to the governor by the former captain of militia for the parish of Yamaska. This document dealt with the delay and expense of judicial proceedings, the cupidity of the magistrates, the unreasonableness of the bailiffs, and so on, and Carleton enclosed it in a despatch to Hillsborough, noting at the same time how beautifully it coincided with what he was setting out to prove.<sup>2</sup> This coincidence leads one to a second striking characteristic of the letter. It was written in a style considerably more intelligible than most French letters of the period, and it resembled very closely the French translations of English petitions, ordinances, and so forth. In fact, the whole letter could well have been an almost literal translation of an English original, or else the work of an educated Englishman writing in French. Not only are the spelling and grammar much superior to the average French-Canadian letters of the period, but the predominance of near-English vocabulary and phrasing is as striking as the absence of French idioms. In this one representative sentence, these points are clearly illustrated. "Il seroit un bien de la

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(1) Pub. Arch. Can., Series Q, vol. VII, pp. 55-8, Desrosier to Carleton, Yamaska, July 3, 1769, enclosed in Carleton to Hillsborough, Quebec, March 28, 1770.

(2) Ibid, vol. VII, p. 7, Carleton to Hillsborough, Quebec, March 28, 1770.

dernière conséquence qu'il plût à votre Excellence de prendre conoissance de la manière d'agir des personnes établis pour administrer les décisions qui se présentent journellement dans les procès au préjudice de tout le pauvre peuple qui se trouve accablé et ruiné totalement par les injustices qui lui sont faites." In sharp contrast, is the signature of the writer as Desrosie, very probably his own version of Desrosier. It seems very likely that this letter was composed by an Englishman who may, of course, have been expressing the exact views of Desrosie himself. The very fact, however, that the letter so exactly fits the picture that the governor was painting of French Canada makes the English connection suspect, even though perhaps undeservedly. At the very least, this letter gives an indication of the way in which Englishmen of the official group were collecting evidence, and even aiding the French-Canadians in presenting it. The evidence may have been literally true; the means of obtaining it, and the fact that it was collected after the governor had already hit upon a policy, render it doubly suspect.

For the most part, the country districts gave no indication of violent opposition either to English law or to Carleton's plan for changing it. No activity there disrupted the calm of the early 1770's in Canada, but the French-Canadian merchant group might well have been less acquiescent. That group had earlier shown signs of breaking away from the leaderships of seigneurs and even of clergy; it was their stand that had made a united front impossible in the early 1760's, and they had frequently shown a tendency to align



themselves with the English trading group. The years between 1766 and 1774, however, witnessed a widening of the gulf between English and French-Canadian merchants, and, at the same time, a fading of the lines of demarcation dividing the different groups of French-Canadians. The old quarrels were to re-appear in the future, but, for a brief moment in their history, the French-Canadian merchants lent support to the same official party that was following a policy of placating the seigneurs and the clergy.

There were a number of reasons for this sudden change of front among the French-Canadian merchants. First, the shock of Governor Murray's recall and the fears it aroused, particularly for the future of the Roman Catholic faith, had their effect upon the bourgeoisie. The clergy can scarcely have failed to point out that it was the merchant group that had brought about this recall and so jeopardised the position of the church, and this argument must have had considerable weight with many of the merchants. Throughout the entire period under consideration, the bourgeoisie were subjected to pressure from two conflicting groups, one of them religious and the other economic. During the late 1760's and 1770's the first of these influences tended to break up any French-Canadian support that the English merchants had succeeded in obtaining in previous years.

Under the leadership of Francis Maseres, the English merchant group did show some indications of moderating their policy, probably with the primary object of appealing to the home government with sweet reasonableness. The secondary object, however, may well have been to attract the French-

Canadian support that had veered sharply toward the ecclesiastical leaders and hence toward the official French party. The more troublesome among the English merchants were carefully marked off as instigators of quarrels, rather than the sane<sup>1</sup> proponents of a reasonable policy, and the point that not all the merchants were as violent or ungovernable as Walker and Allsopp was forcibly presented in letters to the London agents.<sup>2</sup> It was widely enough known that an extremely turbulent group had assumed the leadership during the Murray administration that apologists for the merchants had to make some such distinction, or else lose their case altogether. It was Maseres' task to show the moderation of the views that the English merchants held by the late 1760's, and he did seem to exercise a beneficial restraint upon them. The dropping of the impossible demand that only Protestants should sit in<sup>4</sup> the assembly was a striking example of their changed position.

Neither this general shift away from the most extreme demands, nor more direct overtures to the French-Canadian merchants, however, seem to have met with any degree of success. The secretary of the committee of British merchants entered into<sup>7</sup> a correspondence with F.J. Cugnet, then acting as spokesman for

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(1) WALLACE, W.S.: The Maseres letters, p. 79, Maseres to Fowler Walker, Quebec, April 2, 1768.

(2) Pub. Arch. Can., British Museum Additional MSS., 35915, f. 278-9, Hey to Fowler Walker, Quebec, April 14, 1768.

(3) Pub. Arch. Can., Dartmouth Papers, vol. II, p. 101, Lieut. Marr's account of Quebec, 1773.

(4) MASERES, FRANCIS: Additional Papers, p. 67; Account of proceedings, pp. 39-40.

the French-Canadian merchants. Cugnet expressed a willingness for an assembly, two-thirds of which should be French-Canadian; he also stated that although the group he represented did favour the old property laws, and also desired a limitation of the powers of the governor and council, they were willing to accept a truly representative assembly; he added, however, that they would infinitely prefer to be governed by the King's representative in Canada than by an assembly from which they were excluded, or given only an <sup>1</sup> minority voice. The British merchants went no further with their negotiations, on the grounds that Cugnet and his group were attempting to dictate <sup>2</sup> to His Majesty, an interesting accusation from a group that had spent a decade trying to do that very thing. Actually, the lameness of the excuse for breaking off the connection was not the most important point emerging from these transactions. Their real significance lay in the evidence they offer of the failure of the British merchants to arouse any real interest among the vocal French-Canadian bourgeoisie, <sup>3</sup> and of the retreat that the English merchants inevitably made from any position which would give Roman Catholics a dominant voice in the government of a colony still more than five-sixths Roman

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(1) MASERES, FRANCIS; Additional Papers, pp. 20-22, Cugnet to Malcolm Fraser, secretary of the committee of British merchants, Quebec, Sept. 1, 1773.

(2) Ibid, p. 47, Fraser to Cugnet, Quebec, Sept. 4, 1773.

(3) Pub. Arch. Can., Que. Leg. Council, vol. C, p. 142, Petition from old subjects for calling of a general assembly, Dec. 6, 1772; MASERES, FRANCIS: Account of proceedings, p. 174; CAVENDISH, HENRY: Debates on the Quebec Bill, p. 105, Examination of Carleton, 1774.

Catholic in religion.

Two months after this incident, the behavior of one group of French-Canadian merchants showed how little the British committees could count upon their coöperation. During the agitation for the calling of an assembly, the British merchants sent a letter of invitation to the French-Canadians<sup>1</sup> and, as a result, Deschenaux, Marcoux, Cugnet, Perrault, Tonnancour, Perras, Berthelot, and LeCompte Dupré appeared at a joint meeting. Deschenaux and Perras offered to convene the new subjects, after a motion in favour of such action had passed unanimously. Four days later, a letter was sent to Perras to inquire about the results of the meeting.<sup>2</sup> Perras replied that Deschenaux was out of town, and the rushed departure of vessels for Europe had not permitted him to attend to the business. However, he had interviewed a few of the<sup>2</sup> citizens and they did not appear interested in an assembly. The conduct of these French-Canadian merchants is difficult to understand unless they were actually working for the French party. Their appearance at the first meeting, their ready compliance on that occasion, and their subsequent loss of interest in the tasks they willingly assumed, coupled with the fact that their delays would inevitably postpone the arrival of the petitions in England by several months, certainly

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(1) Pub. Arch. Can., Series Q, vol. X, pp. 14-5, Letter of invitation to the French merchants, Nov. 2, 1773.

(2) Ibid, vol. X, pp. 13-16, Correspondence between committee and Perras, November 8-9, 1773.

suggest that they were, consciously or unconsciously, aiding the governor and his friends.

Memory of the behavior of the British merchant group in 1766 and the continuous pressure of the ecclesiastical leaders were not the only reasons for the French-Canadians' remaining aloof from merchant associations. An important deterring factor was again the policy of Governor Guy Carleton. The governor's conduct immediately after his arrival had impressed all French-Canadians with the futility of opposition, and then his expressed dissatisfaction with the fur-trading restrictions,<sup>1</sup> and his disagreements with Sir William Johnson<sup>2</sup> who was attempting to enforce them, were bound to attract some of the French-Canadian merchants to his cause. The question why the same source of action did not attach the British traders to him is easily answered. Carleton's predilection for French laws and his favours to seigneurs and clergy would more than offset the advantageous trade policy in English eyes. To the French-Canadians, however, this preoccupation with Canadian problems offered new opportunities. They were not blind to the positions they might obtain as a reward for strict obedience to the governor; Carleton, no matter what his prejudices against the trading group in general, could not afford to have his opponents claim the support of any

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(1) FLICK, A.C. (ed.) Papers of Sir William Johnson, vol. IV, p. 525, Carleton to Johnson, Quebec, March 27, 1767.

(2) Clements, Gage Papers, American Series, vol. CXVIII, Benjamin Roberts to Gage, London, July 12, 1773.

(3) Pub. Arch. Can., Series G, vol. VII, pp. 92-5, Carleton to Hillsborough, Quebec, April 4, 1770.

considerable group of French-Canadians. There can be no doubt that he considered the support of the great landed proprietors more important, but he must have been sufficiently affable to some of the merchants to lead them to expect seats upon the Legislative Council, once the ban against Roman Catholics was lifted. There seems no other explanation for the resentment of the Baby brothers, for example, when they found no French-Canadian merchants admitted to the council, or created judges<sup>1</sup> of the Common Pleas. Their wrath on that occasion is proof enough of the differences that continued to exist in Canada, but those differences had been temporarily obscured in the early 1770's, while each class hoped to attain its ends through the intercession of the governor.

The illusion of unity in French Canada, then, could continue only if certain conditions were to continue. In the first place, the governor would have to maintain his friendly relations with each of the important groups of French-Canadians, teaching them, meanwhile, that they could hope for redress of their grievances only if he presented their case in London. At the same time, of course, there was the implication that the ministry in London, and the enlightened members of the Board of Trade as well, were ogres about to devour the French-Canadians, except for the power and generosity of one Englishman who, by becoming an expatriate himself, would protect French-Canadian

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(1) Pub. Arch. Can., Collection Baby, vol. XXV, p. 172, J. Ferras to Pierre Guy, Quebec, April 24, 1775.

rights. The French-Canadians had no way of knowing that the British government of the 1760's and 1770's was considerably less purposeful than an ogre, and they were quick to seize upon the chance of finding favour with the governor. Once Carleton came to be regarded as the protector of the French-Canadians, however, national differences within Canada were accentuated, for the very use of the word "protector" implies the presence of an enemy. Perhaps still more important was the premium that Carleton's policy set upon mediocrity. It was not the most astute of the merchants nor the most intelligent of the seigneurs that he signalled out for advancement, while the most perspicacious of the clergy would not continue long in a policy that ran counter to the wishes of many of their flock.

Carleton's ascendancy over the French-Canadians, then, could only be maintained so long as each class was hoping for favours from him--that is, as long as the exact provisions of the Quebec Act and the appointments to public offices remained in doubt. It could also be maintained only so long as no issue arose upon which the opinions of varying classes were bound to be divergent, as long as the comparative prosperity of the early 1770's continued, and as long as the country remained free from foreign invasion or increased demands from its own government. Both these conditions had vanished by the summer of 1775, and the very spirit of criticism that Carleton had encouraged in the years before the Quebec Act, engulfed him in the years that followed it, proving conclusively that the unity he had earlier discovered in French Canada had been largely illusory.

## CHAPTER VI

### FRENCH CANADA AND THE AMERICAN WAR OF INDEPENDENCE

There can be no more startling contrast than that between the tranquillity and apparent unanimity of purpose among the French-Canadians in the early 1770's and the clash of interests and the outcries of protest and denunciation that marked the years of the American War of Independence. The unity was dispelled so suddenly that it is easy to regard the early 1770's as merely a period of calm before a storm. In actual fact, however, there seems to have been very little of the close linking between the periods, that one would expect if the metaphor were to hold true; after all, the storm is already approaching when the period of calm begins, and there are no indications that such was the case in French Canada. Rather, it must be assumed that the conditions of unity broke down or disappeared under the impact of American invasion; those who had formerly been quiescent and silent now spoke in a clear and unmistakable



tone; those who had hoped for much as long as the clauses of the Quebec Act and the appointments to civil offices were still in doubt, now were completely disillusioned, and their reaction to this disillusionment was another and very important factor in dispelling the calm of the earlier years.

The reception that the Quebec Act received in Canada at first seemed as gratifying as Governor Carleton could wish. A large number of new subjects in Montreal and Quebec immediately signified their pleasure and satisfaction in an address to the governor,<sup>1</sup> and there had been a suitably congratulatory reception when Carleton returned from England.<sup>2</sup> Very soon, however, it became apparent that no real spirit of rejoicing existed among all the French-Canadians. For several months after his return to the colony, Carleton remained convinced that his decision had been the correct one, and that the French-Canadians had been made very happy by the Quebec Act, but, even then, he made references to the fact that the habitants were less obedient than he had believed;<sup>3</sup> what he may not have realised so soon was that a number of influential French-Canadian merchants were also undergoing a pronounced change of heart during these same months. Simon Sanguinet and François Baby, for example, both had begun with the view that

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(1) Pub. Arch. Can., Series Q, vol. XI, pp. 12-25, Address of Canadian subjects, enclosed in Carleton to Dartmouth, Quebec, Nov. 11, 1774; pp. 108-9, Address of citizens of Three Rivers, enclosed in Carleton to Dartmouth, Quebec, Nov. 18, 1774.

(2) Quebec Gazette, Sept. 22, 1774.

(3) Pub. Arch. Can., Series Q, vol. XI, pp. 290-01, Carleton to Gage, Quebec, Feb. 5, 1775.

the Quebec Act had made the French-Canadians the happiest people on the face of the earth,<sup>1</sup> but, by the beginning of 1775, Baby, at least, had become aware of the feeling rampant in the country districts and in Montreal. In april, he wrote to his close friend, Pierre Guy: "Je n'ai pas été plus la dupe que toy de cette fatale époque pour notre déplorable colonnie. Il y a trois mois que j'ai prévu l'orage et quelques-uns de vos messieurs de Montreal n'ont pas peu contribué. Ce sont des monstres qui auroit dû être étouffé dans le berceau. Je crains bien que le temps ne soit pas éloigné où les Canadiens ne pourront se<sup>2</sup> consoler d'avoir demandé la nouvelle forme du gouvernement."

However clearly this extract may speak for the loyalty of Baby himself to the British cause, it most certainly suggests that a considerable group of the bourgeoisie as well as the habitants were indicating their dissatisfaction with the new form of government. Certainly the exclusion of all but seigneurs from the new legislative council cannot have been pleasing to the lawyers and merchants who had expected representation there,<sup>3</sup> while the jubilation of the seigneurs over their new power<sup>4</sup> disgusted both the bourgeoisie and the habitants.

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(1) VERREAU, ABBÉ HOSPICE: Invasion du Canada, p. 3, SANGUINET, SIMON: "Témoin oculaire de l'invasion du Canada par les Bostonnois,"; Pub. Arch. Can., Collection Baby, vol. XLIX, p. 46, Baby to Méchelle, Quebec, Nov. 15, 1774.

(2) Pub. Arch. Can., Collection Baby, vol. XLIX, p. 50, Baby to Guy, Quebec, April 27, 1775.

(3) MASERES, FRANCIS: Additional Papers, p. 102.

(4) Pub. Arch. Can., Series 2, vol. XII, p. 206, Hey to the Lord Chancellor, Quebec, Aug. 28, 1775.

By June of 1775, when American troops had not yet penetrated far into Canada, Carleton was forced to admit that, although the gentry and clergy were showing great fidelity to the government, their influence over the rest of the population<sup>1</sup> seemed to have disappeared. Chief Justice Hey summed up the entire question in his letter to the Lord Chancellor: "An Act passed for the express purpose of gratifying the Canadians, and which was supposed to comprehend all that they had either wished or wanted," he wrote less than four months after the Quebec Act had come into effect, "is become the first object of their discontent and dislike. English officers to command them in time of war and English laws to govern them in time of peace, is the general wish--the former they know to be impossible, at least at present; by the latter, if I understand them right, they mean no laws or government whatsoever. In the meantime, it looks as if General Carleton has taken an ill measure of the influence of the seigneurs and clergy over the lower orders of people whose principles of conduct founded in fear of the sharpness of authority over them no longer exercised, is unrestrained or breaks out in every shape of contempt or detestation of those who they used to behold with terror and who gave them, I believe, too many occasions to express it. And they on their parts have been too much elated with the advantages they supposed they should derive from the restoration of their old priviledges (sic) and customs, and indulged themselves in a way of thinking and

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(1) Pub. Arch. Can., Series Q, vol. XI, p. 187, Carleton to Dartmouth, Montreal, June 7, 1775.

talking that gave very just offense...to their own people.<sup>1</sup>"

It is impossible to divide the rebellious spirit among the habitants from the events of the year 1775, which made necessary the immediate use of the seigneurs in an attempt to raise a French-Canadian militia, and which illustrated so strikingly the contempt in which many of the seigneurs were held by their censitaires. It is impossible to ascertain, in many cases, whether the rebellion of the habitants was against seigneurial power per se, or merely against seigneurial power exercised on behalf of a government which was attempting to raise a military force to serve in a war in which the majority of French-Canadians felt no interest whatever. Lanaudière, Lacorne St.Luc, Bellestre, and Rigauville—all of them members of Carleton's council and presumably the most influential among the seigneurs--attempted to raise their censitaires in militia corps, but all of them met outright refusal, and some were threatened with violence.<sup>2</sup> Part of the defiance may have been a direct<sup>3</sup> result of the Quebec Act, as some writers contend, and

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(1) Pub. Arch. Can., Series Q, vol. XII, pp. 206-08, Hey to the Lord Chancellor, Quebec, Aug. 28, 1775.

(2) Pub. Arch. Can., Collection Baby, vol. XXIX, p. 140, Mme. Benoist to her brother, François Baby, Montreal, May 25, 1775; vol. LXIX, p. 51, Baby to Guy, Quebec, June 15, 1775; Clements, Shelburne Papers, vol. LXVI, p. 116, Maseres to Shelburne, London, Aug. 24, 1775; VERREAU, ABBÉ HOSPICE: op. cit. pp. 170-71, BADEAUX, J.B.: "Invasion du Canada par les Americains en 1775."

(3) MASERES, FRANCIS: Additional Papers, p. 70; SHORTT, ADAM & DOUGHTY, A.G.: Canada and its provinces, vol. III, p. 109, MACARTHUR, DUNCAN: "Canada under the Quebec Act."

it does seem certain that the conquest brought a diminished influence for the seigneurs which many of the habitants did not fail to perceive;<sup>1</sup> the inevitable result was the growing unpopularity of the entire system, and the rebellion against the re-imposition of old powers by the Quebec Act. The behavior of the habitants in 1775, however, cannot be explained merely as a revolt against the feudal order, whether that order were pernicious, as Maseres declared, or benevolently paternal, as Carleton represented it.<sup>2</sup> The attitude of the habitants was also influenced by their memories of the demands for service during the Seven Years' War, and by the fact that they had no wish to sacrifice themselves in a cause which they never felt was their own.

During the critical months of 1775 and 1776 when American armies occupied much of Canada, and later, when the war between Great Britain and her rebellious colonies was carried on, on battle-fields far from Canada, different groups of French-Canadians took widely divergent views of the issues involved in the struggle, and of the part that they should play in the contest that was going on about them. The clergy took the stand that the presence of the Americans themselves and of their propaganda constituted a threat of anglicisation more dangerous than any they had so far encountered. In the

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(1) COFFIN, VICTOR: The province of Quebec and the early American revolution, p. 286; SHORTT, ADAM & DOUGHTY, A.G. (eds.) Canada and its provinces, vol. III, p. 4, WALTON. E.P.: "British rule to the Union: general outlines."

(2) Pub. Arch. Can., Series Q, vol. XI, p. 319, Carleton to Dartmouth, Quebec Nov. 20, 1775.

words of Sir Thomas Chapais: "Si la Congrès fût resté maître du Canada, notre inféodation à l'union américaine en eût été la conséquence logique. Et l'on peut affirmer que l'oeuvre de notre assimilation se fût promptement accomplie. Immédiatement nous aurions<sup>1</sup> envahis, enveloppés, débordés de toutes parts par l'affleux irrésistible du yankéisme triomphant." This was quite sufficient cause for Briand and his clergy to have considered the British cause their own. The private correspondence of the bishop throughout the months of American occupation bears out this point most clearly,<sup>2</sup> and he seems to have kept almost every member of his clergy in agreement with him. One Père Floquet, a Jesuit, and two or three others, were virtually the only members of the Canadian clergy who are recorded as being sympathetic to the Americans while the armies of Montgomery and Arnold were in Canada.<sup>3</sup> Although a number of curés were brought before American army courts by their own parishioners, and although the bishop himself was severely criticized,<sup>4</sup> the Canadian clergy remained firm, and continued to refuse absolution to those who aided the Americans, thus using their most powerful spiritual weapons on behalf of the British government.

After the withdrawal of the American troops, and

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(1) CHAPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 207.

(2) GOSSELIN, ABBÉ AUGUSTE: L'Eglise du Canada après la conquête, vol. II, p. 72; TÊTU, MGR. HENRI: Lettres et mandements des évêques de Québec, vol. II, pp. 264-5, Mandement of Briand, May 22, 1775; Que. Arch. Report, 1929-30, p. 111, Briand to Saint-Germain, Québec, Sept. 20, 1775.

(3) Pub. Arch. Can., Series B, vol. XXVII, p. 325, Ethan Allen to Edward Antill, Montreal, April 20, 1776.

(4) LANCTOT, GUSTAVE: Les Canadiens-français et leurs voisins

particularly after the entry of France on the American side in 1778, the clergy were placed in a different position. A less astute leader than Briand might well have been deceived as to the change that the French declaration of war actually effected upon the issues involved. The sympathies of the clergy were undoubtedly with France, but a victory of France and the American colonies would not diminish in the slightest degree the dangers inherent in the victory of the Americans alone, <sup>1e</sup> for the new United States would be no more likely than the old colonies to tolerate a French colonial empire upon their borders. For that reason, Briand and many of his clergy still continued preaching loyalty to the British cause, although that course became increasingly difficult, not only because of their own sentiments, but also because of the suspicion with which Governor Frederick Haldimand regarded the clergy and their influence in the country. <sup>1</sup> Assuredly, the clergy did not encourage recruiting after 1778 in the way that they had done in 1776, <sup>2</sup> nor did they show the same willingness to fulfil useful tasks for the government, for example, making surveys of the numbers of men and horses available for corvée work <sup>4</sup> from their parishes. <sup>3</sup> A few, like the Ursuline sisters, were eagerly awaiting a return to French government, but the most

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(1) Pub. Arch. Can., Series Q, vol. XVI, pp. 593-4, Haldimand to Germain, Quebec, Sept. 14, 1779.

(2) Bulletin des Recherches Historiques, vol. VII, p. 178, TÊTU, MGR. HENRI: "M. Huet de la Valinière."

(3) Pub. Arch. Can., Collection Baby, vol. LXXIII, p. 244, Girault, missionary, to Baby, major of militia, Jan. 29, 1777.

(4) Histoire des Ursulines de Québec, vol. III, p. 159.

striking example of the leaning of the more unwise among the clergy toward the French and American cause, was the conduct of the Abbé de la Valinière.

Like so many of his contemporaries among French-Canadian laymen, de la Valinière saw in the prospect of a French victory the possibility of return to the old allegiance, and the easy solution of all the problems occasioned by the British conquest. The fact that he had an unfortunately complaining temperament meant that he was not very popular with his ecclesiastical superiors, even before this important issue divided them. Governor Haldimand probably made use of the differences of opinion within the ranks of the Canadian clergy, and the personal unpopularity of de la Valinière, when he decided that deporting one clergyman might serve as a warning to others. The governor even made it appear that the demand that de la Valinière should leave the country came from the Bishop of Quebec, but there is no doubt that it was Haldimand who made the demand, and that in the most curt and cryptic fashion. It was expected, he observed in a letter to Briand, that the clergy should teach their flocks fidelity, zeal, and respect for their sovereign, and, he implied, there were a good many who were not living up to this obligation.

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(1) Bulletin des Recherches Historiques, vol. X, p. 163, TÊTU, MGR. HENRI: "L'abbé Huet de la Valinière;" BHRT, A.L.: The old province of Quebec, p. 299.

(2) Pub. Arch. Can., Series B, vol. LXVI, p. 161, Haldimand to Briand, Quebec, Oct. 14, 1779.



Deportation could not solve the problem, of course, if any widespread sympathy for the American cause had existed among the curés. It seems rather that their natural leaning toward France was kept in control by the political sense of their superiors, who saw little possibility that Canada would be returned to France, even if the American colonies should win their independence with French aid. To a remarkable extent, then, the Canadian clergy continued to preach subjection to the British Crown.

For the most part, the clergy remained opposed to all things American, and this consistency made it inevitable that all royalists should seek to concentrate their propaganda on the point that the Americans were enemies of the Roman Catholic religion, no matter how much they might dissemble in their efforts to keep up friendly relations with the Canadians. An illustration of this appeal to religious sentiment from laymen as well as priests is the story, probably apocryphal, which Badeaux, the royalist notary at Three Rivers, included in his journal. At a dinner at the home of M. Lafrenboise, several Americans were present, among them a Protestant chaplain. When he was asked to say grace, he mumbled something indistinguishable to almost all the guests, but which was: "Dieu écoute mes prières; Damne tous les Canadiens et les Royalistes, fais tomber le feu de ta colère sur cette province." Such were the tales industriously circulated to aid the clerical interpretation

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(1) VERREAU, ABBÉ HOSPICE: op. cit. pp. 9<sup>h</sup>-5, BADEAUX, J.B.: "Invasion du Canada par les Américaines", entry of March 31, 1776.

of the issues at stake in the war; thus, the support of the clergy for the British cause formed an important basis for anti-American propaganda, as well as offering more direct assistance.

The only position that the clergy could possibly take, if they were to maintain what they considered essential, and, at the same time, explain the divergence of views within the province, was that the masses, poorly informed, were a prey to American propaganda, and failed to discern the underlying dangers to their way of life. Such a position presupposed that all well-informed men in the province--and presumably, clergymen, seigneurs, and bourgeois, would be included in this category--would inevitably be royalists. This contention was proved to be false on many occasions throughout the American War of Independence. In the first place, there were a good many clergymen who failed to see the much-advertised underlying dangers as soon as France joined the Americans. In the second place, neither seigneurs nor merchants were unwavering in their support of Great Britain, nor invariably convinced that they were in particular danger from the Americans.

During 1775 and 1776, while American armies were actually in Canada, the seigneurs were sufficiently impressed with the benefits conferred upon them by the Quebec Act and by the perils of the egalitarian philosophy being spread by the

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(1) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. II, p. 31, cites Briand's mandement to rebellious subjects, 1775; CHAPUIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p. 199.

invaders, to remain strictly loyal to the British cause. Only two or three of their number were even suspected of corresponding with the Americans, and in only one case did this suspicion amount to a certainty; Michel Chartier de Lotbinière, disappointed over his mission to London in the months in which the Quebec Bill was being debated, entered into correspondence with Benjamin Franklin and John Hancock,<sup>1</sup> and, once France entered the war, served as a liaison officer between the French and American forces. The wily Lacorne St. Luc certainly sent messages to General Montgomery through the Caughnawaga chiefs,<sup>2</sup> and his fellow-countrymen were most suspicious of his intentions,<sup>3</sup> but the American general was, in time, convinced of St. Luc's duplicity.<sup>4</sup> That is not to say, however, that the seigneur never entertained ideas of helping the invaders; it merely suggests that he was not so deeply committed as Lotbinière, and thus was able to shift his position when American fortunes in Canada took a turn for the worse; because he did not live up to his promises to the Americans, he was scorned by the very ones he had attempted to placate. It was typical of the man that he was able to turn his low reputation among the Americans to his own advantage among the British.

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(1) Bulletin des Recherches Historiques, vol. XXXIV, pp. 15-17, MACDONALD, A. DELÉRY: "Les archives de la famille Chartier de Lotbinière;" vol. XLIV, pp. 110-15, cites Lotbinière to Hancock, Nov. 11, 1776; pp. 377-8, Lotbinière to his son, Nov. 21, 1776.

(2) FORCE, PETER (ed.): American Archives, Series IV, vol. III, p. 1095, Montgomery to Schuyler, St. John's, Oct. 6, 1775; p. 1096, Montgomery to Schuyler, St. John's, Oct. 9, 1775.

(3) VERREAU, ABBÉ HOSPICE: op. cit. p. 101, SANGUINET, SIMON: "Témoin oculaire de l'invasion du Canada par les Bostonnois."

(4) Ibid, p. 81.

For the most part, however, the seigneurs did give unequivocal support to the British during the American invasion. About twenty-five of the seigneurs were captured at the fall of St. John's, and, although there were suggestions that they need not have been surprised as they were,<sup>1</sup> and although their treatment by the Americans was extremely friendly, these seigneurs seem to have derived special satisfaction from the fact that they had been taken prisoner and had suffered so strenuously in the British cause.<sup>2</sup> By the time these gentlemen had returned to Canada, however, their loyalty was not always so unquestionable, for, again, the entry of France seemed to many of them to transform the whole situation. A great many of the seigneurs still had family connections in France, and it seemed certain that most of them saw a return to France as the solution for their problems. There had been genuine gratitude to the British government which had secured the Quebec Act, but, logically enough, their sympathies would be still more attracted to a government that would remove the British connection altogether. Governor Haldimand felt very strongly that the seigneurs were not to be trusted, once France declared war against Britain,<sup>3</sup> although he had begun his administration with the same confidence

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(1) VERREAU, ABBÉ HOSPICE: op. cit. pp. 63-4, SANGUINET, SIMON: "Témoin oculaire de l'invasion..."; Pub. Arch. Can., Collection Baby, vol. XCIV, p. 86, Duchesnay to Baby, Albany, Feb. 8, 1776.

(2) VERREAU, ABBÉ HOSPICE: op. cit. pp. 66-71, SANGUINET, SIMON: "Témoin oculaire de l'invasion..."; Bulletin des Recherches Historiques, vol. XXXI, p. 375, SALABERRY, LOUIS: "La loyauté des Canadiens en 1775."; Can. Arch. Report, 1904, pp. 578-9, Germain to Tryon, Whitehall, Dec. 23, 1775.

in the seigneurs that his predecessor had shown.<sup>1</sup> As soon as it became evident, however, that there was no chance of a restoration of French control over the colony, the zeal of the seigneurs for the British cause again manifested itself.<sup>2</sup> There is little that need be said of this vacillation, for it does not seem to have had any profound effects in Canada, nor to have influenced any but a few individuals upon whom Carleton had placed great reliance, but whose impotence the American invasion had proved most convincingly. In addition, the fact that the seigneurs were an undoubtedly loyal group at the end of the war, just as they had been at the beginning, served to obscure the wavering of their interest in 1778 and 1779.

In sharp contrast to the position taken by the seigneurs was the position of the bourgeois group among the French-Canadians. The resentment of prominent merchants and lawyers at their exclusion from the legislative council appointed in 1775, their reliance upon the English merchants whose sympathies were largely with their business associates in Boston and New York, and their connections with the habitants all inclined the bourgeois group toward the American side. There is plenty of evidence that English merchants like Thomas Walker and James Price were wholehearted supporters of the Americans,<sup>3</sup> and these

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(1) Pub. Arch. Can., Series B, vol. XLII, p. 14, Haldimand to Germain, Quebec, July 25, 1778.

(2) SHORTT, ADAM & DOUGHTY, A.G.: Documents relating to the constitutional history of Canada, 1759-1791, p. 539, Hope to Sydney, Quebec, Nov. 2, 1785.

(3) Pub. Arch. Can., Series Q, vol. XI, pp. 301-6, Deposition of Joseph Deschamps, Montreal, Oct. 10, 1775; Series B, vol. CLXXIV, pp. 13-15, Deposition of Germain LeRoux, Assomption, Oct. 10, 1775.

men held meetings in Montreal coffee-houses to decide upon the elections of members of the Continental Congress.<sup>1</sup> Hertel de Rouville was careful to keep the governor informed of all such activities,<sup>2</sup> but that does not mean that the meetings were exclusively English. Several of the French-Canadian merchants, notably LeCompte Dupré, were believed to have taken part,<sup>3</sup> and it seems probable that a number of them showed some interest in the general forming of clubs and committees,<sup>4</sup> for they represented a disconsolate group, and one, like the habitants of the country districts, that felt itself aggrieved by the policy of the government. In addition, the Americans were very near, and it might be necessary to do business with them in the future, regardless of their political philosophy. When the Huguenot merchant, Pierre du Calvet, was accused of holding pro-American views and tried before a tribunal of English and French-Canadian merchants in Montreal, all were extremely indulgent,<sup>5</sup> for the Americans had already reached St. John's. Even Simon Sanguinet, a merchant of unimpeachable loyalty to Britain, began his eye-witness account of the invasion of

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(1) VERREAU, ABÉ HOSPICE: op. cit. p. 88, SANGUINET, SIMON: "Témoignage oculaire de l'invasion du Canada par les Bostonnois," p. 305, "Lettres écrites pendant la révolution américaine," Mme. Benoist to her brother, François Baby, Montreal, May 25, 1775.

(2) BURT, A.L.: op. cit. pp. 208-09.

(3) Pub. Arch. Can., Series Q, vol. XI, pp. 149-50, Intelligence received from Montreal, enclosed in Carleton to Dartmouth, Quebec, April 5.

(4) AINSLIE, THOMAS: Journal..p. 15 (Que. Lit. & Hist. Soc. Pub.)

(5) Bulletin des Recherches Historiques, vol. XXXIX, pp. 313-4, MASSICOTTE, E.Z.: "Pierre du Calvet."

Canada with the statement that these were the observations<sup>1</sup> of a neutral on the scene of action. Apparently, the attitude of many merchants was so frankly hostile that even neutrality was to be reckoned loyalty to Britain. Moreover, Sanguinet, firm as he was in opposition to the Americans, was extremely critical of Carleton's conduct, particularly of his lack of discrimination between the habitants who had taken up arms against Britain and those who had given little aid to the invaders.<sup>2</sup> According to Sanguinet, Carleton treated them all as traitors; other royalists, like Berthelot d'Artigny, declared that the governor's military strategy was open to serious criticism;<sup>3</sup> nowhere did the merchants show the same veneration for Carleton as did the seigneurs.

The doubtful loyalty of many Montreal merchants underwent a complete change during the months of the American occupation. The account left by Pierre Foretier, one of the most outspoken critics of British policy, bears out this point most strikingly, and shows how the resentment of practically the entire bourgeois group at Montreal was stirred up by the actions<sup>4</sup> of David Wooster, the officer whom Montgomery left in command. At the moment of the capitulation to the American army in

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(1) VERREAU, ABBÉ HOSPICE: op. cit. p. 1, SANGUINET, SIMON: "Témoign oculaire de l'invasion..."

(2) Ibid, p. 135; pp. 15<sup>4</sup>-5.

(3) VERREAU, ABBÉ HOSPICE: op. cit. p. 240, BERTHELOT D'ARTIGNY: "Extraits d'un mémoire sur l'invasion du Canada en 1775."

(4) Can. Arch. Report, 1945, pp. xxv-xxviii, "Notes et souvenirs d'un habitant de Montréal durant l'occupation par les Bostonnois," par PIERRE FORETIER.

November, 1775,<sup>1</sup> there had been a considerable number of French-Canadians as well as the British residents of Montreal, who had expressed their jubilation,<sup>2</sup> and the divisions of Whig and Tory<sup>3</sup> there approximated the divisions in the colonies further south, for the disputes were sharp, and party loyalties crossed not only national, but also family, loyalties. The pro-British Sanguinet attempted to picture the Whig group as composed of those who were seeking to evade their debts, or else French soldiers who had lingered on in Canada after the conquest,<sup>4</sup> determined to do as much mischief as they could, but one may doubt the justice of his accusations. The very fact that such charges were made, however, is clear indication of the existence of considerable American support among the French-Canadians of the Montreal district, a condition that was only to be expected in a town whose connections were with the west, where the traders<sup>5</sup> were usually open partisans of the Americans. In time, however, American rule in Montreal had changed the situation, for it became more and more onerous. The anti-Catholic bias of the

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(1) VERREAU, ABBÉ HOSPICE: op. cit. p. 93, SANGUINET, SIMON: "Témoin oculaire de l'invasion..."

(2) Ibid, pp. 85-6, Letter of Valentin Jautard and forty citizens of Montreal to Montgomery, Nov. 13, 1775.

(3) Ibid, p. 93.

(4) Ibid, pp. 91, 94.

(5) STEVENS, W.E.: The northwest fur trade, 1767-1800, p. 59.



occupying force became more and more apparent, and, as it did so, the merchants showed a greater inclination to listen to the clergy's interpretation of the issues confronting them.<sup>1</sup> At the same time, the increasing prevalence of continental paper money and the reports of the American defeat further down the river made the Montreal residents more fully aware of the fact that they might have to cope with a victorious and avenging mother country.

At Three Rivers, anti-British sentiment was fully as strong as it was at Montreal. Only sixteen men in the town, and three of them Englishmen, dared to declare their adherence to Great Britain,<sup>2</sup> and Carleton, visiting Godfroy de Tonnancour in September, 1775, and happening to notice a French-Canadian on guard at the militia headquarters, remarked sarcastically:

"Voilà le premier Canadien que j'ai l'honneur de voir sous les armes."<sup>3</sup> In these circumstances, it was not surprising that the citizens of Three Rivers should have welcomed the approach of Montgomery's army with a respectful address,<sup>4</sup> and, as the American armies converged upon Quebec itself, they found little more opposition. Only the town of Quebec offered examples of a loyalty among the French-Canadians that was almost entirely

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(1) VERREAU, ABBÉ HOSPICE: op. cit. pp. 95-7, SANGUINET, SIMON: "Témoin oculaire de l'invasion du Canada..."

(2) VERREAU, ABBÉ HOSPICE: op. cit. p. 206, BADEAUX, J.B.: "Invasion du Canada par les Américains en 1775."

(3) Ibid. p. 163.

(4) Ibid. pp. 174-6.

lacking in the other towns. There leading merchants like François Baby had remained firmly convinced of the necessity of defending their country against the Americans. Both British and French-Canadian residents of the town took up arms to defend the capital, and Henry Caldwell and LeCompte Dupré, the leaders of the two corps of militia, each attested to the devotion to duty displayed by the other.

From 1776 on, the loyalty of the principal merchants of the colony remained unswervingly with Britain and their influence was used to teach the habitants subservience to Britain, rather than to give them leadership in any egalitarian movement of their own. This assertion of strong bourgeois support for Great Britain was of very great importance, and it, unlike the support of the gentry and the clergy, was not perceptibly weakened by the entry of France into the American war. That event, which clouded the issues at stake for so many of the curés and the seigneurs, actually clarified the issues for the merchants. They, alone among French-Canadians, did not share to any great extent the desire to return to French rule. Business possibilities of the post-conquest period seemed immeasurably greater to them, and their position under the French regime had not been so enviable that they had

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(1) FINLAY, HUGH: Journal of the siege and blockade of Quebec, (Que. Lit. & Hist. Soc. Pub.) p. 10; CALDWELL, HENRY: The invasion of Canada in 1775, (Que. Lit. & Hist. Pub.); BOISSEAU, N.G. Mémoires, pp. 14-15; Can. Arch. Report, 1904, pp. 284-85, Account of siege of Quebec, enclosed in Tryon to Dartmouth, New York, Jan. 5, 1776; Pub. Arch. Can., Series X, vol. XII, pp. 7-10, Carleton to Germain, Quebec, May 14, 1776; Bulletin des Recherches Historiques, vol. VI, p. 249, Note re LeCompte Dupré.

any desire to return to it. Indeed, their very lack of zeal for Britain in 1775 may be ascribed to the energetic copying of French forms that brought about the Quebec Act. The months of invasion had shown rather conclusively that the seigneurs could not hope to lead French Canada in the future, and had made it clear that some revision of the drastic position that Carleton had taken would prove necessary. In any such revision, the merchants were certain to share. For once, their sincere religious beliefs, and their equally sincere desire for widened opportunities in business led the French-Canadian merchants to the same conclusion: that by supporting the British cause, their best interests would be served. As the war progressed, the bourgeois group thus showed little of the restlessness that usually marks such a group in the midst of a revolution. They seem to have shown little interest in the American propaganda that was being spread in Canada, for their former alleged neutrality had now changed into open support for the royalist side.

This point is most forcibly illustrated by the failure of the various American attempts to rouse in the French-Canadian bourgeoisie any of the ardour for republicanism that existed in the other colonies. The mission of Benjamin Franklin, Samuel Chase, and Charles Carroll to Montreal in the spring of 1776 failed to achieve its object, for, by that time, the French-Canadians were virtually certain that they would be dealing with a British government within a matter of weeks. The founding of the Montreal Gazette by Fleury Mesplet and Valentin Jautard was

still another attempt to direct the resentment which many French-  
Canadians felt for the Haldimand administration into actively  
pro-American channels.<sup>1</sup> There is little indication, however,  
that these men succeeded in influencing French-Canadian opinion  
to any great extent,<sup>2</sup> and remarkably few of the bourgeoisie  
were concerned in the espionage and intrigue of the late 1770's.  
Pierre de Sales Laterrière and his partner, Christophe Pelissier,  
were associated in the iron manufacturing industry at Three  
Rivers, and the forges did supply goods to the American forces,<sup>3</sup>  
but each of the partners laid the blame for this upon the  
other, and Laterrière, in particular, continued to protest his  
loyalty to Great Britain, even when the authorities decided that  
he should leave the country.<sup>4</sup> Among the pro-American group led  
by the Huguenot, Pierre du Calvet, there were two merchants,  
Giroux, and Cazeau, and a doctor named Pillon,<sup>5</sup> although their  
part in the espionage ring seems to have been a minor one. The  
arrest of Giroux, in particular, brought a veritable storm of

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(1) Can. Antiquarian & Numismatic Journal, vol. IV, pp. 64-6,  
SULTE, BENJAMIN: "The early press in Canada."

(2) BURT, A.L.: op. cit. pp. 293-4; KINGSFORD, WILLIAM:  
History of Canada, vol. VII, p. 53n, Laterrière's description of  
Mesplet and Jautard.

(3) Pub. Arch. Can., Series B, vol. CLXXXV, p. 241, Mathews to  
Laterrière, Quebec, Aug. 3, 1782.

(4) LATERRIÈRE, PIERRE DE SALES: Mémoires, p. 83; p. 96.

(5) Pub. Arch. Can., Series B, vol. LV, pp. 197-8, Haldimand to  
Shelburne, Quebec, Aug. 15, 1782; vol. CXXXI, p. 78, Haldimand  
to Maclean, Quebec, Sept. 28, 1782; Bulletin des Recherches  
Historiques, vol. XXII, pp. 115-17, SULTE, BENJAMIN: "François  
Cazeau."

protest against the arbitrary actions of the government,<sup>1</sup> and finally resulted in the dismissal of a Chief Justice who had challenged the right of a governor to hold men in prison<sup>2</sup> without trial, but it is noteworthy that it was not a French-Canadian protest that followed these imprisonments. On the contrary, the French-Canadian bourgeoisie were doing everything in their power to end the assistance that a few men were giving to the Americans. St. George Dupré was one of the first to give information leading to the arrest of suspects,<sup>3</sup> and he was accounted most useful by the authorities.<sup>4</sup> François Baby also was quick to help the government in its investigation of the confused testimony over the forges at Three Rivers,<sup>5</sup> and it was Baby whom Pierre du Calvet blamed, equally with Governor Haldimand,<sup>6</sup> for his imprisonment. Over and over, the bourgeois leaders were seeking to prove that they were the most loyal of the King's subjects in Canada, and their conduct during the years after 1775 leaves no room for doubt that they were correct.

One very large group of French-Canadians remains to

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(1) Pub. Arch. Can., Series Q, vol. XIV, pp. 233-7, Livius to Cramahe, Quebec, Oct. 5, 1777.

(2) Clements, Knox Papers, vol. IV, Germain to Knox, Kew Lane, Aug. 17, 1778.

(3) Pub. Arch. Can., Series B, vol. CXXX, p. 26, DeSpeth to Haldimand, Montreal, Aug. 19, 1782.

(4) Ibid, vol. CXXIX, p. 200, Maclean to Haldimand, Montreal, Dec. 28, 1780.

(5) Ibid, vol. CLIV, p. 31, Haldimand to Gagy, Quebec, March 1, 1779.

(6) DUCALVET, PIERRE: Appel à la justice de l'état, p. 138.

be considered. The habitants had remained silent while various types of government had been debated in London, and then they showed conclusively that they were dissatisfied with the one that had eventually been decided upon. Their conduct in 1775, also, was convincing proof that national feeling had not yet permeated their ranks to any extent, for they refused to follow their leaders in a cause which both gentry and clergy assured them was just and even righteous. They did not, on the other hand, sense much of the struggle that was raging about them. American attempts to popularize the idea of an assembly, for example, met with little success,<sup>1</sup> and, although it is possible that this propaganda did have a long-term effect, and did in-<sup>2</sup>stil some rudiments of political thinking in Canada, it is extremely doubtful if the conduct of the habitants during the revolution owed very much to the notices so assiduously posted on church doors throughout the colony.<sup>3</sup>

The very fact that most of the habitants were illiterate meant that someone would have to interpret American propaganda leaflets for their benefit, if the ideas contained in them were to reach the habitants at all. The curé was un-

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(1) Clements, Gage Papers, American Series, vol. CXXX, Address of Continental Congress to the Canadians, May 29, 1775, enclosed in Carleton to Gage, Montreal, June 28, 1775; FORCE, PETER: American Archives, Series IV, vol. II, p. 1270, Resolution of the New York provincial assembly, June 2, 1775; VERREAU, ABBÉ HOSPIVE op. cit. pp. 91,100, SANCHINET, SIMON: "Témoin oculaire..."

(2) LANCTOT, GUSTAVE: Les Canadiens-français et leurs voisins du sud, p. 124.

(3) Pub. Arch. Can., Series 2, vol. XI, p. 149, Intelligence received from Montreal, enclosed in Carleton to Dartmouth, Quebec, April 5, 1775.

likely to pass on any of the propaganda to which he had access, but against which he was already fortified;<sup>1</sup> the French-Canadian merchants, with few exceptions, were too unsure of their positions in 1775 to take any active part in disseminating American ideas and, after that date, they were attempting to prevent others from disseminating them. If the militia officer was able to read, he might pass on to the habitants some of the ideas that he gleaned from the American addresses, but, by the time it reached the French-Canadians, the philosophy of Adams and Jefferson had undergone some startling changes. Rumours were spread that the Americans would end all seigneurial dues, the militia system, the tithe, all forms of taxation, and, indeed, any distasteful law; at the same time, there were whispers of British plans to transport all the French-Canadians to the other colonies,<sup>2</sup> as the Acadians had been transported twenty years earlier. It was upon unsubstantiated reports like these that the Canadian multitudes were fed.

Whatever the effect of the propaganda missions, the habitants usually greeted the American soldiers cordially, for they were potential buyers of produce at high prices, and, at the beginning of the Canadian campaign, they dealt in solid coin.<sup>3</sup> The reception became cool, however, when paper money appeared.

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(1) Pub. Arch. Can., Series Q, vol. XI, pp. 149-50, Intelligence received from Montreal, enclosed in Carleton to Dartmouth, Quebec, April 5, 1775.

(2) Pub. Arch. Can., Series B, vol. CLXXXIV, p. 50, Deposition of Marie-Louise Miré & Thérèse Traversy, Beauport, March 23, 1776.

(3) AINSLIE, THOMAS: Journal (Que. Lit. & Hist. Soc. Pub.) p. 27.

(4) VERREAU, ABBÉ HOSPICE: op. cit. p. 179, BADEAUX, J.B.: "Invasion du Canada par les Américains en 1775."

To most French-Canadians, the distinction between Englishmen and Americans was far from clear, and the habitants were willing to cooperate with either group that offered ready money. Americans who rejoiced in the true friends that their cause had found in Canada were over-optimistic, and even the determination of the American leaders to abstain from all acts of hostility toward the French-Canadians,<sup>1</sup> was not sufficient to make them true converts. When Baby, the loyal merchant, Taschereau, the seigneur, and Williams, the energetic supporter of the French party, conducted an inquiry into the aid which various parishes had given the invaders, they did not include the mere selling of supplies as active aid. Even excluding this, they discovered the truth of Chief Justice Hey's statement that, outside the towns,<sup>3</sup> Great Britain had not a hundred supporters in the colony, for every parish through which the American armies had passed had cooperated with the troops to a greater or less extent,

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(1) FORCE, PETER: American Archives, Series IV, vol. III, p. 765, Washington to Arnold, Cambridge, Sept. 14, 1775.

p.  
(2) Bulletin des Recherches Historiques, vol. XL, p. 191, FOUCHER, ANTOINE: "Journal pendant le siège de Fort St. Jean;" STOCKING, ABNER: Journal, p. 557; FORCE, PETER: American Archives, Series IV, vol. II, p. 845, Gentleman in Quebec to his parents in Ayrshire, Scotland, Sept. 30, 1775; p. 742, Montgomery's account from Ile aux Noix, Sept. 13, 1775; p. 690, Schuyler to Hancock, Ile aux Noix, Sept. 8, 1775.

(3) Pub. Arch. Can., Series Q, vol. XII, p. 211, Hey to the Lord Chancellor, Quebec, Sept. 17, 1775.



about half of the parishes had performed every service for which the invading army asked, and not one parish had shown any strong predilection for the British. This whole investigation showed most clearly that the militia officers re-appeared in 1775 as the leaders of pro-American sentiment among the habitants. In about seventy-five percent of the parishes, the commission advised that the officers be removed from office.<sup>1</sup> Only in Montreal and Quebec were the militia officers safe men from the British point of view, and there the French-Canadians commented that the governor had had a good deal more to say about the appointments than had the people themselves.<sup>2</sup>

Any argument that these militia officers were able to use their positions to give leadership to the habitants during the revolutionary war, however, can scarcely be valid, for the men who had given encouragement to pro-American sentiment in their parishes were summarily removed in 1776, and replaced by others. In addition, a number of the militia officers returned to New York with the American army, a part of the group of about three hundred that left the country, and eventually were rewarded by land grants in New York, Vermont, and Ohio.<sup>3</sup> The militia officers of 1775 were thus removed from office, and

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(1) BABY, FRANÇOIS: Journal de M. Baby, Taschereau et Williams.

(2) VERREAU, ABBÉ HOSPICE: op. cit. pp. 306-07, Lettres écrites pendant la révolution américaine, Pierre Guy to Baby, Montreal, June 19, 1775.

(3) Bulletin des Recherches Historiques, vol. V, pp. 156-7, MALLET, EDMOND: "Les Canadiens-français et la guerre de l'indépendance américaine;" vol. VI, pp. 212-3, SAINT-PIERRE, T.: "Les Canadiens et la guerre de l'indépendance américaine"; FORCE, PETER: American Archives, Series IV, vol. III, p. 754

some of them left the country as well, but this did not mean that the habitants suddenly became acquiescent. If pro-American zeal abated after 1775, pro-British feeling did not arise to take its place.

Unrest characterised the country parishes to a greater or less extent throughout the entire revolutionary war, but this restlessness seems rather to have been the result of anti-path<sup>1</sup> to the power the seigneurs were attempting to exercise, and revulsion against militia duty, than it was any positive desire for republican government. The departure of only three hundred men to serve in the American forces does not suggest any widespread enthusiasm for that cause, any more than for the British, for a desire for adventure and various private grievances against the government would surely account for such a number of volunteers. Some of those who did accompany the American army in the spring of 1776 were asking for per-<sup>2</sup> mission to return to Canada by the end of the war, just as others, who happened to be living in the Lake Champlain region that became part of the states of New York and Vermont, saw no reason for removing themselves from their lands in order to continue to be British subjects.<sup>3</sup>

The presence of an invading army and then of republican

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(1) VERREAU, ABBÉ HOSPICE: op. cit. p. 54, SANGUINET, SIMON: "Témoin oculaire de l'invasion..."; p. 166, BADEAUX, J.B.: "Invasion du Canada par les Américains."

(2) Pub. Arch. Can., Series B, vol. CLXXXV, p. 295, Account of Roberge & LeBitre, Sorel, May 31, 1782.

(3) Bulletin des Recherches Historiques, vol. VI, p. 209, SAINT-PIERRE, T.: "Les Canadiens et la guerre de l'indépendance américaine."

propaganda in Canada served to obscure the fact that most habitants were not so keenly aware of the reasons that the thirteen colonies had for revolution as they were of their own causes for dissatisfaction, which were by no means the same. Seigneur and curé took one view of the situation, but the outlook of the habitants was entirely different. To them, the war meant chiefly that they were constantly being told to form themselves into a militia, and to perform corvée duty for the government. Both of these were duties recognized under the old French system that the Quebec Act sought to continue, but both were bound to be extremely repugnant to the habitants, unless they could be persuaded that they had some stake in the conflict that was going on about them. They were never so persuaded, in spite of the earnest endeavours of the clergy, and, for that reason, they continued to protest against the services which they detested.

In spite of the re-institution of the militia system, which Governor Carleton assured the home government would reduce the habitants to a proper mood of obedience to their superiors, and, at the same time, provide valuable assistance for the regular troops defending Canada, the habitants seem to have escaped military service rather successfully during the

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(1) Can. Arch. Report, 1940, pp. 18-22, Militia ordinance, March 29, 1777; Pub. Arch. Can., Series Q, vol. XI, p. 319, Carleton to Dartmouth, Quebec, Nov. 20, 1775.

American Revolutionary War. The British ministry, taking the governor at his word, asked for six thousand French-Canadian troops,<sup>1</sup> but Carleton soon faced the impossibility of raising<sup>2</sup> one-tenth that number, and, once a very few had been raised, the number of desertions was so great that the British officers often came to the conclusion that it required more men to keep the habitants in the service than the value of the few hundred militiamen merited.<sup>3</sup> During the months of the invasion, it seems fairly clear that only a few Canadians served in the defence of the colony. Except for the behavior of the militia defending the town of Quebec, there was little ground for the<sup>4</sup> praise which Benjamin Sulte heaped upon the militia in general. There, those who refused to serve were forced to leave the<sup>5</sup> town, and were only permitted to return when they had been given a permit by the governor.<sup>6</sup> The result was a unanimity of effort by both British and French-Canadians that did not have a parallel at any other place or at any other time in the entire war.

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(1) Pub. Arch. Can., Series Q, vol. XI, p. 182, Dartmouth to Carleton, Whitehall, July 24, 1775.

(2) Ibid, vol. XI, p. 261, Carleton to Dartmouth, Montreal, Sept. 21, 1775.

(3) Pub. Arch. Can., Series B, vol. XXXIX, p. 627, Foy to Maclean, Quebec, July 24, 1777.

(4) KELLY, JOHN: L'invasion du Canada en 1775, MS. thesis in library of Laval University, pp. 30-31.

(5) Pub. Arch. Can., Series Q, vol. XII, pp. 24-26, Proclamation of Nov. 22, 1775.

(6) Ibid, vol. XII, pp. 31-32, Proclamation of Nov. 22, 1775.

The very small amount of effort shown by the habitants during the war has been somewhat obscured by annalists who have attempted to gloss over the defection of their ancestors, and to cover up the fact that many French-Canadians were perfectly willing to aid the Americans. This tendency is the more remarkable since few advance any very convincing reasons why the French-Canadian habitants should have been attached to the British cause; it is a particularly virulent form of ancestor-worship that would clear the memory of one's forefathers of actions that might be considered criminal in one's own day, but which were understandable, and even justifiable, in theirs. An example of the concentration upon instances of habitant loyalty, and the consequent distortion of facts, is to be found in the significance attached to the de Beaujeu expedition of March, 1776. On that occasion, a retired colonial officer, living thirty miles below Quebec, raised three or four hundred habitants to relieve the besieged capital; the scheme came to nothing, and four or five of the volunteers were killed, and several wounded.<sup>1</sup> This incident has been used as an example of the habitants' risking their lives while the English remained safely barricaded on the island of Orleans,<sup>2</sup> while, actually, although it did show practically the only enthusiasm for the Royalist cause that manifested

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(1) BURT, A.L.: op. cit. p. 230; KINGSFORD, WILLIAM: History of Canada, vol. VI, pp. 28-9.

(2) CHARTIER, MGR. EMILE: La vie de l'esprit, p. 43.

itself outside the town of Quebec, it also illustrated the way in which Royalist plans were frustrated by habitants who betrayed the expedition to the Americans. The de Beaujeu incident thus serves as an example of the division of opinion among the habitants, at a time when American influence was waning, and when, as a direct consequence, the power of the clergy was again in the ascendant. Later generations, however, have attempted to prove that a large number of the habitants were wise enough to see the clerical point of view throughout the war, but there is <sup>1</sup>little evidence to suggest that this was true in many cases.

After the Americans had withdrawn from Canada, the task of raising the habitants to serve in the militia or on corvee duty was no easier. Although they were gradually being won back to their reliance upon the priests, they were not persuaded that their duty extended to service with an army marching beyond the borders of Canada, and rumours that Great Britain was preparing to draft the habitants for duty <sup>2</sup>outside their own country were persistent and horrifying. The habitants' reaction was much the same as it had been under the French regime, whenever unpopular edicts were issued;

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(1) KELLY, JOHN; op. cit. p. 50.

(2) BURT, A.L.: op. cit. pp. 208-09.

they simply did nothing. When they were ordered to perform a service, they forgot the instructions;<sup>1</sup> when they were forced to accompany the regular troops, they deserted, or, if they were somewhat more imaginative, they manufactured contradictory orders to justify their absence from the place where they were wanted.<sup>2</sup> This technique may have suggested itself fairly frequently to the more intelligent of them, for the constant disputes between General Burgoyne—who owed his appointment to the favour of Carleton's old personal enemy, Lord George Germain<sup>3</sup>—and the governor himself must have been fairly obvious in the colony, and did lead to some confusion of orders out of which the French-Canadians might profit.

General Burgoyne characterised the Canadian militiamen<sup>4</sup> as "awkward, ignorant, disinclined to the service, and dispirited," and, although he continued to make use of some of them for transport services, possibly because Carleton advised against it,<sup>5</sup> the actual part that the French-Canadians played in his march from Canada, down the Lake Champlain route into New York has very frequently been exaggerated. It appears that one

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(1) Pub. Arch. Can., Series B, vol. CXXXI, p. 21, Haldimand to Maclean, Quebec, Nov. 25, 1778.

(2) Ibid, vol. XXXIX, pp. 56-57, Carleton to Maclean, Quebec, July 4, 1777.

(3) GOSSELIN, ABBÉ AUGUSTE: L'Église du Canada après la conquête, vol. II, p. 104; FORTESCUE, SIR JOHN (ed.): Correspondence of George III, vol. III, p. 406. King to North, Dec. 13, 1776.

(4) Pub. Arch. Can., Series Q, vol. XIII, p. 108, Burgoyne to Germain, Quebec, May 14, 1777.

(5) American Historical Review, vol. XXXV, p. 546, CLARK, JANE: "The responsibility for the failure of the Burgoyne expedition."

hundred and fifty French-Canadians did accompany the regular  
1  
army, and of these troops, the general later wrote: "The  
Canadians were not to be depended upon...Instead of the  
energetic and daring spirit which distinguished the character  
of that people under the French government, was substituted  
a longing for home...and this disease (mal de pays) is carried  
by them to a greater provincial extreme than in any other  
people. It was neither easy to keep the people together, nor  
to support the ideas of respect which the enemy entertained of  
them from remembrance of the former war. The only manner of  
effecting the latter purpose was to show them occasionally at  
a distance, but rarely to commit them upon parties where they  
were likely to fall in with the best classes of the Rangers  
2  
opposed to us." This statement from the commanding general  
does not suggest that the habitants had any very lively ex-  
periences on their march southward; at the brief engagement  
at Bennington, however, Burgoyne's plans for their inactivity  
apparently went awry, for practically the entire French-  
3  
Canadian contingent was taken prisoner, and thus never reached

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(1) BURGOYNE, JOHN: State of the expedition from Canada, p. 12; Clements, Knox Papers, vol. II, Germain to Carleton, London, July 10, 1777; Pub. Arch. Can., Series Q, vol. XIII, p. 297, Carleton to Germain, Quebec, July 27, 1777.

(2) BURGOYNE, JOHN: op. cit. p. 133.

(3) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. II, p. 104.



the battle of Saratoga.

Men forced into the service as a result of the Militia Ordinance of 1777, however, were called upon to remain with the regular troops in garrisons protecting Canada from invasion, although they were not relied upon for any of the major campaigns. It was Carleton's contention that stripping the colony of all its soldiers would not have affected the success of the Burgoyne expedition to any great extent, and, at the same time, it would have left Canada open to American<sup>1</sup> attack. French-Canadians performing services for Britain within the colony itself were often subjected to both hardships and injustices. The plight of the militia aiding in the defence of Lake Champlain was described by Lieut.-Col. Maclean in a letter to Governor Haldimand. "The poor wretches," he wrote, "were dying by three and four a day. They were forced to lie out in the open air as there was not a house in the place to put them into,<sup>2</sup> and the few necessaries they carried with them were worn out." At the same time, there is fairly convincing proof that the promised terminal dates for their services were repeatedly disregarded. As Brigadier-General Powell described the situation: "If they (the French-

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(1) CHASTELLUX, F.-J., MARQUIS de: Travels in North America, vol. I, p. 392.

(2) Pub. Arch. Can., Series B, vol. CXXIX, pp. 99-100, Maclean to Haldimand, Montreal, Jan. 14, 1780.

Canadians) were dismissed at the time promised, they would work with cheerfulness, and it would be a great means of preventing desertion.<sup>1</sup>"

It now seems clear, also, that the corvées did not always fall fairly upon the habitants, and the duty of quartering troops was frequently restricted to those least able to do so. The whole system of exemptions from this and that duty during the American war inevitably reacted in the favour of those who had some connection with the government,<sup>2</sup> and that was precisely the connection that the habitants lacked. The depredations of the American army, and of American privateers in the Gulf of St. Lawrence<sup>3</sup> largely affected the seignourial and bourgeois groups who were disposed to favour the British in any case; it was the rigorous injunctions of the British government that affected the habitants, for they scarcely lost a man in fighting the alleged enemy. The entire war, therefore, roused them to a sense of the injustices and hardships imposed upon them by their own government rather than to a consciousness of imminent danger from American attack, or, still less, inherent danger from American ideologies. The war had begun upon their dissatisfaction with the government that

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(1) Pub. Arch. Can., Series A, vol. XIV, p. 286, Brig.-Gen. Powell to Carleton, Mount Independence, Oct. 5, 1777.

(2) Pub. Arch. Can., Series B, vol. CXXIX, p. 79. Maclean to Haldimand, Montreal, Dec. 13, 1779; vol. CLXX, p. 41, Haldimand to Tonnancour, Quebec, May 20, 1779; Collection Baby, vol. XXIV, p. 366, de Champlain to Baby, Champlain, Oct. 2, 1781; vol. XCIV, p. 161, Malhiot to Baby, Verchères, July 7, 1777.

(3) Pub. Arch. Can., Series B, vol. CCII, p. 51, Smith to Haldimand, Bonaventure, Oct. 3, 1779; Bulletin des Recherches Historiques, vol. VIII, p. 3, Roy, P.G.: "Gabriel-Elzéar Taschereau."

had passed the Quebec Act; it continued upon a similar note of discontent.

The years of conflict in America had two very important immediate results in Canada. They showed that the interest of the habitants was still their economic security, rather than any love of country or of race; secondly, they showed that a threat to that security would bring to the fore all the divergencies of opinion among the French-Canadians that had lain concealed in the years preceding the Quebec Act. That act had been the answer of the British government to what had been represented as the desire of a united colony. The years of war had shown that no such unity existed. The act, however, was still justified by some on the ground that it had kept Canada within the British Empire, but it is difficult to see how this conclusion had been reached. Even without it, the clergy and the seigneurs would have preferred British to American rule; the French-Canadian merchants would probably have been more consistently loyal to a government that had not discriminated against them, and the British merchants would certainly have been less attracted to American doctrines without the Quebec Act. Finally, it is difficult to see any reason why the apathy of most French-Canadians would have been translated into active hostility to Britain by the failure to pass an act whose passing so many of them decried. If the passing of the Quebec Act failed to attach the habitants to the British cause, surely the failure to pass it would not have alienated them.

Finally, the clashes of interest and cries of protest

emanating from the years of war should not be taken as proof that no unifying agencies remained in Canada. In spite of the evidences of disunity that appeared during the years of war, the French-Canadian society was not completely atomistic. Just as the impression of unity that had been created in the early 1770's had been a false one, so the impression of chaos created by the years of war was, at best, a half-truth. Certain elements of leadership did continue to exist within French Canada, and did succeed, within a very short time, in winning powerful support for their views.

## CHAPTER VII

### THE LEADERSHIP OF THE ROMAN CATHOLIC CHURCH, 1766-1784.

The first decades of British rule in Canada were notable for the reliance of the official French party upon the influence of the Roman Catholic church, and for a gradual augmenting of that power, in the belief that it would continue to be exercised on behalf of the existing form of government. The story of ecclesiastical leadership in those decades becomes, in a sense, the story of one man, Jean-Olivier Briand, and his friendly relations with the French party.

Even the stubbornly anti-Catholic Francis Maseres affirmed that Briand's policy had improved Anglo-Canadian<sup>1</sup> relations, and there is evidence in profusion that the bishop was indeed continuing the policy of appeasement and cooperation that he had undertaken almost as soon as the British had captured Quebec. Briand stood for the toleration

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(1) CAVENDISH: HENRY: Debates on the Quebec Bill, p. 141, Examination of Maseres before the House of Commons, June 2, 1774.

h of different religions within the colony at a time when such a policy alone could win recognition for his church; he strove for harmony between English and French, for only in harmony was there a possibility of favour for his church.<sup>1</sup> In addition, he saw that the official party was willing to give certain concessions in return for the invaluable support of the clergy. It was political astuteness, clarity of purpose, and accuracy of appraisal of the opposing forces that marked the ecclesiastical leaders off from other groups of French-Canadians, and none possessed these qualities more notably than did Briand. In him, also, there was a spirit of compromise to win temporary ends that was completely foreign to the seigneurial group. As a result, the Canadian clergy continued to exercise an undiminished power over the life of every French-Canadian in the first forty years of British rule, and the policies of ecclesiastical leaders during those years had made it virtually certain that this power would continue in the future.

To Briand and to the other clerical leaders of these years, the most important objectives were two in number--one of them immediate and the other mediate. First, they desired the maintenance of the Roman Catholic faith in Canada, and the continuance of the control of bishop over priest and of priest over parishioner. Secondly, if this control was to remain,

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(1) TÊTU, MGR. HENRI: Lettres et mandements des évêques de Québec, vol. II, pp. 213-5, Briand's warning to all Roman Catholics, Oct. 15, 1768.

they must block any scheme that might lead to the absorption of French-Canadians into the English group, for with assimilation would almost inevitably come a new challenge to the Roman Catholic faith. Both of these objectives were, in large part, political ones, and it was thus obvious that only through cooperation with the ruling party in Canada could they be achieved.

The very consecration of Briand as bishop in 1766 had marked the beginning of a political bargain that was to continue throughout the eighteen years of his episcopate, for Governor Carleton cemented the alliance that his predecessor had begun, and early resolved upon a policy of maintaining the position of the Roman Catholic church in Canada.

The maintenance of that church might be assumed to include the preservation of the powers of both regular and secular clergy, but Briand was not in a sufficiently strong position to press for both with equal fervour; he never had occasion to hope that the tremendous Jesuit properties in Canada would be retained for the use of the church; the dissolution of the Society of Jesus by the Pope in 1772, the multitude of precedents for political control over the religious orders, and the well-known prejudice of English Protestant groups against the Jesuits

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(1) Pub. Arch. Can., Series Q, vol. VI, pp. 36-7, Carleton to Hillsborough, Quebec, March 15, 1768.

(2) Ibid, vol. XXIV, p. 241, Estimate of Jesuit holdings in Canada, enclosed in Hope to Sydney, Quebec, March 6, 1786.

(3) Can. Catholic Hist. Assn. Report, 1940-41, pp. 46-8, LANCTOT, GUSTAVE: "Situation politique de l'église canadienne."

made it virtually certain that their properties would not continue under clerical administration. The popularity of the Recollets among the newcomers may have led some of the clergy to hope for a different fate for that order, and this hope was permitted to linger on until 1796<sup>2</sup> when the order was abolished in Canada. Only for the communities of women was there any real security during the first forty years of British rule; they had been permitted to continue on a temporary basis in 1765<sup>3</sup>, then Governor Carleton permitted them to recruit new members and, in time, their position was accepted by practically everyone in the colony.

The influence of the secular clergy, meanwhile, was constantly reinforced by a government eager for ecclesiastical support. Again and again Briand was given a free hand when disturbances appeared within the Roman Catholic church. Whenever disputes arose between priests and their parishioners, the bishop was left to settle the controversies as he saw fit. For example, when the inhabitants of St. Ours quarrelled with Porlier, their priest, it was Briand who gave the final decision. At least in his early years as bishop, Briand seems to have en-

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(1) Clements, Gage Letter Books, Gage to Amherst, Montreal, Oct. 19, 1762.

(2) DE GASPÉ, PHILIPPE AUBERT: Mémoires, pp. 36-7.

(3) Pub. Arch. Can., Series Q, vol. XVIIIa, pp. 96-8, Heads of a plan for the establishment of ecclesiastical affairs in the province of Canada, a report of the Board of Trade, May 30, 1765.

(4) Que. Arch. Report, 1929-30, p. 51, Briand to Porlier, Quebec, March 24, 1762; DESPRES, A.C.: Histoire de la seigneurie de St. Ours, vol. II, pp. 121, 123-6, 128.



countered a good deal of intransigence among the secular clergy, perhaps because of the distinct spirit of independence engendered by the vacancy of the episcopate for some years,<sup>1</sup> and many of his letters of the period deplored the general lack of zeal for the faith.<sup>2</sup> Opponents like Maseres took advantage of the numerous signs of discontent to picture the bishop as unjust and tyrannical,<sup>3</sup> even before the division of opinion over the American invasion offered striking illustrations of the divergency of the views held by the bishop and his flock.

Among such disputes, two were loud enough and long enough to attract attention in England, and they deserve some attention here. One was the controversy between Briand and the marguilliers at Quebec<sup>4</sup> over the possession of the Quebec parish church, rebuilt in 1773; the other concerned the activities of Louis Lotbinière, a priest whom Briand removed from his charge.<sup>5</sup> Unlike Roubaud, to whom Briand compared him, Lotbinière remained Roman Catholic; his criticisms were specific ones against the bishop's alleged high-handedness, not against the church as a

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(1) GOSSELIN, ABBÉ AUGUSTE: L'église du Canada après la conquête, vol. I, p. 47.

(2) Ibid., vol. II, p. 13, cites Briand to Jollivet, Quebec, June 4, 1774; Que. Arch. Report, 1929-30, p. 56, Briand to a missionary, Quebec, \_\_, 1763; p. 73, Briand's answer to a request of the habitants of Ste. Rose, Sept. 26, 1768; p. 101, Briand to the marguilliers at Three Rivers, Dec. 9, 1773; p. 103, Briand's pastoral letter to the habitants of St. Jean Port-Joli, Feb. 5, 1774.

(3) MASERES, FRANCIS: Additional papers, pp. 120-23.

(4) Que. Arch. Report, 1929-30, p. 106, Briand to the Abbé de Lacorne, Quebec, June 6, 1774.

(5) Pub. Arch. Can., Dartmouth Papers, vol. II, p. 9, Lotbinière mémoire, 1772.

whole.<sup>1</sup> Carleton and,<sup>2</sup> in turn, the home government, refused to listen to such charges, and sided unequivocally with Briand, both in the dispute with the marguilliers and in the quarrel with Lotbinière,<sup>3</sup> but complaints against the conduct of the bishop deserve some attention here, nevertheless, for they may very well throw light upon the contemporary French-Canadian view of clerical power.

Much of Lotbinière's memorandum, which is the only considered criticism of Briand emanating from French-Canadian sources, ~~was~~ concerned with trifling charges, and, through the whole documents sounds the cry of the dispossessed, the cry of a man who felt himself personally mistreated by an ecclesiastical superior, and who turned for aid to the most savage critics of the Roman Catholic hierarchy.<sup>4</sup> It is striking, however, that Lotbinière had nothing but good to say of the parish priests of Quebec,<sup>5</sup> and he insisted that his criticisms were personal ones concerning only the despotic power of one bishop over the church and against the duplicity of that bishop in his campaign to keep English support and, at the same time, to protect his flock from English influences.<sup>6</sup>

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(1) Pub. Arch. Can., Dartmouth Papers, vol. II, p. 13, Lotbinière mémoire, 1772.

(2) Pub. Arch. Can., Dartmouth Papers, vol. II, pp. 436-7, Lotbinière to Maseres, place & date not given; Que. Arch. Report, 1929-30, p. 107, Briand to Abbé de l'Isle Dieu, Quebec, June 7, 1774.

(3) Que. Arch. Report, 1929-30, p. 96, Cramahé to Briand, Quebec, Dec. 31, 1772; p. 104, Briand to Merineau, Quebec, March 10, 1774.

(4) Pub. Arch. Can., Dartmouth Papers, vol. II, pp. 435-9, Lotbinière to Maseres, no place & date given.

(5) Ibid, vol. II, p. 6, Lotbinière mémoire, 1772.

(6) Ibid, vol. II, p. 3, Lotbinière mémoire, 1772.

Whether or not criticism of Briand was on anything like the scale that Lotbinière pictured it,<sup>1</sup> it does seem certain that the priest did have some support from laymen during the dispute. Antoine Juchereau-Duchesnay, the seigneur of Beauport, seems to have presented a mémoire to Lieut.-Gov. Cramahé on Lotbinière's behalf,<sup>2</sup> and to have confirmed the priest's views on a number of points. Again,<sup>3</sup> the mémoire may have grown out of a purely personal antipathy between the Bishop of Quebec and the seigneur of Beauport, and there are few indications of any serious attempts on the part of the French-Canadians generally to resist the control of their religious leaders. It is interesting to note, however, that Briand never made any denial of the Lotbinière charges, but confined himself to pointed references to Lotbinière's past disputes with various officials and to his unsavoury reputation,<sup>3</sup> all of which may or may not have been pertinent. Moreover, Briand, at the same time, was expressing his deep satisfaction with "les pauvres peuples, ignorants et peu éclairés sur leur religion, quoique d'ailleurs ils ne manquent pas d'esprit, s'érigent contre les casuistes, et ne pensent pas assez bien pour être convaincus et persuadés que leurs meilleurs amis sont leurs<sup>4</sup> curés et ceux qui sont plus capables de les (bon conseiller." This would suggest that Lotbinière was no more successful in gaining any

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(1) Pub. Arch. Can., Dartmouth Papers, vol. II, p. 5, Lotbinière mémoire, 1772.

(2) Ibid., vol. II, p. 13, Lotbinière mémoire, 1772.

(3) Que. Arch. Report, 1929-30, p. 107, Briand to the Abbé de l'Isle Dieu, Quebec, June 7, 1774.

(4) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. II, p. 13, cites a letter of Briand to a missionary, Quebec, June 4, 1774.

considerable hearing among the French-Canadians than he was in impressing the French party leaders who remained, for all his statements to the contrary, convinced of the mildness of Briand's rule.

It would seem, however, that some of the charges that Lotbinière made in his memorandum to Lord Dartmouth were substantially correct. He stated, for example, that the powers that the British government was allowing Briand were<sup>1</sup> unprecedented in the history of the Canadian episcopate. This is essentially the position taken by M. Gustave Lanctôt: "Voilà un sujet qui ne manque plus d'un piquant, voisin du paradoxe, celui d'examiner comment l'église québécoise a bénéficié de son passage d'une domination catholique à une domination protestante... On arrive à cette conclusion paradoxale qu'après Mgr de Laval, le grand fondateur de l'Église<sup>2</sup> canadienne, c'est le cabinet de Westminster."

There are a number of indications that the Canadian Catholic church was given a more independent position by the pro-French element among the British rulers than it had ever enjoyed under French rule. The French king had controlled not only the appointment of bishops, but also their actions once they were appointed,<sup>3</sup> and every member of the higher and lower

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(1) Pub. Arch. Can., Dartmouth papers, vol. II, p. 12, Lotbinière mémoire, 1772.

(2) Can. Catholic Hist. Assn. Report, 1940-41, pp. 35-6, LANCTOT, GUSTAVE: "Situation politique de l'église canadienne."

(3) Ibid, pp. 43-4.

clergy had been controlled by the civil authority. The bishop had not been given the right to displace curés who were not pleasing to him, but<sup>1</sup>, under English rule, he repeatedly exercised this power<sup>2</sup>, as in the case of Lotbinière, and the government did not choose to intervene.

It is certainly true, however, that the English Crown claimed and exercised the right of controlling appointments in the Canadian Catholic church. Briand himself had secured his position through the support of the government, and the appointment of a coadjutor with the right of succession to the episcopate, was accomplished only with the support of Carleton. Indeed, the very choice of Louis-Philippe Mariauchau D'Esgly was the governor's doing, for he feared that the Abbé Joncaire might receive the appointment<sup>3</sup>, and he much preferred D'Esgly who was more likely to be tractable, and who was also closely related<sup>4</sup> to the powerful de Léry and Chartier de Lotbinière families. Some declared that D'Esgly was an excellent and devoted priest, but none suggested that he was distinguished for his brilliance, nor that he was Briand's own choice of a successor. The bishop gave no indication if he disapproved the choice, but he must have been perfectly aware of Carleton's policy of cutting off the

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(1) Can. Catholic Hist. Assn. Report, 1940-41, p. 50, LANCTOT, GUSTAVE: "Situation politique de l'église canadienne."

(2) Que. Arch. Report, 1929-30, p. 107, Briand to Lagroix, Quebec, —, 1773; GOSSELIN, ABBÉ AUGUSTE: op. cit. p. 90, vol. II.

(3) Pub. Arch. Can., Series Q, vol. VII, pp. 3-5, Carleton to Hillsborough, Quebec, Nov. 22, 1769.

(4) Trans. of Royal Soc. of Can., Series III, vol. XXVI, p. 7, CARON, ABBÉ IVANHOË: "La nomination des évêques catholiques de Québec sous le régime anglais."

tallest heads of corn, and he can scarcely have approved a policy that would ultimately place the most docile and the least able French-Canadians in positions of honour; he chose, however, to keep his nationalistic feelings in the background for the time being, and, in so doing, seems to have achieved augmented powers for his office.

The appointment of a coadjutor might be taken as an example of the unremitting control that the governor exercised over ecclesiastical appointments; had this been its chief significance, it is doubtful whether Briand could have continued long in his cooperation with the French party. Actually, however, the appointment was an important step in freeing the Roman Catholic church from the control of the government. Henceforth, "it would be more difficult for the government to put a bridle and blinkers on the head of the church, as the Board of Trade had planned<sup>1</sup>."

At the same time, Canadian ecclesiastical leaders seem to have spotted a change which the French party members never mentioned and of which they may have been unaware. This was the increased independence of the church under British rule, and, as a consequence, the increased devotion for the Roman Catholic faith throughout the country.<sup>2</sup> During the early 1770's,

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(1) BURT, A.L.: The old province of Quebec, p. 176.

(2) Les Ursulines de Québec, vol. III, p. 156; ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. III, p. 211; Que.Arch. Report, 1929-30, p. 81, Briand to the marguilliers at Three Rivers, Quebec, Aug. 11, 1769; p. 109, Briand either to the papal nuncio or a French bishop, Quebec, March 10, 1775.

the church, with the consent of the French party, assumed new powers; at the same time, the home government, largely through the representations of Carleton, was induced to guarantee certain of the privileges of the Roman Catholic church by act of Parliament. The religious settlement effected by the Quebec Act was briefly this: a simple oath of allegiance was substituted for the Elizabethan oath of supremacy and the other tests specifically designed to exclude Roman Catholics from public office; at the same time, the continuance of the<sup>1</sup> tithe was legally recognized. Stated so briefly, the provisions of the Quebec Act which affected religion seemed remarkably meagre. The first provision, it is true, marked an advance over the laws in England at that time, and antedated the Catholic Emancipation Act by half a century, but the peculiar situation in Canada made such a provision essential, and the advice of legal authorities in Britain for the preceding decade had been unanimous on this point. Francis Maseres led a loud-voiced opposition to the legalising of the tithe and the alleged increase in Roman Catholic power, but, in actual fact, tithes had been collected, without legal authority, throughout the years 1760 to 1774. Englishmen had even commented upon the willingness with which they were

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(1) SHORTT, ADAM & DOUGHTY, A.G.: Documents relating to the constitutional history of Canada, 1759-1791, pp. 401-05, Text of the Quebec Act, 1774.

usually paid.<sup>1</sup> There were, of course, no attempts to force the payment of tithes by court actions in the years before 1774,<sup>2</sup> but excommunications and threats were sometimes used in order to secure payment.<sup>3</sup> Even Maseres, however, had to admit that most of the French-Canadians paid the tithes voluntarily, and he could only argue that the Quebec Act, by making them compulsory, was robbing the French-Canadians of the last vestige of control over their priests.<sup>4</sup> Maseres was the only adviser of the government who counselled maintaining the tithes on a voluntary basis, and there is no indication that the legislation of 1774 materially increased the revenue of the Roman Catholic church in Canada. The tithes had been collected without government authorisation before 1774; they were collected with government authorisation after that date. The undoubted gratitude of the clergy to Carleton and his French party cannot be explained by examining the religious provisions of the Quebec Act; those clauses only assured the church rights that were suggested by virtually every adviser of the home government.

The church settlement envisaged by the London ministry in 1774, however, was certainly not the sort to delight the

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(1) ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. III, p. 143, cites Richard Murray to Briand, Quebec, Dec. 17, 1766.

(2) MASERES, FRANCIS: The Canadian freeholder, vol. I, p. 9.

(3) CAVENDISH, HENRY: Debates on the Quebec Bill, p. 70, Statement of Wedderburn, May 26, 1774; Que. Arch. Report, 1929-30, p. 81, Briand to Jacques Hensau, 1769.

(4) MASERES, FRANCIS: op. cit. p. 11.



Roman Catholic leaders. With the Quebec Act went the instructions to Carleton,<sup>1</sup> and, had these been obeyed, Briand would have been restricted at almost every move by the temporal power, and not the smallest detail of ecclesiastical routine would have been outside the governor's surveillance;<sup>2</sup> such was the situation envisaged by the home government,<sup>3</sup> but Carleton chose to ignore his instructions, and it was thus that the Roman Catholic church was allowed in the years following the Quebec Act, to assume a position which the Act itself had not given it. In large part, the important position of the church was built upon the personal policy of the governor. Herein lies the explanation for the attachment of the clerical leaders to the French party at this time--a great part of the independence of the Canadian church would vanish were that party to lose control of the government.

During the American invasion that immediately followed the passing of the Quebec Act,<sup>4</sup> the clergy gave their unswerving support to Great Britain. In the early months of 1775, Briand had, in his public utterances, attempted to steer clear of

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(1) Can. Arch. Report, 1904, pp. 236-237, Instructions of 1775.

(2) BURT, A.L.: op. cit. p. 189; COUPLAND, REGINALD: The Quebec Act, p. 126.

(3) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 270-75, Report of Board of Trade, 1769; Pub. Arch. Can., Dartmouth Papers, vol. I, p. 242, Recommendations of solicitor-general, Dec. 6, 1772.

(4) TÊTU, MGR. HENRI: op. cit. vol. II, pp. 264-5, Mandement of Briand, May 22, 1775; LANCTOT, GUSTAVE: Les Canadiens français et leurs voisins du sud, pp. 111-12.

political issues;<sup>1</sup> in his private correspondence with the priests, however, he never hesitated to advise them to preach subordination to the government,<sup>2</sup> and, as the invasion progressed, he was firm in his denunciation of those who helped the Americans.<sup>3</sup>

In contrast to the loyalty of the clergy, the apathy of many French-Canadians and the active hostility of others was very marked during the American invasion. This disagreement between the clergy and many of the inhabitants of Quebec can not be taken to prove, however, that the Quebec Act had just given the church a position of which the laity did not approve. In the first place, the religious provisions of the Act were insufficient to account for the dissatisfaction of the habitants, just as they were insufficient to account for the attachment of the clergy to the government. Secondly, the dispute between the clergy and the habitants was of a temporary nature, the result of a divergence of opinion over one particular issue, the invasion of American troops. On the withdrawal of these troops from the country, the ascendancy of the priests over their flocks was resumed. Had the disagreement been based upon the religious provisions of the Quebec Act, it seems logical to suppose that the breach would not have been healed so quickly, without any changes being made in the Act. No such change was effected, but the clergy, after the American invasion, did regain their influence over their parishioners.

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(1) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. II, p. 24.

(2) Ibid, vol. II, p. 31.

(3) Ibid, vol. II, p. 81.

Their experiences during the months when American armies remained in Canada, however, did leave a profound impression upon the religious leaders, who perceived the danger of binding themselves too closely to the policy of an English steering committee. As a result, there was a tendency to be somewhat less amenable to the desires of the French party. This was still another example of the adaptability of the religious leaders who contrived to give valuable aid to the governor without losing their own identity, and, still more important, without losing their influence over a people whom the policies of a foreign governor could not always please. It is striking that, although the year 1775 brought many criticisms of Briand's particular position during the American invasion, and these were sufficiently widespread criticisms that he was induced to modify his support for the government to some extent, that year did not bring any real evidence that French-Canadian laymen were perceiving any danger in the augmented power of the church, whether that power rested upon the favour of a governor or the provisions of an act of Parliament.

That is not to say that French-Canadian political leaders were always in sympathy with the aims of their church. Some of the seigneurial families expressed opinions that could not be accepted as strictly orthodox by clerical leaders, and leading bourgeois had evinced an interest in Rousseau and Voltaire at the same time as they had bemoaned church censor-

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ship. For the most part, however, laymen offered little criticism of the leadership of the church, and two conditions may suggest an explanation for their acquiescence. First, many laymen must have been unaware of the changes which the conquest had brought in this regard; secondly, the alternative to increased clerical control seemed to be assimilation into English patterns, and this alternative few French-Canadians were prepared to accept. It may be questioned whether any such dichotomy existed, but the leaders of the church seem to have believed that it did, and to have spread their idea sedulously. By so doing, they were giving encouragement to a national spirit among the French-Canadians, a spirit that had been almost entirely lacking at the time of the conquest, but which began to find expression a decade or two later.

This cultivation of a national spirit was the church's means of combatting any scheme for anglicisation that might endanger the position it had so carefully built up for itself through its alliance with the French party. When Governor Carleton made his discovery that the best way to keep Canada British was to allow it to remain French, it was a simple matter for Briand and other ecclesiastical leaders to reach an equally paradoxical conclusion: that the best way to foster a French-Canadian national feeling was to preach subservience to Great Britain. Briand was sometimes criticised for his co-

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(1) Pub. Arch. Can., Collection Baby, vol. XLIX, p. 18, Baby to Comte, Quebec, Nov. 20, 1771; vol. LIII, p. 142, Comte to Baby, London, April 25, 1772.

operation with the governor, and, apparently, some critic had sneered that he was indistinguishable from an Englishman. His answer was most revealing. "On dit de moi comme on dit de vous, que je suis anglais...Je suis anglais en effet; vous devez l'être; ils le doivent être aussi, puisqu'ils en ont fait serment, et que toutes les lois naturelles, divines, et humaines le leur commandent. Mais ni moi, ni vous, ni eux ne doivent être de la religion anglaise." Because of the policy of an English governor who was determined to maintain the old institutions and laws of the colony, the bishop found a policy of coöperation practicable, not only in order to maintain his position of authority, but also to block an anglicisation policy that would undermine the influence of his church.

The embryo French-Canadian nationalism of the 1770's and 1780's was notable, as is so often the case, for what it opposed rather than for what it supported. It naturally feared any large influx of old subjects, and it was thus inclined to view the introductions of new industries with alarm, for all such developments would almost inevitably lead to the attraction of immigrants to Canada, and the continued preponderance of French-Canadian Roman Catholics in the colony was necessary for the success of the clerical policy. Moreover, any English plan for a new system of education in Quebec was

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(1) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. II, p. 37, cites Briand to Maisonbasse, Quebec, Oct. 25, 1775.

regarded as another and more insidious attempt to make French-Canadian children English and Protestant.

There is no more convincing proof of the powerful influence exerted by the clergy than the way in which the members of the French party, overcoming their own national prejudices to a surprising extent, strove to follow in the path that the Roman Catholic church prescribed. Governor Carleton very early accepted the prospect of the colony's remaining pre-<sup>1</sup>dominantly French in race and Roman Catholic in religion; British leaders echoed his sentiments in the debates on the Quebec Bill, and one of them declared openly that it was not the purpose of the government to prevent any widespread immi-<sup>2</sup>gration into Canada. In order to implement this policy, the French party had to ignore many plans for the economic advancement of the country; it had to pigeon-hole reports on the possibilities of new industries whenever it could, or, if that seemed impracticable, it had to discourage those who sought to introduce such industries.<sup>3</sup> Such a policy cannot always have been attractive to the French-Canadian merchants, and its long-term disadvantages are obvious, but there are no indications that the French-Canadian bourgeois group was prepared to reject religious leadership on that account.

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit., p. 196, Carleton to Shelburne, Quebec, Nov. 25, 1767.

(2) CAVENDISH, HENRY: op. cit. p. 58, Speech of Wedderburn, May 26, 1774.

(3) Pub. Arch. Can., Series Q, vol. V, p. 763, Carleton to Hillsborough, Quebec, Aug. 31, 1768; vol. VII, p. 354, Cramahe to Dartmouth, Quebec, Nov. 2, 1770.

English programmes for widening education opportunities in Canada, like plans for extensive immigration to the colony, never came from members of the French party, for education came to mean assimilation, and to assimilation the church was irrevocably opposed. Ecclesiastical leaders believed that those who talked of improving the educational standards in the colony were not concerned merely with the few English children in Canada, and their concern with the French-Canadian children was not purely altruistic.

A point that increased the suspicion of the clergy was the fact that, very early in the new regime, the English were far better served with schools than were the French-Canadians. This being the case, the continued English demands for educational improvements could only be interpreted as a suggestion that French-Canadian children should be educated upon English patterns. Even before the conquest, there had been a lamentably small number of schools in Canada, and, after 1760, these schools faced increased difficulties—<sup>1</sup> shortage of money when the grants from France ceased, scarcity<sup>2</sup> of French books, and so on. One new school did open at Longue Pointe<sup>3</sup> in 1767, and was removed to Montreal a few years later. This was St. Raphaël's College, founded by the

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(1) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. II, p. 51.

(2) Histoire des Ursulines des Trois Rivières, vol. I, p. 485.

(3) SULTE, BENJAMIN: Les Canadiens-français, vol. VII, p. 147.

Abbé Curatteau, a Sulpician. There is some doubt concerning the progress of this school, for, on the one hand, Bishop Hubert declared that the school "était si bonne que les écoles protestantes sont fermées,"<sup>1</sup> while, on the other hand, the letters of the Abbé Curatteau himself presented no such glowing picture. Curatteau stated that the registration dropped steadily from seventy-six in 1783 to twenty-six in 1786,<sup>2</sup> and he deplored the general lack of education in the humanities and rhetoric, the courses then being offered at St. Raphaël's, and wrote bitterly to his brother: "Pourvu que la jeunesse sache bien écrire et chiffrer, voilà l'éducation."

At the same time, teachers in the Seminary at Quebec were being paid about £28 a year,<sup>3</sup> or about one-half of the meagre allowances of the teachers in English schools,<sup>4</sup> yet there seems to have been no doubt that the training given in the French schools was vastly superior to that offered by such schoolmasters as James Tanswell and James Fisher. English officials showed a marked preference for the French schools, and did not choose to send their children to the English schoolmasters for their education.<sup>5</sup>

Those who criticised the Canadian educational system

(1) Trans. of Royal Soc. of Can., Series III, vol. XXXIII, p.9, MAURAUULT, OLIVIER: "L'histoire de l'enseignement primaire..."

(2) Bulletin des Recherches Historiques, vol. XXXVIII, p. 362, DU HALGOUET, HERVÉ (ed.): "Lettres de l'abbé Curatteau à son frère."

(3) Pub. Arch. Can., Series Q, vol. XLVIII, p. 682, List of schoolmasters and their salaries, 1790.

(4) Ibid, vol. XLVIII, p. 641, Report on education, 1790.

(5) Histoire des Ursulines de Québec, vol. III, pp. 205-15; Pub. Arch. Can., Series B, vol. LXXVI, p. 200, Mathews to Haldimand, Quebec, Sept. 7, 1786.



most unmercifully and declared that the clergy were responsible for the ignorance and apathy of the habitants failed to take into account several points that may be deduced from a study of the educational system in Quebec. First, there was little desire for education among the habitants, and the clerical leaders deplored this condition, for it frequently made their tasks much more difficult. Secondly, the schools that did exist were generally of a higher order than the English ones: it was in quantity, not quality, that the schools were so woefully lacking. Moreover, it must not be forgotten that the very ones who made a wider education their battle-cry were the ones who classed as "ignorant" all those whose experience had been different from their own, and as "apathetic" all those who did not show an active regret that this condition prevailed.

The French-Canadian clergy were largely responsible for the fact that there was any training whatever offered to the children of the colony, and it was extremely unfortunate that they should have found themselves in an impossible dilemma by the 1780's. They were bound to denounce English attempts to widen educational opportunities, for English schools would have attempted to wean French-Canadian children away from the traditions that the church was teaching them to cherish. The desirability of British subjects' understanding the English language was pointed out again and again, for the language barrier was an important one in segregating the two nationalities

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living in the country; the Roman Catholic clergy, however, feared allowing French-Canadian children to learn English from non-Catholics who would, almost inevitably, have used their position in order to inculcate heretical opinions. In the choice between anglicisation and ignorance, the Roman Catholic clergy consistently chose the latter; they really had no other alternative, if they believed that the souls of the French-Canadians were of greater significance than their educational standards. It was an impossible position for the clergy, and their choice was an inevitable as it was understandable.

By the 1780's, then, their very concern for the spiritual welfare of their flocks was making the Roman Catholic clergy nationalistic. Their nationalism was itself a spiritual force, a shield and buckler against the penetration of heresy. This forsaking of the catholic aspects of their religion and this new emphasis upon nationalism was, in large measure, the result of British policy in Canada. Carleton, for example, had underlined the differences between priests<sup>2</sup> both in Canada and those born in France in an effort to foster the very spirit that was eventually to destroy his party. The

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(1) Pub. Arch. Can., State Books, vol. C, p. 21, Report of Bishop Mountain on education, Oct. 19, 1799.

(2) Pub. Arch. Can., Series Q, vol. VII, pp. 3-5, Carleton to Hillsborough, Quebec, Nov. 22, 1769.

recruiting of priests from Europe was stubbornly opposed, for nationalistic reasons, and, as a result, the differences between English and French-Canadians was again underlined.

The policy of cooperation with the English to which Briand had always dedicated himself was thus encountering more and more obstacles by the closing years of his episcopate. The entry of France into the American War of Independence had done much to bring to the surface the underlying differences in nationality and religion which separated the French party and its clerical support. Moreover, in the particular problems that absorbed the church in the 1780's, the French party could offer little or no assistance. Catholic leaders were generally alarmed about the shortage of priests in Canada, and about the neglect of religion discernible in all classes, particularly among the seigneurs whose sceptical attitude toward religion was becoming evident. Any attempts the French party made to remedy the first situation proved fruitless; a predominantly Protestant group could scarcely be expected to give even sympathy in the second.

The census of 1784<sup>1</sup> showed that there were only 115 priests in Canada, whereas there had been 138 in 1766, and 181 in 1758<sup>2</sup>; the Ursulines estimated that at least forty cures<sup>3</sup> were needed to fill the vacancies left in the colony, for, they

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(1) Pub. Arch. Can., Series Q, vol. XXIV, p. 176, Census of ecclesiastics in Canada, 1784.

(2) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. I, p. 17.

(3) Histoire des Ursulines de Québec, vol. III, p. 159.

declared, four priests had died for every three that had been ordained since the conquest. It was at this juncture that two priests from the Seminary of St. Sulpice in Paris landed secretly at Quebec. Montgolfier, the head of the Sulpician order in Canada, asked for permission for them to remain, and apparently encouraged the citizens of Montreal to protest against the peremptory demand that they leave the country immediately.<sup>1</sup> Adhémar, a lawyer, and Delisle, a trader,<sup>2</sup> presented a petition purporting to be representative of the citizens of Montreal, but the government authorities were severe in their criticism of the conduct of the clergy and the laymen of Montreal,<sup>3</sup> and, throughout the entire episode, no member of the French party showed any sympathy with the pleas that the priests be allowed to remain.

The other major problem of a purely religious nature that the Canadian church faced in the early 1780's was the growth of scepticism within its own ranks, particularly among<sup>4</sup> the seigneurs who were so closely linked with the French party. In such a crisis, the church could not expect aid from a Protestant group, and it might well blame that very group for creating the problem. The Ursulines declared that it was the mingling of persons of their own faith with "the free-thinking

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(1) GOSSELIN, ABBÉ AUGUSTE: op. cit. vol. II, p. 188, 136-7; BOISSEAU, N.-G.: Mémoires, pp. 17-19.

(2) Pub. Arch. Can., Series B, vol. LVI, p. 97, Haldimand to North, Quebec, July 13, 1783; vol. LXVII, p. 142, Haldimand to Adhémar & Delisle, Quebec, Oct. 8, 1783.

(3) Ibid, vol. CLXXXV, p. 489, Mabane to Haldimand, Montreal, Sept. 16, 1783; vol. LXXV, p. 237, Hope & Mabane to Briand, Quebec, Nov. 10, 1783.

Protestants" which was promoting scepticism<sup>1</sup>. As soon as such ideas began to be held by Roman Catholic leaders, their division from the French party was very near.

The clergy, by the 1780's had lost none of their influence over the habitants; their appeal to the bourgeoisie was still a powerful one; only the seigneurs and a few of the prominent merchants signs of a scepticism that was particularly alarming to a group attempting to weld the diverse interests of the French-Canadians in the defence of their faith. Ecclesiastical leaders, by the time that Briand resigned in 1784, were most disturbed by the prospect before them. The French party was no longer sympathetic to many of their objectives and, in addition, the weakness of that party in the government was about to be forcibly demonstrated in the controversies of the late 1780's. Ecclesiastical leaders required political support as they had required it in the past, if their fight against anglicisation <sup>were</sup> ~~was~~ to succeed, but such support, in the future, should logically come from French-Canadians, from men who, while remaining loyal Catholics, would strive in the government of the colony to uphold the causes to which their church was pledged. Religious leadership had emerged from the years of war unimpaired, but it had to discover important lay support among the French-Canadians in order to carry on its task in the future.

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(1) Histoire des Ursulines de Québec, vol. III, pp. 160-61.

## CHAPTER VIII.

### POLITICAL LEADERSHIP IN FRENCH CANADA, 1766-1784.

Political leadership among the French-Canadians in the first two decades of British rule was by no means so apparent as the religious leadership, nor was it nearly so enlightened. The sure-footed policy of Briand was not emulated by any large number of seigneurs or bourgeois and, as a result, it is simple to assume, as Francis Maseres did at the time, that no leadership existed, and that it would be impossible to find a sufficiently large group of qualified French-Canadians to admit to offices of trust.<sup>1</sup> Such a judgment must have been inspired by Maseres' own prejudice against the seigneurial class quite as much as by the situation that he actually found in Canada, but at least he was not so blind as to believe that qualities of leadership, faint and indistinct as they frequently were, were the monopoly of any one class,

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(1) MASERES, FRANCIS: An account of proceedings, p. 150.

for he perceived the clash of interests between different groups of French-Canadians<sup>1</sup>.

The landed proprietors of the colony were, rather obviously, the first group that might be expected to offer political leadership, and Governor Carleton early resolved that they were the true leaders of the French-Canadians. Repeatedly, he stated that "the better class of Canadians" believed thus and so; repeatedly, he declared that he was collecting the views of a "few who could bear witness for the rest."<sup>2</sup> These few were almost invariably seigneurs, representatives of a class that was chiefly notable for its traditionalism and its lack of political experience. Barely awakened from their somnolence of the first years of British rule, most seigneurs were still offering little in the way of constructive ideas by 1766. In contrast to the ecclesiastical leaders of the time, they were frequently blind to their true interests, and, as a result, they drifted along behind a sympathetic governor, losing their influence over their censitaires, and, finally, they turned toward English fashions and English precepts to such an extent that other French-Canadians came to regard them as mere puppets of a foreign government.

The explanation for the dismal showing of the seigneurial class as a whole may lie in three conditions of the time.

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(1) Pub. Arch. Can., British Museum Additional MSS., 35915, f.283, Maseres to Fowler Walker, Quebec, May 27, 1768; MASERES, FRANCIS: An account of proceedings, p. 139.

(2) Pub. Arch. Can., Series Q, vol. VII, p. 266, Cramahé to Hillsborough, Quebec, Oct. 9, 1770.

In the first place, the seigneurs had occupied a position of honour but little political influence under the French regime, and this made it difficult for them to adjust themselves to a new government that seemed to strip away the honours and, at the same time, expect political leadership from them. Secondly, the conquest had brought with it subtle changes in the administration of the law and rumours of the abolition of feudal dues<sup>1</sup> so that the seigneurial system became more and more unpopular among the habitants and thus the possibility of the seigneurs' assuming a new political influence became more and more remote. Thirdly, and perhaps most important of all, the reaction of the seigneurs to the deranged and discouraging picture of the 1760's had been a revelation of their impotence before a new power, of their lack of constructive thinking, and of their concern with issues that did not touch most of the French-Canadians.

The dominant characteristic of many seigneurs during the 1760's was a fear that their entire way of life was to be disrupted, and out of this fear grew the unshakable conviction that all that was old must be conserved. The dominant characteristic of other seigneurs was an ill-founded optimism for the future, a belief that some deus ex machina would solve all their problems for them. Neither of these reactions suggested that any onus was being placed upon the individual seigneur; both of them

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(1) MUNRO, W.B.: The seigniorial system in Canada, p. 220.



prepared the way for the submission of most of the class to Governor Carleton.

In order to understand the fear that was the basic cause of the seigneurs' ineffectiveness, it is necessary to examine carefully their situation in the 1760's. Since their chief claim to distinction at the time of the conquest was the position of land grants from the French king--for neither in wealth nor in claims of birth were they marked off from many other French-Canadians-- their first fear was that their lands might be confiscated by the English. As time went on, this fear disappeared, only to be replaced by another. Even if their possessions were safeguarded, the seigneurs' position in the country might well be endangered by the introduction of a new form of land tenure, a new system of law, and a new form of government.

With reference to the first of these problems, the agreement of 1763 might, at first glance, seem to remove all grounds for anxiety, for, by the definitive treaty of Paris, French landholders were guaranteed possession of their estates, with the option of selling their lands within eighteen months<sup>1</sup> and returning to France. Actually, there was still a distinct possibility that seigneurs might be forced to avail themselves of the option and that the best lands in Canada would immediately fall to the English merchants who came to the colony

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 73-83, Treaty of Paris, February, 1763.

with considerably more ready money than most seigneurs pos-  
sessed;<sup>1</sup> there was likewise the possibility that the new govern-  
ment might challenge the legality of some of the seigneurial  
titles, and, taking advantage of the chaotic state of the few  
archives that did remain in the country, render insecure the  
very property that the treaty seemed to guarantee. It is now  
apparent that few seigneurs did leave the colony, and that the  
greater part of the settled land did remain in seigneurial  
hands down to the 1790's,<sup>2</sup> but the real anxiety that many of  
the landed class felt at the beginning of British rule should  
not therefore be minimized.

One of the fears that was continually present with the  
seigneurs was that the new government would re-draw boundary  
lines, either between seigneuries or between different colonies  
within the Empire and, in so doing, rob them of land which they  
considered rightfully theirs, even though it might be virtually  
impossible for them to prove their ownership in a court of law.  
Here is the explanation for the general suspicion of English  
plans for surveys of the colony. Captain Samuel Holland, the

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(1) WALLACE, W.S. (ed.): The Maseres letters, p. 93, Maseres to Charles Yorke, Quebec, May 27, 1768; Pub. Arch. Can., British Museum Additional MSS., 35915, f. 284, Maseres to Fowler Walker, Quebec, May 27, 1768.

(2) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. p. 309, Memorial of French citizens to the kking, 1773; Can. Arch. Report, 1884, pp. 1-29, Actes de Foy et Hommage, 1781; Pub. Arch. Can. Series Q, vol. XL, pp. 25-7, List of seigneuries in possession of old and new subjects, Dec. 3, 1788; CARON, ABBÉ IMANHOE: La colonisation de la province de Québec, vol. I, pp. 234-5.

first deputy surveyor-general under the new regime, was usually on good terms with the French-Canadian seigneurs,<sup>1</sup> and he consistently advised the registration of grants and the completion of provincial surveys without disturbing the French-Canadians in their possessions.<sup>2</sup> On the other hand, John Collins, who performed the duties of the deputy surveyor-general during Holland's frequent absences from the colony, was most unpopular among the seigneurs. He was charged with refusing to allow French-Canadian surveyors to exercise their profession unless they would give him half of their profits,<sup>3</sup> and, far more important than such unsubstantiated charges, were the rumours circulating throughout the country that Collins was attempting to discredit the French-Canadian surveyors so as to be able to re-arrange seigneurial boundary lines to the advantage of the English. Collins himself complained that the French-Canadian surveyors were not even required to hand in reports to his office,<sup>4</sup> and there seems no doubt that utter confusion would continue until such time as a complete and methodical survey was made. Seigneurial fears of such a survey, however, were very real, and the fact that at least two seigneurs were experiencing difficulty in convincing the British government

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(1) Bulletin des Recherches Historiques, vol. XXXI, p. 442, AUDET, F.J.: "Les législateurs de la province de Québec."

(2) Pub. Arch. Can., Series C.O.5, vol. LXX, pp. 24-5, Holland to Hillsborough, Quebec, Nov. 10, 1768.

(3) Pub. Arch. Can., Que. Leg. Council vol. B, p. 29, Report of Price & Mabane, June 27, 1765.

(4) Pub. Arch. Can., Series Q, vol. III, pp. 226-9, Collins to Lords of Trade, Quebec, July 22, 1766.

that their claims were valid, made these fears appear far from groundless.

Chartier de Lotbinière and Belcourt de la Fontaine both came face to face with the difficulty over titles that threatened all the seigneurs in the 1760's. Lotbinière had purchased several seigneuries in the period immediately after the conquest,<sup>1</sup> and the official view was that some of these transactions were illegal, and that some of the property he claimed was actually part of New York.<sup>2</sup> Lotbinière carried his case to the Board of Trade, and, with the support of Governor Carleton and his friends in England,<sup>3</sup> received a favourable judgment in 1776,<sup>4</sup> after years of discouragement. De la Fontaine was less fortunate for his case was given little sympathy in England, even though his claims to the seigneurie of Mingan on the Labrador coast do not seem to have been any more doubtful than Lotbinière's titles in the Lake Champlain region. After the Attorney- and Solicitor-General reported that all the documents they had examined still left the case uncertain,<sup>5</sup> the Board of Trade ruled that

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(1) Bulletin des Recherches Historiques, vol. XL, pp. 73-4, HARWOOD, C. DE L: "Chartier de Lotbinière."

(2) O'CALLAGHAN, E.B.: Documents relating to the colonial history of the state of New York, vol. VIII, pp. 577-8, Decision of Lords of Trade, May 25, 1775.

(3) Ibid, vol. VIII, pp. 317-8, Dartmouth to Tryon, Whitehall, Nov. 4, 1772.

(4) Ibid, vol. VIII, pp. 669-70, Lords of Trade to the Commissioners of the Privy Council, Feb. 13, 1776.

(5) Pub. Arch. Can., Series C.O. 42, vol. VI, pp. 195-204, Report of de Grey & Willis, Jan. 5, 1769.

the land might be re-granted to others.<sup>1</sup> It was true that de la Fontaine was no great favourite with most of the seigneurs, but they can scarcely have felt that this was the reason that his claims were disregarded. They must have been aware that, until Carleton decided to intercede in such cases, other seigneurs would probably have received no greater consideration had similar disputes arisen.

A second and less immediate problem which distressed a few of the more thoughtful seigneurs in the 1760's was the effect of a new legal and governmental system upon their own position. It must have been abundantly clear that the British government had little sympathy with seigneurial tenure, and all seigneurs were doubtful of their powers if their lands were re-granted in free and common soccage. Moreover, the prospect of government by an elected assembly did not appeal to most of them, unless all but the seigneurial class were excluded,<sup>2</sup> and jury service was undoubtedly repugnant to many of them. They considered it humiliating and degrading to be judged by their social inferiors, or to serve on juries with them.<sup>3</sup> In the debates on the Quebec Bill, Edmund Burke declared that such objections<sup>4</sup> could only come from those who felt themselves above the law, but this condemnation betrayed a complete

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(1) Pub. Arch. Can., Series Q, vol. V, pp. 329-31, Report of Board of Trade, March 13, 1768.

(2) Clements, Sydney Papers, vol. XI, Choses indispensables de considérer...par Chartier de Lotbinière.

(3) Pub. Arch. Can., Dartmouth papers, vol. I, p. 349. Hey to Lord Chancellor, Lincoln's Inn Fields, Jan. 23, 1774.

(4) CAVENDISH, HENRY: op. cit. p. 286, Speech of Burke, June 10, 1774.

misunderstanding of the situation in Canada, and a blindness to the fact that English institutions would not immediately recommend themselves to those whose heritage was very different from that of Englishmen. Those who criticised the seigneurs for the aristocratic and exclusive tendencies which were becoming apparent and were threatening still further their influence among their own people, neglected to realise that these very tendencies were a result of the fear that was making the seigneurs inflexible in their opposition to innovations<sup>1</sup> and virtually paralysing them.

French-Canadian seigneurs of the post-conquest period seem to have concurred in the view expressed by one of their own class a generation later. "Je suis peu enthousiaste d'un genre de liberté qui ne profite qu'au va-nu-pied, car mes sympathies sont toutes acquises<sup>2</sup> aux gens respectables." For the most part, however, seigneurs developed no political creed, for they were under no obligation to formulate any positive philosophy. Governor Carleton represented a point of view as reactionary as the most traditional among the seigneurs could hope for, and the class as a whole aligned itself in support of the governor. Their only virtue they had to cultivate was acquiescence, and acquiescence is not usually a characteristic that produces leaders.

The danger of such a policy of drifting along behind the ship of state are immediately obvious: once that ship

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. p. 458, Hey to the Lord Chancellor, Quebec, Aug. 28, 1775.

(2) DE GASPÉ, PHILIPPE AUBERT: Mémoires, p. 558.

veered in a direction in which the seigneurs might not choose to follow, they would inevitably flounder helplessly. The solution that they thought they found in the late 1760's was, in actual fact, no solution, and the 1780's were to find most seigneurs just as helpless as they had been twenty years before. Moreover, these years of nodding of heads and seconding of motions were a poor preparation for the future, and an excessive preoccupation with pleasing the governor tended to render the seigneurial class suspect among the rest of the French-Canadians. The clergy suspected that this association with non-Catholics was leading to scepticism, and all classes of French-Canadians might well fear entrusting their cause to a group that was not only Anglophile, but also seemed subversive, mere tools of an English party.

It is of course not true that all the seigneurs were either backward-looking or unaware of the movements about them. At least two showed distinct signs of formulating a political philosophy that did not always coincide with the one that Carleton had selected for them. These were Michel Chartier de Lotbinière, and Antoine Juchereau-Duchesnay. Both of these men<sup>1</sup> opposed the exercise of arbitrary power by the governor; both expressed themselves as willing to consider the creation of an assembly;<sup>2</sup> both were representatives of families with dis-

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(1) Clements, Sydney Papers, vol. XI, Choses indispensables... par Chartier de Lotbinière; Pub. Arch. Can., Collection Baby, vol. XVI, pp. 149-50, Duchesnay to Perrault, Beauport, Dec. 7, 1788.

(2) GAVENDISH, HENRY: op. cit., p. 162. Examination of Lotbinière, SURVEYER, E. FABRE & AUDET, F.J.: Les députés de St. Maurice, p. 50.

tinguished records in New France, and both appear, from their letters, to have had an education superior to that of most of their contemporaries. Thus, the fact that these men expressed views that did not always coincide with those of Carleton cannot be disregarded on the grounds that these men were the malcontents of their class, seeking to undermine the position of their compatriots who possessed a greater degree of wealth or popularity than they. Actually, their financial position seems to have been considerably better than that of most seigneurs. Lotbinière had taken advantage of the low prices immediately after the conquest to acquire the seigneuries of Alainville, Hocquart, Beauharnois, Nouvelle-Beauce, Rigaud, and Vaudreuil,<sup>1</sup> so that he was one of the largest landholders in the colony. Duchesnay, likewise, was reckoned one of the wealthiest, as well as one of the most respected, of the seigneurs.<sup>2</sup>

Perhaps because they were more fully aware of the feeling of their censitaires, these men were able to see some of the unfortunate effects of the seigneurial system,<sup>3</sup> but it was only natural that both of them should have favoured the retention of French law and custom. At the same time as Lotbinière was arguing for French civil law, however, he showed a tendency to

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(1) Pub. Arch. Can., Series Q, vol. VII, pp. 264-8, De Lotbinière to Hillsborough, Montreal, Oct. 6, 1770; Bulletin des Recherches Historiques, vol. XL, pp. 73-4, HARWOOD, C. DE L: "Chartier de Lotbinière."

(2) Pub. Arch. Can., Series Q, vol. LXII, p. 197, Clarke to Dundas, Quebec, May 28, 1793.

(3) Pub. Arch. Can., Collection Baby, vol. XVI, pp. 159-60, Duchesnay to Perrault, Beauport, Dec. 5, 1790.



criticise the provisions of the Quebec Act that cannot have been altogether pleasing to the governor. He protested against the vague "in so far as the laws of Great Britain permit", and that fact is interesting, for assuredly that same clause in the terms of capitulation had rendered precarious the whole position of the Roman Catholic church in Canada for over a decade, and Lotbinière was justly concerned over its presence in the new legal settlement. In addition, he demanded that, whether a council or an assembly should legislate for the province, a quorum of the members must be present, and that no particular group of councillors or representatives should be selected or excluded by the governor; this certainly suggests that he was remembering Carleton's actions in the fall of 1766, and seeking to prevent a similar incident in the future.<sup>1</sup>

Both Lotbinière and Duchesnay were concerned about the exercise of the arbitrary power which they felt the Quebec Act left in the hands of the governor and his appointed council. Duchesnay even went so far as to criticise the excessive political influence which he felt the Roman Catholic hierarchy wielded in Carleton's administration;<sup>2</sup> more significant, however, was his immediate protest against the legal machinery of 1775,<sup>4</sup> and the absence of any effective court of appeal. It is not

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(1) Clements, Sydney Papers, vol. XI, Choses indispensables à considérer et à déterminer fixement, par Chartier de Lotbinière.

(2) Eub. Arch. Can., Collection Baby, vol. LVIII, pp. 138-9, Duchesnay to Perrault, Beauport, Dec. 26, 1784.

(3) Ibid, vol. LVIII, p. 150, Duchesnay to Baby, Beauport, April 23, 1775.

meant to imply that these men had reached a high degree of political maturity, and certainly the contradictory evidence that Lotbinière gave before the House of Commons in 1774 suggests that he could be easily confused by a clever lawyer like Francis Maseres.<sup>1</sup> Still, he and Duchesnay did give signs of awareness of the turn of events and a certain penchant for independent thought, but they received no official recognition as a result. Lotbinière was the representative of the noblesse who testified before the House of Commons, but there is no indication that Carleton brought him to England for that purpose, or that his testimony when there did very much to help the governor's cause. Subsequently, de Lotbinière went over to the American side in the Revolutionary War,<sup>2</sup> and never returned to Canada, so that his dissociation with the French party became complete almost as soon as the Quebec Act was passed. His son was also recognized as one of the most intelligent of the French-Canadian gentry, but, perhaps because his father's defection served as an excuse for keeping him out of office, he was not admitted to the governor's council until 1796.<sup>3</sup>

Duchesnay was even more scrupulously ignored, although there had been no question of his loyalty during the American

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(1) CAMENDISH, HENRY: op. cit. p. 160-3, examination of Lotbinière before the House of Commons, June 3, 1774.

(2) Pub. Arch. Can., Series Q, vol. LVII, pp. 393-4, Haldimand to Germain, Quebec, Nov. 23, 1781.

(3) Ibid., vol. LXXI, p. 464, Dorchester to Simcoe, Quebec, April 25, 1795.

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 invasion. Not until the elections of 1792 did Duchesnay  
 enter the government of the colony, and, at that time, both he  
 and the younger Lotbinière were returned as representatives  
 in the first assembly of Lower Canada.<sup>2</sup> This might suggest  
 that the governor's opinion was not shared by the electors,  
 and it is certain that it was not shared by Lieutenant-Governor  
 Allured Clarke<sup>3</sup>, who recommended Duchesnay as a worthy member  
 of the council. Upon this recommendation, and at the very  
 end of Carleton's years in Canada, Duchesnay eventually was  
 admitted to the executive council .

If additional evidence were required to show that  
 Carleton desired obedience and excessive conservatism rather  
 than intelligence and qualities of leadership, an examination  
 of the records of the men whom he did select to sit upon the  
 council in 1775 is most revealing. The fact that of twenty-  
 three members named in that year only seven were French-  
 Canadians was in itself sufficient indication that the governor<sup>4</sup>  
 expected little guidance from the seigneurs. The choice of  
 these seven men was even more remarkable. They were Pécaudy de

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(1) Pub. Arch. Can., Collection Baby, vol. XCIV, p. 86,  
 Duchesnay to Baby, Albany, Feb. 8, 1776; Quebec Gazette,  
 supplement of Oct. 14, 1790, letter of Duchesnay on behalf of  
 seigneurs who fought at St. John's.

(2) Pub. Arch. Can., Journal of Assembly, Lower Can., 1792, p.6.

(3) Pub. Arch. Can., Series Q, vol. XLII, p. 197, Clarke to  
 Dundas, Quebec, May 25, 1793.

(4) Pub. Arch. Can., Que. Leg. Council, vol. D, p. 1, List of  
 councillors, 1775.

Contrecoeur, Charles Roch de St. Ours, Charles Tarieu de Lanaudière, Lacorne St. Luc, Chaussegros de Léry, Picotté de Bellestre, and Bergères de Rigauville, and none of them seem to have been chosen for outstanding ability, or for their popularity during the preceding decade with anyone but the governor who selected them. Several of them were Chevaliers de St. Louis, members of the most pro-French element among the seigneurial class; then and later the most illiterate of the seigneurs seem to have been signalled out for advancement, and the older and the more impervious to new ideas they were, the better they seem to have pleased the governor. It may, of course, have been mere coincidence, that four of the original seven French-Canadian councillors died within a year of their appointment, but the fact is nonetheless striking. Moreover, the three that survived somewhat longer--Bellestre, de Léry, and St. Luc, gave little indication that they were leaders of French Canada.

Bellestre had begun his career under English rule very much suspected by the authorities at Detroit,<sup>1</sup> chiefly because of the variety of his claims to property and the strength of his attachment to France.<sup>2</sup> He had a reputation for a hot temper and an arrogant disposition, qualities that were most clearly illustrated in his brawl with one Salisbury Franks on

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(1) Clements, Gage Papers, American Series, vol. XL, Gage to John Campbell, New York, Aug. 2, 1763; vol. XXXIX, John Campbell to Gage, Detroit, June 30, 1765.

(2) Ibid, vol. LI, Gage to Murray, New York, May 10, 1766; Gage to Bellestre, fils, New York, May 10, 1766.

the day that the Quebec Act came into effect,<sup>1</sup> and which were not likely to endear him to his censitaires. The American invasion showed him to be one of the most unpopular of the seigneurs,<sup>2</sup> while his conduct throughout nearly twenty years in the council never suggested that he abounded in plans for the colony; actually, it is possible to read the council minutes for session after session at which he was present, and almost never to find a resolution that he either made or seconded, or any reasons that he entered for agreement or disagreement with a particular measure. His votes on numberless resolutions are recorded, but, until the time when it became the fashion for all French-Canadian councillors to vote against any measure proposed by one certain group in the council, it seems impossible to discover any policy that influenced his votes.

Chaussegros de Léry bore a name famous in French Canada, and he had himself won some prominence during the Seven Years' War. During the 1760's, however, he seems to have received some notice chiefly because he was the first seigneur to kiss the hand of George III. This evidence of devotion, even though several of his sons were at that time in the French service,<sup>3</sup> was sufficient to gain him an annual pension of £200 sterling,

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(1) Clements, Shelburne Papers, vol. LXVI, pp. 42-3, Maseres to Shelburne, Aug. 9, 1775; Pub. Arch. Can., Series Q, vol. XI, pp. 161-2, Carleton to Dartmouth, Quebec, May 15, 1775.

(2) Pub. Arch. Can., Series B, vol. XXXIX, pp. 625-8, Edward Foy to Maclean, Quebec, July 24, 1777.

(3) Que. Arch. Report, 1933-4, p. 1, Note re de Léry family.

much to the surprise and even the amusement of his countrymen;<sup>1</sup> their reaction to the news of his pension suggests that their opinion of his political ability was scarcely higher than that expressed by the Earl of Hertford in a letter to Lord Halifax: "If I can judge by the conversations which I had with him, he is a person of so very shallow a capacity that, except with regard to matters of the most publick and general report, his information would be fitter to mislead than to guide your<sup>2</sup> lordship." Carleton, however, had selected this man as early as 1770 as a leader whose inclusion in the government would please all French-Canadians.<sup>3</sup> Once he was appointed to the council, de Léry did show a certain interest in politics and he attended meetings faithfully, but there are no indications that he ever had a hand in shaping government policy, and, in some cases, it is difficult to discover what motives he could have had for some of his extraordinary decisions. For example, he registered his vote, quite understandably, against allowing<sup>4</sup> optional juries in mercantile cases; having thus shown his determination to oppose the introduction of English law, he proceeded to support a motion that the common law of England should be used in every case not specifically provided for in

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(1) Pub. Arch. Can., Collection Baby, vol. VII, p. 231, Le Compte Dupré to Baby, Quebec, April 12, 1770.

(2) Clements, Shelburne Papers, vol. XXXVIII, No. 38, Earl of Hertford to Halifax, Paris, Feb. 1, 1764.

(3) Pub. Arch. Can., Dartmouth Papers, vol. I, p. 208, List of suggested councillors, 1770.

(4) Pub. Arch. Can., Que. Leg. Council, vol. D, p. 209, Minutes for April 23, 1784.

the ordinance under discussion.<sup>1</sup> It is difficult to reconcile the man's rejection of one small part of English law with his acceptance of a resolution that would have introduced it in a multitude of cases; in fact, de Léry's conduct throughout the sessions of the council certainly suggests that he was frequently ill-informed on the issues upon which he cast his vote.

Lacorne St. Luc belonged to quite a different category from that of Bellestre and de Léry. A shrewd and successful importer of velvet and lace at a time when it was not usual<sup>2</sup> for many of the seigneurs to engage so openly in trade, his honesty had been suspect<sup>3</sup> ever since his connection with the Grande Société of Bigot, but his ability was unquestioned. His influence with the Indians, moreover, was so great that<sup>4</sup> many Englishmen feared his presence among them, but Carleton saw an excellent chance of using this influence to the advantage of the government, just as St. Luc saw the benefits he might reap from a close association with the governor. The rancour with which the Johnson-Claus clique wrote of St. Luc may well have arisen from the seigneur's support for Carleton

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(1) Pub. Arch. Can., Que. Leg. Council. vol. D, p. 265.

(2) Can. Antiquarian & Numismatic Journal, Series III, vol. II, pp. 32-8, LIGHTHALL, W.D.: "Lacorne St. Luc, the general of the Indians."

(3) Clements, Gage Letter Books, Gage to Amherst, Montreal, July 6, 1762.

(4) Clements, Gage Papers, American Series, vol. CXI, Turnbull to Gage, Michillimackinac, June 28, 1772.

in the disputes over the fur trade and permitting traders to enter the Indian country.<sup>1</sup> As in the case of the other councillors, Lacorne St. Luc was not popular among his own countrymen,<sup>2</sup> and this fact prevented him from reaching the position of leadership that one might have expected a man of his intelligence to attain. In one important respect, he seems to have differed from the other six French-Canadians appointed to the council in 1775. A shrewd and perhaps an unscrupulous man, he followed the policy of ingratiating himself with the governors, as the best means to secure his own objectives. He, like the clerical leaders, was prepared to be acquiescent only so long as it suited his convenience; it so happened, however, that his death occurred in 1784, before the French party had begun to lose its power, so that it was possible for him to maintain his attitude of respect for the governor throughout his entire term of office. Both Carleton and Haldimand were thus impressed by St. Luc's qualities, and showed some willingness to listen to his advice,<sup>2</sup> but, at the same time, he could scarcely have been called a leader among the French-Canadians who usually suspected his motives.

Lacorne St. Luc actually pointed a way for other French-Canadians to follow in one important respect, and his example served to guide other seigneurs who were raised to council status

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(1) FLICK, A.C. (ed) Papers of Sir William Johnson, vol. VI, p. 303, Claus to Johnson, Montreal, Aug. 3, 1768; vol. VIII, p. 841, Claus to Johnson, Lachine, July 3, 1773.

(2) Can. Antiquarian & Numismatic Journal, Series III, vol. II, p. 32, LIGHTHALL, W.D. "Lacorne St. Luc, general of the Indians."



in the ensuing years, and, still more important, it suggested a new policy to the representatives of the bourgeois class whom Carleton had excluded from his council in 1775, because he felt that they were contaminated by their connections with the English merchants. St. Luc showed that an intelligent trader might insinuate himself into the councils of the governor, provided he made loyalty to the Crown and obedience to the governor the cornerstones of his policy.

The most important of the men who profited from St. Luc's example was François Baby, a merchant of Quebec. An able and thoughtful man of affairs, Baby had long given support to the government, but, in the past, he had expressed himself very clearly against the slavish following of the governor's wishes that he had observed in some quarters. "Croiroit-tu que la timidité, la crainte et la bêtise ont engagé M. Briand, notre évêque, Lanaudière and Rigauville et quelqu'autres français à signer une adresse à Monsieur Hay, le grand'juge, par laquelle ils se louent de son administration et lui témoignent le désir qu'ils ont de son prompt retour et qu'ils espèrent qu'il se joindra à M. Carleton pour travailler à un arrangement favorable pour cette colonie." At this point<sup>1</sup>, Baby and his friends were<sup>2</sup> deploring the general apathy among the French-Canadians, and also showing signs of a certain nationalistic fervour, grouping all the old subjects together, regardless of their support for

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(1) Pub. Arch. Can., Collection Baby, vol. XLIX, p. 27, Baby to Pierre Guy, Quebec, Aug. 29, 1773.

(2) Ibid, vol. LIII, pp. 22-23, St. George Dupré to Baby, Montreal March 15, 1773.

the French or the English parties. Just before the Quebec Act was passed, for example, Baby wrote from London: "Je crois que nous obtiendrons quelques avantages mais pas assez pour nous maintenir contre l'ambition et la jalousie des étrangers<sup>1</sup> qui possèdent aujourd'hui tous les emplois de notre colonnie."

Baby was bitterly disappointed when he did not receive an appointment in 1775, either to the legislative council or as a judge of the Common Pleas.<sup>2</sup> It was extremely difficult for him and his friends to see the haughtiest and least astute members of the noblesse sitting in the council and Hertel de Rouville gracing the bench of the Common Pleas. Rouville, of course, had had experience in the law under the French regime, and he was an obvious choice as the first French-Canadian judge appointed to the Common Pleas but the reaction of his fellow-countrymen to the appointment was startling. "Seroit-il possible," demanded Duchesnay, "que le gouvernement eût jeter les yeux sur le plus grand scélérat et le plus grand gueux de toute la terre pour lui faire rendre ce qu'il n'a jamais connu."<sup>3</sup>

The combined shock of the appointments made by Carleton in 1775 and the American invasion that immediately followed them forced the prominent merchants into a new position. Unless Baby and his group were prepared to align themselves with the British merchants and perhaps with the American forces as well, they

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(1) Pub. Arch. Can., Collection Baby, vol. XLIX, p. 35, Letter of François Baby, London, March 17, 1774.

(2) Ibid, vol. XXV, p. 172, J. Perras to Pierre Guy, Quebec, April 27, 1775.

(3) Ibid, vol. LVIII, p. 150, Duchesnay to Baby, Beauport, April 23, 1775.

had to draw closer to the governing group at Quebec, pushing into the background any feeling against the French party that they had expressed before 1775. The example of his relative Lacorne St. Luc may well have suggested the course that Baby was to follow; there were plenty of instances of Baby's loyalty to the government in the ensuing years, and, at the same time, it seems clear that he understood fully the advantages of placating the official group. When Carleton was leaving the country in 1778, it was Baby who declared that the residents of the colony should sign an expression of gratitude to him, for "si je ne me trompe, notre intérêt future exige cette démarche."<sup>1</sup>

Baby's own interest was at last served when he became a legislative councillor in 1778, a position that he was to occupy for over forty years. During that time, he was to be denounced as a puppet of the governor quite as roundly as the seigneurs who had preceded him into the council;<sup>2</sup> by the time of his death, he was to be recognized as one of the most conservative and Anglophile members of the Chateau Clique, but it is doubtful that he entered the council with any such policy already formulated in his mind. When his niece wrote him her views of conditions in England, she included what may well have been a résumé of the Baby strategy in his early

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(1) Pub. Arch. Can., Collection Baby, vol. XLIX, p. 73, Baby to Pierre Guy, Quebec, July 16, 1778.

(2) Ibid., vol. LV, pp. 282-6, Placard found in the home of M. Perras, Feb. 27, 1785.

years in the government. "On n'a pas ici grand opinion des Canadiens, "she wrote," un St. Luc, un Dupré, ont fait jugé qu'ils étoient non seulement ignorant mais naturellement imbéciles. On croît pouvoir les mener comme des enfants, mais croyez-moi, si on trouve un homme de tête, un homme de talent, enfin un homme nécessaire au gouvernement, on ne croit obliger de le ménager; on n'ose pas lui rien refuser." The conduct of Baby certainly suggests that his aim was to be one of those indispensable men to whom the government could refuse nothing; in time, Englishmen came to complain about the favours heaped upon him and his numerous relatives; at the same time, French-Canadians were besieging him with requests for the governor that would scarcely have been so persistent if they had not enjoyed a very good chance for success.

The entrance of Baby into the legislative council in 1778 thus marked an important step in the development of French-Canadian leadership. He was an astute business man, with wide contacts and great personal popularity, and he offered a startling contrast to the French-Canadian councillors already appointed. Furthermore, he had not shown any of the inflexibility of so many of the seigneurs, and he had a clear knowledge of conditions throughout the colony. Two conditions, however, were likely to limit his effectiveness. In the first place,

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(1) Pub. Arch. Can., Collection Baby, vol. LVIII, p. 27, Thérèse Benoist Ryves to her uncle, François Baby, London, March 18, 1783.

(2) Pub. Arch. Can., Series C.O. 42, vol. XXII, pp. 25-6, Osgoode to J.B. Burland, Quebec, Oct. 27, 1795.

(3) Pub. Arch. Can., Collection Baby, vol. XXIV, p. 381, Jautard to Baby, Quebec, Oct. 2, 1782; vol. XXVIII, pp. 230-31, J.F. Perrault to Perrault l'ainé, Montreal, Sept. 12, 1780.

too great an interest in pleasing the governor and too loyal an attachment to the French party might mean that he would be classed with the seigneurs as an Anglophile and a sceptic. He was far abler than most of the seigneurs, but he might well make the same fundamental error, and so lose much of the promising position that seemed to be before him in 1778. In the second place, Baby's concern was primarily for the economic welfare of the country, and his interest in politics had not yet developed very far. In their correspondence, he and his friends confined themselves almost exclusively to discussions of the state of business, even in years when events of great importance were taking place in Canada.<sup>1</sup> It was natural that this should be so, particularly for the generation of men who had suffered from the financial crashes of the 1750's and 1760's, but, as long as the condition persisted, there was little chance that Baby or the other prominent merchants would offer the political leadership that the seigneurs had failed to give.

The first quarter-century of British rule was, to most French-Canadians, a period in which the losses of war could be repaired, and so long as the new regime brought with it peace and considerable prosperity, it was unlikely that the French-Canadians in general would take much interest in political affairs. Out of the ferment of the years of war in America and the Loyalist migration and depression that followed them, there

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(1) Pub. Arch. Can., Collection Baby, vol. XXV, pp. 113-213, Letters of Guy to Baby and Baby to Guy, Montreal and Quebec, 1770-1778.

arose the first signs of political activity among the French-Canadians. Until the 1780's, however, they contented themselves with the tilling of their soil or the pursuit of their trade, while, in the councils of the governor, a small and ineffective group of men followed the leadership of the French party. It was generally true that these men were not the ablest representatives from the French-Canadian ranks, and that they exercised little influence over their people as a whole, but both these conditions were the results of the preoccupation with economic interests that prevailed throughout the country during the first quarter-century of British rule.

CHAPTER IX  
THE ECONOMIC RESULTS OF THE BRITISH CONQUEST.

The period of British rule in Canada began with the prostration of most Canadian businesses, the disruption of every kind of trade, the depredation of the farming area below Quebec and the destruction of the capital itself, and the high prices and worthless currency that resulted from years of war. Recovery from all these conditions was thus the first necessity for Canada in 1764, and a return to the comparative prosperity of the 1740's was the highest ambition of most of the population. Only a few enterprising merchants had any thought that the new regime might bring them greater profits than they had ever known. Some even felt that the bankruptcy of many Canadian businessmen offered a splendid opportunity<sup>1</sup> for the advancement of others.

One problem, however, united all classes of French-Canadians in 1764. What was to be the fate of the paper money

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(1) Pub. Arch. Can., Collection Baby, vol. LVIII, p. 70, Guinand to Baby, London, Jan.<sup>4</sup>, 1769.

which they held, and whose value now was extremely problematical <sup>1</sup> ? The French king had stated his intention to honour his debts to those who now became British subjects, <sup>2</sup> but even this promise presented a delicate problem to English governors who were not anxious to attract the attention of the French-Canadians to the beneficence of their former ruler. <sup>3</sup> Actually, the French-Canadians themselves do not seem to have been aware of this particular dilemma which their new government faced, for their concern was not with the source from which the benefits were to flow but with the practical benefits themselves. The entire British effort to convince the French-Canadians that they should be loyal to their new sovereign who was demanding that their paper money be redeemed, was understandable from the British point of view, but for French-Canadians the question seems to have been largely academic.

By 1762, French merchant houses were declaring that they <sup>4</sup> would accept Canada paper only at a sixty-five percent discount; one benevolent creditor in Bordeaux consoled François Baby for the inevitable loss of the paper money, but pleaded with him to take care of his health, which was apparently all that the French-Canadian merchants could hope to retain after their

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(1) Clements, Gage Letter Books, Gage to Amherst, Montreal, Feb. 11, 1763; SHORTT, ADAM: Currency Documents, vol. II, pp. 969-71, Memorial of citizens of Montreal, Feb. 2, 1763.

(2) SHORTT, ADAM: op. cit. vol. II, p. 972, Agreement of the French king, February, 1763.

(3) Clements, Gage Letter Books, Gage to Amherst, Montreal, May 18, 1763; Pub. Arch. Can., Series Q, vol. I, p. 76, Murray to Egremont, Quebec, Feb. 22, 1763.

(4) Pub. Arch. Can., Collection Baby, vol. XLVIII, p. 88, Thouron & frères to Lanaudière, La Rochelle, 1762.



affairs were settled.<sup>1</sup> Meanwhile, English merchants were accepting the money at as little as fifteen percent of its face value, for they were gambling on the chance that the French king really would pay back a considerable proportion of the debts.<sup>2</sup> At the same time, it was rumoured that French agents were busily buying up Canada paper at a very low price,<sup>3</sup> and whether or not these reports were true, it was certain that a large proportion of the paper money in circulation in the colony passed out of French-Canadian hands in the years 1762 and 1763.

This speculation in paper money was significant for two reasons. In the first place, it offered evidence of a point that became increasingly patent during the ensuing years—that the French government was determined to evade as much of its responsibility as possible. By stressing the illegal nature of some of the debts contracted by Bigot and the Grande Société, by quibbling about many minor points of registration and witnessing of claims,<sup>4</sup> and by lowering the percentage to be paid as much as possible, the French government did much to

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(1) Pub. Arch. Can., Collection Baby, vol. XLVIII, p. 102, Jauge to Baby, Bordeaux, Jan. 25, 1763.

(2) SHORTT, ADAM: op. cit. vol. I, Introduction, pp. lxxxvii, lxxxix, vol. II, pp. 995-7, Murray to Halifax, Quebec, Feb. 24, 1774.

(3) Ibid, vol. II, pp. 989-91. Halifax to Murray, St. James's, Nov. 12, 1763.

(4) Ibid, vol. II, pp. 1029-33, Official rejoinder of the Court of France, Dec. 25, 1764; pp. 1019-26, Protest of Earl of Hertford, Aug. 7, 1764; Clements, Shelburne Papers, vol. XXX, pp. 125-6 Maclean to Porten, Whitehall, Jan. 30, 1767; pp. 13-28, Shelburne to Porten, Whitehall, Sept. 23, 1766; p. 30, Shelburne to Rochford, Whitehall, Oct. 25, 1766.

convince the French-Canadians that they could hope for little from that quarter. This feeling grew in Canada, for all the points that the French government could legitimately claim as justification for its stand tended to be disregarded; the magnitude of the debts, the fraud that was being practised in connection with them, the shortage of money in France itself—all such arguments meant little to the French-Canadian who held paper money and who was not being paid for it.

In the second place, the speculation of the early 1760's led to a concentration of a large part of the paper money in the hands of a few London merchants, so that, by the time the final negotiations were taking place in 1766, the disputes were largely between old subjects of Great Britain and the French government.<sup>1</sup> Daniel Vialars was particularly active in this connection, both on his own behalf, and on behalf of an imposing list of French-Canadian merchants, including Perrault, Mezière, Perras,<sup>2</sup> Foretier, Hervieux, and Lacorne St. Luc, that is, some of the wealthiest of the French-Canadians.

From this association emerges the strange fact that the French-Canadians as a whole did not seem to resent the activities of the British merchants in their midst. Lord Shelburne saw the plight of the "poor Canadian proprietors who were the original holders and who, from this distance, are in danger of being the

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(1) Pub. Arch. Can., Series Q, vol. LV, pp. 5-7, Statement of paper money in the hands of the old subjects, Dec. 27, 1765.

(2) Ibid, vol. LV, pp. 35-6, List of paper money in possession of Daniel Vialars, London merchant, Sept. 26, 1766.

greatest losers,"<sup>1</sup> and it would have been only natural for those Canadians to have laid the blame for their losses upon the speculators among them. Instead of doing so, however, the most prominent of them entrusted their own stores of paper money to these speculators who acted as their agents in dealing with France. The choice of Vialars as an agent was not a particularly happy one, for it seems clear that he was deprecating rumours that France would repay any great amount in order to induce the French-Canadians to part with their money,<sup>2</sup> and, once he entered into actual negotiations, the French government was able to use his perjury upon one occasion to invalidate many of his claims.<sup>3</sup> In spite of this record, Vialars remained on extremely friendly terms with a number of French-Canadians. It was to Vialars that they sent their petition on behalf of Governor Murray,<sup>4</sup> expecting him to present their case in London; it was this same Vialars who had so great influence among the people and enjoyed their confidence so thoroughly that Governor Carleton suspected him of corrupting the country districts with political ideas that he did wish them to entertain.<sup>5</sup>

Although the negotiations over the payment of the Canada paper did not seem to embitter relations between the French-

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(1) Clements, Shelburne Papers, vol. XXX, pp. 37-8, Shelburne to Rochford, Whitehall, Nov. 7, 1766.

(2) Pub. Arch. Can., Collection Baby, vol. XXXVIII, p. 180, Vialars to Perrault, London, Nov. 12, 1763.

(3) Pub. Arch. Can., Series Q, vol. LV, p. 47, Petition of Vialars to Shelburne, London, Aug. 16, 1766.

(4) Pub. Arch. Can., Dartmouth Papers, vol. I. pp. 158-60, Canadians at Quebec to Vialars, Quebec, Dec. 18, 1765.

(5) Pub. Arch. Can., Series Q, vol. VI, pp. 163-4, Carleton to Hillsborough, Quebec, Oct. 25, 1769.

Canadians and the newcomers, they did result in very great financial losses for Canadian institutions and businesses, and in real hardship for many of the people. France agreed to pay fifty pervent of the face value on all letters of exchange issued in 1759, and twenty-five percent on all cards, certificates, and ordonnances in the possession of British subjects continuously from 1763 until the time of payment,<sup>1</sup> but there were plenty of loopholes in this agreement. Much of the money was not registered by the terminal date set by the French government--December 25, 1766-- and many of the claims were accompanied with inadequate proof that the money had not left British hands after the treaty of Paris.

In 1764, Governor Murray computed the paper money in the province at 1, 429, 806 livres tournois in letters of exchange, and 13, 850, 953 livres tournois in other forms of paper money; in addition, he claimed that Canadian merchants owned 1,301,943, livres tournois in letters of exchange then in France, but indisputably the property<sup>2</sup> of British subjects. At the rate agreed upon, approximately 4, 800, 000 livres tournois should have been paid--that is, an amount equal to £240,000 sterling.<sup>3</sup> Actually, a very small fraction of that sum ever reached the holders of paper money. Frequently, the habitants who held a great many of the cards, certificates, and ordonnances, never registered them, while even those holding the more valuable letters of exchange

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(1) SHORTT, ADAM: op. cit. vol. II, pp. 1041-3, Terms of settlement re Canada paper, Dec. 27, 1765.

(2) Ibid, vol. II, pp. 1003-05, Murray to Halifax, Quebec, Aug. 20, 1764, enclosing recapitulation-general of paper money in Quebec.

(3) Quebec Gazette, Oct. 4, 1764, List of rates of exchange.

found that their claims were repeatedly depreciated. The Ursulines of Quebec, for example, had paper money worth 22,000 livres tournois at face value, for which they eventually received <sup>1</sup>4, 750; the Hôpital-Général received 26,914 livres tournois for money originally worth <sup>2</sup>151,846. The merchants fared no better, and, in many cases, bankruptcy was the immediate result. A few still entertained hopes that a new ministry or a new king in France might reverse the decisions of 1767,<sup>3</sup> but most of them had reconciled themselves to great losses by the time the negotiations ended, just as the habitants had accepted their losses several years earlier.

After their concern about the paper money, the chief interest of both habitants and the seigneurial class was the land, and the new regime began with property values extremely low, for there was an abundance of land to be bought cheaply in 1764.<sup>4</sup> Several large seigneuries were thrown on the market because their owners had decided to return to France and were eager to realise any amount they could for their property in Canada.<sup>5</sup> In addition, religious houses were forced into selling property as a result of their financial difficulties in the

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(1) Histoire des Ursulines de Québec, vol. III, pp. 47-8.

(2) ST.-FELIX, SOEUR: Mgr. de St. Vallier et l'Hôpital-Général de Québec, p. 393.

(3) Pub. Arch. Can., Collection Baby, vol. XLIV, p. 11, Hankey to Baby, London, July 6, 1774.

(4) Quebec Gazette, Aug. 16, 1764; Oct. 23, 1764, advertisements.

(5) MUNRO, W.B.: The seigniorial system in Canada, p. 192.

years after the war,<sup>1</sup> and, even as late as the 1770's, seigneuries were being sold at a fraction of their pre-conquest value. It was not until the 1780's that a renewed demand for land sent property values far above anything that Canada had<sup>2</sup> seen in the past.

The land deals of the early years of British rule were by no means restricted to English buyers securing landed estates for themselves at low prices. French-Canadians who had salvaged something from the débacle of 1763 were also eager purchasers. François Baby was one of those who was impressed by the possibilities of cheap land, and he regretted not having bought the seigneurie of Berthier before James Cuthbert acquired what he considered a real bargain.<sup>3</sup> Baby did not suggest that it was lack of money that prevented him from buying the property, while Michel Chartier de Lotbinière, his partner in<sup>4</sup> trade, managed to raise sufficient capital to buy a good deal of property at the low prices of the 1760's. Even Lanaudière, always reputed to be heavily in debt, acquired the seigneurie of St.<sup>7</sup> Vallier, although his constant state of financial embarrassment makes one wonder how large a proportion of the

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(1) St.-FELIX, SOEUR: op. cit. p. 393, Deed of sale, Nov. 16, 1767; DIONNE, N.E.: Sainte-Anne de la Pocatière, pp. 30-31; Pub. Arch. Can., Series B, vol. XIX, p. 80, Hugh Wallace to Haldimand, New York, Nov.<sup>4</sup>, 1770.

(2) Pub. Arch. Can., Collection Baby. vol. XXXIII, p. 210, J.F. Perrault to Baby, Montreal, Feb.9, 1785.

(3) Ibid, vol. XIII, p. 171, Baby to Guinand, Quebec, June 23, 1765.

(4) Ibid, vol. XIII, p. 182, Baby to Guinand, Quebec, June 28, 1766.

30,000 livres he agreed to pay<sup>1</sup> ever found its way to the sisters of the Hôpital-Général.

The prosperity of certain French-Canadians who made their livings chiefly from trade will be considered later, but it does appear that some of those whose prime interest was the land managed to acquire sizable fortunes in the late eighteenth century. Godfroy de Tonnancour, for example,<sup>2</sup> was one of the richest men in the country; he was able to provide his daughter with a dowry consisting of 66,900 livres and a part of the seigneuries of Yamaska and Pointe du Lac, and the fiefs of Gatineau and Roquitallade, while, at his death, his estate was valued at 300,000 livres--<sup>3</sup>about £15,000-- which, if not comparable to the fortunes amassed by fur-traders like McGill and McTavish, was an extremely large estate for Canada at that time. Juchereau-Duchesnay, also, left a considerable fortune<sup>4</sup> at his death in 1806, and these instances suggest that not all the seigneurs fitted the picture of an indigent gentry that the English so frequently painted. At the same time, Englishmen<sup>5</sup> did tend to acquire some of the more valuable pieces of property, so that, although by far the greatest number of acres remained

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(1) ST.-FELIX, SOEUR: op. cit. p. 393.

(2) KINGSFORD, WILLIAM: History of Canada, vol. V, pp. 422-3.

(3) SURVEYER, E. FABRE & AUDET, F.J.: Les députés de St. Maurice,

(4) Bulletin des Recherches Historiques, vol. XXXVIII, p. <sup>p.6.</sup>411,  
ROY, P.-E.: "Les Juchereau-Duchesnay" cites Le Canadien, 1806.

(5) CARON, ABBÉ IVANHOË: La colonisation de la province de Québec, vol. I, pp. 234-5.

in French-Canadian hands, the revenue from the seigneuries was remarkably evenly divided between old and ~~new~~<sup>1</sup> subjects by the 1790's. At the same time, much of the French-Canadian property was steadily decreasing in value, so that, even in the period of high prices, seigneurs like St. Ours could not realise anything approximating the value that they set upon their estates.<sup>2</sup>

During the first years of British rule, it was generally true that agriculture became a more profitable business than it had been in the past, and this fact does much to explain the increasing land values of later years. The country districts recovered rather quickly from the experiences of war, and, although few farmers became wealthy in the ensuing years,<sup>3</sup> the habitants continued to possess the necessities of life,<sup>4</sup> and their attitude remained high-spirited and cheerful. There were few interruptions to the tilling of the soil, and the output was correspondingly greater, but the habitants showed no greater eagerness to adopt new methods than they had under the French regime.<sup>5</sup> British efforts to encourage the growth of hemp and flax, and to discourage the planting of tobacco

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(1) Pub. Arch. Can., Series Q, vol. XL, p. 22, Memorial of merchants, enclosed in Dorchester to Sydney, Quebec, Dec. 8, 1788.

(2\* Pub. Arch. Can., Collection Baby, vol. XCI, p. 34, St. Ours to Lavaltrie, Quebec, March 10, 1791.

(3) GRAY, HUGH: Letters from Canada, Letter from Quebec, Sept, 1807, pp. 136-7.

(4) ANBUREY, THOMAS: Travels through the interior parts of North America, vol. I, pp. 40-41; p. 90; ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. II, p. 379.

(5) CAVENDISH, HENRY: op. cit. p. 104, Examination of Carleton, 1774; CRAIG, ISOBEL: Economic conditions in Canada, 1763-1783, MS. thesis in Redpath Library, McGill University, pp. 52-3.



proved useless,<sup>1</sup> and English methods of ploughing so as to conserve moisture, and of rotating crops, were scorned by all but a few.<sup>2</sup> The Agricultural Society which Henry Caldwell initiated in the 1780's had about a dozen French-Canadian subscribers,<sup>3</sup> but rare indeed were comments like those of Ignace Aubert de Gaspé, who expressed his satisfaction with the new methods, and his determination to acquaint as many as possible with the benefits to be derived from adopting them.<sup>4</sup>

There was an excellent reason for this lack of interest in innovations. Very soon after the conquest, the habitants' income began to rise, even without attempting these new methods, and it was virtually impossible to convince them that there was any necessity of changing their ways until such time as their income suffered a sharp decline. That time did not come until the late 1780's, for, during the 1760's, the price of wheat rose considerably,<sup>5</sup> the country parishes began to prosper, and in the early 1770's, each year surpassed the one before it, setting new records in acreage sowed, amount of produce, and value of exports.<sup>6</sup> The reports of the soldiers with Montgomery's

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(1) CRAIG, ISOBEL: op. cit. pp. 59-60.

(2) LATERRIERE, MARC: A political and historical account of Lower Canada, pp. 124-5; BOUCHETTE, JOSEPH: The British dominions in North America, vol. I, p. 364.

(3) Quebec Gazette, April 1, 1790, List of subscribers.

(4) Ibid, Jan. 14, 1790, cites de Gaspé to Finlay, St. Jean, Dec. 24, 1789.

(5) CRAIG, ISOBEL: op. cit. p. 54; Pub. Arch. Can., Collection Baby, vol. LXXXVI, Hervieux to Baby, Montreal, Feb. 10, 1768.

(6) Pub. Arch. Can., Dartmouth Papers, vol. II, pp. 73-5, Lieut. Marr's account of Quebec, 1773; ROY, J.E.: op. cit. vol. II, p. 379.

army in 1775 and of Charles Carroll, the American emissary who travelled to Montreal in the spring of 1776, presented a glowing picture of the wealth of the entire district though which<sup>1</sup> they passed. The years of war with America pushed the price of farm produce still higher, and, by 1784, the amount of grain sowed was more than double what it had been in 1783<sup>2</sup>, for, by the lucky coincidence of a series of good crops and wartime prices, the French-Canadian habitant was acquiring more money than he had ever possessed, and that without troubling himself with new methods. In the first quarter-century of British rule, it happened that there were only two crop failures, those of 1768<sup>3</sup>, and 1777, and neither of these were complete failures throughout the whole colony. The second of them, coming as it did in the midst of war, created a real problem for the government which attempted price control and prohibition of the export<sup>4</sup> of grain in an effort to lower the price. Scarcity and high prices undoubtedly resulted in hardship in the towns<sup>5</sup>, but the habitants appeared to thrive under these conditions. A good many of them had produce to sell, but they were canny enough to hold off, while the price soared<sup>6</sup>; this was scarcely the con-

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- (1) CARROLL, CHARLES: Journal, pp. 96-8, May 11, 1776.
- (2) CRAIG, ISOBEL: op. cit. p. 54.
- (3) Ibid, p. 56; Histoire des Ursulines de Québec, vol. III, p. 83.
- (4) Pub. Arch. Can., Series B. vol. LXVI, p. 135, Haldimand to Commissioners of the Peace at Montreal, Quebec, June 14, 1779; Que. Leg. Council. vol. D, p. 64, Examination of wheat prices,
- (5) Histoire des Ursulines de Québec, vol. III, pp. 152-3.
- (6) Pub. Arch. Can., Series B, vol. CXCVII, p. 149, Barr to Genevay, Three Rivers, Oct. 2, 1781.

duct of those who were desperately needing money to buy other provisions or of those facing starvation themselves. Not until the hungry year 1789 did the country districts as well as the towns suffer from the results of a complete crop failure.<sup>1</sup>

The generally better market for wheat and the payment in specie stimulated the opening of new lands for cultivation, but here a real problem was encountered. About one hundred seigneurs<sup>2</sup> still had a monopoly over the land along the St. Lawrence, and a growing population was demanding more and more land. At the same time, practically no new grants were made by the government until the 1790's, except to the Loyalist immigrants. Governor Murray had granted some land to his officers during the military regime,<sup>3</sup> but there is no record<sup>4</sup> of other grants being made during the next thirty years.

While the habitants were enjoying the greatest prosperity within their memory, they were also becoming increasingly restive under the workings of the feudal system, as it was administered by English officials.<sup>5</sup> The view of the French-Canadian seigneurs and of the French party as well was that the system was not responsible for the shortage of available

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(1) BURT, A.L.: The old province of Quebec, pp. 379-81.

(2) CRAIG, ISOBEL: op. cit. p. 9.

(3) BOUCHETTE, JOSEPH: The British dominions in North America, vol. I p. 376; Clements, Shelburne Papers, vol. LXIV, pp. 207-10, Grants made by Murray, 1761-1763.

(4) Pub. Arch. Can., Series C.O.42, vol. XVI, p. 63. Memorial of Cramahe to Shelburne, May 13, 1782; MUNRO, W.B.: op. cit., p. 214.

(5) BURT, A.L.: op. cit. pp. 205-06; DESPRÈS, ABBÉ A.C.: Histoire de la seigneurie de St. Ours, vol. I, p. 289.

land, and proponents of this view drew attention to the comp<sup>1</sup>ulsions placed upon the seigneurs by the Arrêts of Marly; what they neglected to mention was that these arrêts had never been strictly complied with, and that they had been almost ignored by the British administrators of the province. Meanwhile, among the censitaires, there was a growing impatience with the demands of the seigneurs and a corresponding growth in interest in the British system of grants in free and common soccage, the form of tenure asked by every petitioner for public lands during the period.<sup>2</sup> Only one seigneur asked that his lands be re-granted to him in freehold tenure,<sup>3</sup> and his request may well have been the result of undue influence exerted upon him by Englishmen promising him a way out of his over-<sup>4</sup>whelming debts, but the committee of the council investigating land tenure in 1790 made it extremely clear that the old system would not be extended beyond its existing limits,<sup>5</sup> even if it were not immediately abolished. In the land courts of the 1790's, a steadily increasing number of French-Canadians added their petitions to those of Englishmen in the colony; seigneurs like Lotbinière, Lanaudière, St. Ours, Longueuil and

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(1) Pub. Arch. Can., Que. Exec. Council, vol. H, pp. 164-6, Adam Mabane re land tenure, Oct. 15, 1790.

(2) MUNRO, W.B.: op. cit. pp. 204; 214.

(3) Pub. Arch. Can., Que. Exec. Council. vol. H, p. 152, Petition of Charles Tarieu de Lanaudière, July 22, 1788.

(4) Pub. Arch. Can., Series B, vol. LXXVII, p. 90, Deschambault to Haldimand, Quebec, Oct. 1, 1788; CARON, ABBÉ IVANHOË: La colonisation de la province de Québec, vol. I, p. 138.

(5) Pub. Arch. Can., Que. Exec. Council. vol. H, pp. 160-3, Report on land tenure, 1790; MUNRO. W.B.: op. cit. p. 217.

Lavaltrie led the way, but they were almost immediately followed by a number of men whose names had not hitherto figured in Canadian landholding.<sup>1</sup> The increasing strain under which the seigneurial system was operating under British rule had thus ensured that it would not be expanded; at the same time, that strain had led many habitants to a resentment of the entire system.

Quarrels with English seigneurs, like James Cuthbert<sup>2</sup> of Berthier, undoubtedly had something to do with the growing unpopularity of the feudal system, for Englishmen almost invariably failed to realise the independent position that the censitaire had held under the French regime in Canada. Along with this difficulty, which became increasingly acute as more and more seigneuries passed into English hands, was a more general dislike of the feudal dues. The collection of mutation fees had been declared legal almost as soon as civil government was established, and Governor Carleton was instructed to collect all dues formerly belonging to the French king.<sup>3</sup> These dues, however, were allowed to lapse for so long a time that, when a demand for them was made,<sup>4</sup> French-Canadians had a legitimate ground for complaint. Land had sometimes changed hands so often

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(1) Pub. Arch. Can., Series Q, vol. LIX; vol. LXI.

(2) Pub. Arch. Can., Series B, vol. CCXXV, pp. 235-62, Disputes between Cuthbert and the inhabitants of Berthier, 1782.

(3) Pub. Arch. Can., Que. Leg. Council. vol. B, pp. 178-9, Privy Council order of Nov. 23, 1765; Series Q, vol. V, pp. 849-51, Carleton to Secretary of the Treasury, Quebec, Oct. 10, 1768.

(4) Pub. Arch. Can., Series B, vol. CXCIX, pp. 314-5, Caldwell to Haldimand, October 18, 1784.

in the intervening years that the mutation fees exceeded the value of the property and, in many cases, the principals in the transactions had been dead long before an energetic receiver-general attempted to collect the back dues<sup>1</sup>. The seigneurs declared that they would pay the quints that were owing to the government, as soon as they could raise the money, but the impossibility of collecting all the back dues<sup>2</sup> was patent to the authorities and the project was abandoned.

At the same time, the habitants were beginning to show dissatisfaction with the cens et rentes and the banalités, both part of their obligations according to feudal law. The nominal nature of the cens et rentes and the rarity of the banalité had allayed criticism under the French regime, but English landholders were prone to regard it as their right to increase the rent as property values increased-- a conception quite foreign to French law and usage-- and, in addition, to build the mills and ovens that the French-Canadian seigneurs usually had neglected to provide, and to enforce their rights of banalité. In some cases, the French-Canadian seigneurs copied the enterprise of the newcomers in this respect, and their sympathies in any case were with the seigneurial class, regardless of nationality, when the habitants protested.<sup>3</sup>

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(1) Pub. Arch. Can., Series Q, vol. XXVI, pp. 222-6, Petition of subscribers of province of Quebec, enclosed in Hope to Sydney, Quebec, Feb. 23, 1786.

(2) Pub. Arch. Can., Que. Exec. Council. vol. E, pp. 133-4, Copy of letter of Hope to Caldwell, Quebec, March 16, 1786.

(3) Pub. Arch. Can., Collection Baby. vol. XCIII, p. 89, Perrault l'ainé to Olivier Perrault, Rivière Ouelle, Dec. 28, 1802; vol. V, p. 111, Perrault l'ainé to Olivier Perrault, Rivière Ouelle, July 27, 1808.

A striking characteristic of the years after the British conquest was the transfer of landed estates to new owners whose interpretation of seigneurial rights and privileges was less attractive to their tenants than the old French customs had been. In this transfer of property, however, it is not safe to assume that the new owners were all, or even principally, Englishmen. Members of the French-Canadian bourgeoisie signified their financial success and, in a sense, their elevation to dignity and social position, by buying seigneuries in the latter part of the eighteenth century. The term "seigneur" could thus no longer be applied to a particular group of French-Canadians who had once formed part of the lesser noblesse of France; this tendency, of course, had already begun before the conquest, but it was much accelerated by the shifting emphasis from a land-holding to a commercial community that continued throughout the late eighteenth century, in spite of all the efforts of the French party to prevent it. The ownership of landed estates, by 1800, was, to a large extent, in the hands of men who had made their money from other sources.

In the transition from an agricultural to a predominantly commercial community in Canada, industrial expansion had practically no part. A few perceived that the encouragement of domestic industries might be the answer to the old problem of the habitants' hoarding specie and withdrawing it from circulation,<sup>1</sup>

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(1) Pub. Arch. Can., Dartmouth Papers, vol. II, pp. 93-5, Lieut. Marr's account of Quebec, 1773; Series Q, vol. V, p. 300, Carleton to Lords of Treasury, Quebec, Dec. 10, 1767.

but there was no possibility that Britain would encourage the making of any materials that she hoped to sell in Canada,<sup>1</sup> and her interest lay rather in the possibilities for new agricultural crops, in the timber resources of the country, and, above all, in furs.<sup>2</sup> At the same time, the policy of the official group in Canada was such that manufacturing was likely to be discouraged, for any large-scale manufacturing enterprise would inevitably have meant another wave of immigration from the British Isles or from the thirteen colonies, and such a prospect was certainly not one to please the French party. The importation of workers would have been inevitable, for French-Canadians continued to show the same reluctance to work for others that they had evinced during the French period,<sup>3</sup> and this disinclination would have had a deterring effect on industries in the colony, irrespective of governmental policy. As a result, colonial industries showed no great increase during the first years of British rule. The St. Maurice forges seem to have been somewhat expanded, but their output was never high,<sup>4</sup> while the timber trade lagged until the beginning of the nineteenth century; in spite of Governor Murray's glowing reports of the possibilities of procuring masts for

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(1) CRAIG, ISOBEL: op. cit. p. 172.

(2) Can. Arch. Report, 1904, p. 204, Instructions to Murray, 1763.

(3) Pub. Arch. Can., Series B, vol. LXXIV, p. 241, Martel to Haldimand, Sorel, March 18, 1781.

(4) LATERRIÈRE, PIERRE DE SALES: Mémoires, p. 89.



British vessels from the Chambly region,<sup>1</sup> it was soon found that Canadian oak was more costly than English or Norwegian wood.<sup>2</sup>

The trade that consumed the interest of a large number of Canadian bourgeois at Quebec, in particular, was of an extremely diversified nature. A scrutiny of the business correspondence of François Baby and his partner Chartier de Lotbinière, for example, shows that they were importing molasses, Russian iron, textiles of all kinds, lace, wax, spirits, and even fruit-trees, while, within the province itself, they had interests in the St. Lawrence fisheries, the fur trade of the western country, and the farming districts as well, for they bought cereals, apples, and melons for resale. At one point,<sup>2</sup> they were even involved in the business of selling furniture. Because of their connections with so many aspects of the country's economy, and because of their relationship with almost all the important French-Canadian traders of the time, the letters of Baby and his partner are a very important source of information. From these letters there emerges, for example, the consternation that was felt by the Quebec merchants when imports from France were cut off,<sup>3</sup> and from them come suggestions of the flourishing<sup>4</sup> smuggling trade that developed by way of St. Pierre and Miquelon.

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(1) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 58-9, Murray's report on Quebec, June, 1762.

(2) Pub. Arch. Can., Dartmouth Papers, vol. II, p. 79, Lieut. Marr's account of Quebec, 1773.

(3) Pub. Arch. Can., Collection Baby, vol. XXXIV, p. 82, Jauge to Baby, Bordeaux, June 14, 1763.

(4) Ibid, vol. XLVIII, p. 68, Jauge to Baby, Bordeaux, April 12, 1762.

The new subjects were accustomed to French commodities, and British wines, for example, they found much inferior and ex-orbitantly<sup>1</sup> priced. The sisters at the Ursuline convent in Quebec deplored the poor quality of British embroidery thread,<sup>2</sup> and the failure of British manufacturers to supply materials suitable for habits and veils forced these ladies into a great reliance upon goods smuggled from France.<sup>3</sup>

Governor Murray was sufficiently alarmed about this contraband trade to ask for a fleet of vessels in the St. Lawrence river to prevent the trade from St. Pierre and Miquelon.<sup>4</sup> The British government did take action on this matter, when it decreed that the northern coast of the Gulf of St. Lawrence should be annexed to the government of Newfoundland.<sup>5</sup> Until this arrangement was changed by the Quebec Act of 1774, it was ruinous to the Canadian seal fisheries, virtually the only part of the St. Lawrence fisheries that remained in French-Canadian hands after the conquest.<sup>6</sup> The governor of Newfoundland issued regulations that were so prejudicial to Canadian interests that the income from the seal fisheries, which had once approached £10,000 sterling per year,

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(1) Pub. Arch. Can., Dartmouth Papers, vol. I, p. 129. Levesque to Guinand, Quebec, Sept. 27, 1765.

(2) Histoire des Ursulines de Québec, vol. III, p. 78.

(3) Ibid., vol. III, p. 169.

(4) Pub. Arch. Can., Series Q, vol. I. p. 156, Murray to Egremont, Quebec, Sept. 29, 1763.

(5) CRAIG, ISOBEL: op. cit. pp. 128-9.

(6) Ibid., p. 140.

fell off rapidly.<sup>1</sup> This decrease in revenue, no less than the plight of the six hundred French-Canadians who had formerly been engaged in the industry, necessitated the re-drawing of boundary lines at the time of the Quebec Act.<sup>2</sup>

Whether or not these regulations were responsible, French-Canadian merchants seem gradually to have abandoned a large part of their smuggling trade as too hazardous, and not sufficiently profitable to justify the risks involved.<sup>3</sup> Although their correspondence with their old associates in France continued for many years,<sup>4</sup> they established new contacts with firms in England<sup>5</sup> and in the other American colonies,<sup>6</sup> and, although they found the new products expensive,<sup>7</sup> they seem to have carried on a fairly flourishing trade. The letters of Baby and his friends and associates bring out most clearly the

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(1) Pub. Arch. Can., British Museum Additional MSS. 35915, f. 316, Case of landholders in Canada, proprietors of seal fisheries.

(2) Pub. Arch. Can., Series Q, vol. IV, pp. 50-52, Carleton to Shelburne, Quebec, Jan. 3, 1767.

(3) Pub. Arch. Can., Collection Baby, vol. XCI, pp. 89-91, Boishebert to Lavaltrie, Clyptonville, March 7, 1768.

(4) Ibid, vol. XXI, p. 6, Thouron & frères to Baby, La Rochelle, Feb. 20, 1779.

(5) Clements, Gage Letter Books, Gage to Amherst, Montreal, Nov. 2, 1761.

(6) Pub. Arch. Can., Collection Baby, vol. XIII, pp. 165-9. Baby to Perry, Hayes & Sherbrooke, Quebec, Nov. 27, 1769; Clements, Amherst Papers, vol. V, pp. 72-3, Amherst to Gage, New York, April 16, 1761; CHASTELLUX, F.-J.: Travels in North America, vol. I, p. 361.

(7) Pub. Arch. Can., Collection Baby, vol. VIII, p. 105, Vialars to Ruge, London, April 13, 1771; Dartmouth Papers, vol. I, pp. 129-30, Levesque to Guinand, Quebec, Sept. 25, 1765.

fact that they had few business dealing with the English merchants in the colony, but rather dealt direct with the London firms; the letters also indicate that the French-Canadian merchants were absorbed in business matters almost to the exclusion of political considerations during the early years of the new regime.

There are a number of indications that the merchant group was fairly prosperous in the decade after the British conquest. Even before the peace was signed, Madame Benoist wrote rather complacently to her brother that she had rented one of her Montreal houses to an English merchant for a good sum, and without having to make any repairs.<sup>1</sup> Baby himself reported that business was going moderately well, although, he added, the fire of 1765 in Montreal had occasioned great loss to himself and his family;<sup>2</sup> the fire was almost an after-thought, in the way that he phrased it. That the 1760's witnessed a good deal of prosperity for the merchants is attested by the histories of various families which, almost bankrupt at the time of the conquest, had rebuilt their businesses by the early 1770's. One Drapeau, for example, accumulated enough money out of the export trade in wheat during these years, to retire to his newly-acquired seigneurie;<sup>3</sup>

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(1) Pub. Arch. Can., Collection Baby, vol. XXIX, p. 198, Mme. Benoist to her brother, François Baby, Montreal, Aug. 22, 1762.

(2) Ibid, vol. XIII, pp. 172-3, Baby to Guinand, Quebec, June 23, 1765.

(3) Bulletin des Recherches Historiques, vol. XXXIII, pp. 385-7, ROY, P.G.: "Le seigneur Joseph Drapeau."

spectacular but more usual was the case of Jacques Perrault, who had contemplated leaving the colony in 1763 when his trade was ruined and his money worthless, but, after his friends persuaded him to remain in Canada, he managed to rebuild his business to its former level and beyond before his death in 1775.<sup>1</sup>

The period of prosperity coincided with the years in which customs duties were at their lowest in Canada. As Governor Murray had described the situation: a tax on wines would be unreasonable, for it would affect only the British officers; a tax on dry goods would be impolitic, for it would interfere with the sale of British commodities; but a tax on spirits, he felt, would meet the contingent expenses of the government, for "the quantity the Canadians consume is incredible."<sup>2</sup> Murray's judgment of the situation was not entirely borne out by events, for it was soon found that the duties produced a very small revenue,<sup>3</sup> and, although the contemporary Stamp Act raised no furore in Canada,<sup>4</sup> a group of merchants, two-thirds of them French-Canadians, denounced the

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(1) Bulletin des Recherches Historiques, vol. XXVI, p. 120, Note re Jacques Perrault; Clements, Sydney Papers, vol. XIII, Request of Jacques Terroux for an audience with Lord Sydney, Jan. 5, 1789.

(2) Pub. Arch. Can., Murray Papers, vol. III, p. 64, Murray to Amherst, Quebec, March 20, 1761.

(3) Pub. Arch. Can., Series Q, vol. V, p. 300, Carleton to Lords of the Treasury, Quebec, Dec. 16, 1767; Clements, Gage Papers, American Series, vol. LXII, Gage to Carleton, New York, Feb. 17, 1767.

(4) Quebec Gazette, June 27, 1765; May 29, 1766.

duty on spirits as illegal, and refused to pay it.<sup>1</sup> When Lecompte Dupré, a cousin of the Baby brothers, was tried for evading the duties, the jury declared him not guilty,<sup>2</sup> and Attorney-General Francis Maseres had no better luck in attempting to force payment of the duties two years later.<sup>3</sup> The British government became justly disturbed over the unfavourable balance of trade in Canada,<sup>4</sup> but the merchants continued to escape paying import duties during the first decade of British rule. Not until the Quebec Revenue Bill of 1774 were there specific and indisputably legal duties upon spirits and molasses, the two chief items in Canada's import trade;<sup>5</sup> it soon appeared, however, that while the duties may have curtailed the profits of Canadian retailers, they were no solution to the problem of making Canada less of an expense to the mother country.<sup>6</sup>

In 1771, the first indications of a business slump began to appear in the Baby correspondence. Tales of woe poured in from men who owed money to Baby, and, over and over again, the

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(1) Pub. Arch. Can., Series Q, vol. III, p. 254, List of those refusing to pay duties, Aug, 19, 1766.

(2) Ibid, vol. III, pp. 400-02, Carleton to Shelburne, Quebec, Nov. 7, 1766.

(3) WALLACE, W.S. (ed.) The Maseres letters, p. 89, Maseres to Charles Yorke, Quebec, May 27, 1768.

(4) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 183-5, Maseres on the revenue, 1766; Pub. Arch. Can., Series Q, vol. IV, p. 159, Estimate of annual contingent expenses, 1767; vol.V, p. 300, Carleton to the Lords of Trade, Dec. 10, 1767.

(5) CARON, ABBÉ IVANHOË: La colonisation de la province de Québec, vol. I, pp. 160-61; BURT, A.L.: op. cit. pp. 195-6.

(6) Pub. Arch. Can., Series B. vol. LV, pp. 181-3, Haldimand to Lords of Trade, Quebec, July 17, 1782.

story of the sudden decline of business from its recent high proportions was given as the reason for inability to pay.<sup>1</sup> Baby himself maintained a hopeful outlook throughout the entire period. When the first letters begging for additional time in which to pay were received, he wrote to Pierre Guy that he was sending the curé to call on his debtors: "Il est des occasions,"<sup>2</sup> he wrote, "où les gens d'église sont plus persuasifs que nous." Later, when dealers were keeping their goods in warehouses and refusing to sell them at the low prices then offered, Baby declared that this was but a temporary situation, and those who could afford to wait would not fare badly.<sup>3</sup> Presumably, he was one of those who could afford to wait, or he would scarcely have viewed the slump in business so philosophically.

The recession of 1771-72 was of brief duration, as Baby prophesied it would be, and its cause seems to have been the excessive prices paid for furs in the previous year, and the activities of the fur speculators.<sup>4</sup> This illustrates most clearly the interrelation between the fur trade and the business of the general merchants of Quebec and Montreal. Almost all of them had interests in the fur trade, but, even if they had no direct

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(1) Pub. Arch. Can., Collection Baby, vol. XL, p. 111, Montforton to Baby, Montreal, April 7, 1771; p. 120, Campau to Baby, Montreal, Sept. 22, 1771; p. 130, Decoing to Baby, Montreal, Jan. 6, 1772.

(2) Ibid, vol. XLIX, p. 9, Baby to Guy, Quebec, July 25, 1771.

(3) Ibid, vol. XLIX, p. 12, Baby to Guy, Quebec, Aug. 1, 1771.

(4) Ibid, vol. LIII, p. 151, Vialars to Augé, London, Sept. 30, 1772.

connection with it, the price of fur exercised a controlling influence upon their businesses.

The fur trade thus retained the central position that it had occupied in the economic life of New France, and, upon that trade, the conquest had an immediate and profound effect. The leases of the posts of the Domaine du Roy were now in the hands of Thomas Ainslie, Thomas Dunn, William Grant, and Edward Gray, and not until the 1780's did a French name appear among the lessees; then it was the ubiquitous Baby,<sup>1</sup> along with the Davison brothers, who took over the lease. In the more lucrative western trade, French names continued for many years. Baby was sending canoes to Detroit by 1765,<sup>2</sup> and his brother-in-law, Jacques Perrault, was ingratiating himself with an English firm by persuading his friends to sell their furs to Vialars;<sup>3</sup> meanwhile, the list of engagés from 1759 to 1763 was so long and so constant that an examination of them might suggest that there had been no disturbance whatever in the colony.<sup>4</sup>

It was the year 1763, however, that marked the real turning-point in the western fur trade, for the rising of Pontiac brought with it grave results for the traders. It

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(1) Pub. Arch. Can., Series Q, vol. III, p. 260, Carleton to Shelburne, Quebec, Oct. 23, 1766; Series S (Internal Corr., Prov. of Que.) vol. XXII, No. 65, Lease of the King's Posts, June 21, 1786.

(2) Pub. Arch. Can., Collection Baby, vol. XIII, p. 179, Baby to Guy, Québec, Dec. 9, 1765.

(3) Ibid, vol. XXXVIII, p. 180, Vialars to Perrault, London, Nov. 12, 1763.

(4) Que. Arch. Report, 1932-3, pp. 243-304, List of engagés



was the continued unrest among the Indians and suspicions of the French-Canadians activities among them that led to the issuance of the new fur trade regulations of 1763. Beyond the line indicated in the Royal Proclamation of October 7—roughly the crest of the Alleghanies—trade was to be confined to the military posts, and no trader was to be allowed to go direct to the Indian villages, as had been the custom in the previous years. A number of British leaders felt that this was the only way of dealing with the problem, but the fact that illegal trade continued in spite of the regulations, that the methods of issuing licenses within Quebec itself were discriminatory, and that a tremendous handicap was imposed upon those who had formerly wintered among the Indians meant that loud protests emanated from the merchants of Quebec and Montreal. All these complaints could not be disregarded by the government in London, for the irrefutable fact that fur exports were falling off was convincing proof of the inadvisability of continuing the policy, and, in addition, the suggestion that the furs were passing into the hands of French traders on the Mississippi was effective in bringing about the

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(1) CRAIG, ISOBEL: op. cit. p. 94.

(2) Clements, Gage Papers, American Series, vol. XLIII, Carleton to Gage, Quebec, March 24, 1767.

(3) Pub. Arch. Can., Series C.O. 42, vol. I, p. 204, Memorial of French inhabitants of Montreal, April 1, 1764; Que. Leg. Council, vol. B, p. 290, Report of Price & Mabane, June 27, 1765.

(4) Pub. Arch. Can., Series C.O. 42, vol. II, p. 362, Memorial of merchants & traders of Montreal, March 9, 1765; Clements, Gage Papers, American Series, vol. LVI, Memorial of Montreal traders, Aug. 18, 1765; Shelburne Papers, vol. L, p. 235-46, Memorial re Indian trade, Sept. 20, 1766.

lifting of the restrictions in 1768<sup>1</sup>. Thus four extraordinary years in the history of the Canadian fur trade ended with the adoption of a policy which, while rejecting the French idea of monopoly and exclusive privileges, chose to place no really effective control upon the traders in the west. The result was the cut-throat competition of the 1770's and early 1780's<sup>2</sup>, a period in which individual traders contended for furs, and, with the relaxation of the old restraints upon the sale of liquor to the Indians<sup>3</sup>, the west was treated to some of the more objectionable characteristics of free enterprise.

It is frequently assumed that, in this period of competition for furs, the English merchant derived the great profits, while the largest part of the personnel of the fur trade remained French-Canadian--that is, that English capital, combined with the French-Canadians' knowledge of the Indians, produced profits for the Englishmen. There can be no doubt that the greatest number of traders in the west were French-Canadian; scarcely an English name appeared until after 1770<sup>4</sup>, and, even then, their proportion was small, and the dependence of the British traders upon their French-Canadian employees was evinced

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(1) CRAIG, ISOBEL: op. cit. pp. 95-6.

(2) Pub. Arch. Can., Series Q, vol. V, pp. 382-3, Carleton to Shelburne, Quebec, March 2, 1768; DAVIDSON, G.C.: The Northwest Company, p. 8.

(3) Pub. Arch. Can., Series B. vol. XL, p. 12, Foy to Nathaniel Day, Commissary-General at Quebec, Sept. 17, 1777.

(4) Canadian Historical Review, vol. III, pp. 351-58, LAIT, CHARLES E.: (Ed.) "Fur trade returns!"

time and again.<sup>1</sup> The voyageurs, meanwhile, were receiving even higher wages than they had enjoyed under the French regime, and, by the end of the eighteenth century, a few experienced voyageurs could command £100 for a season's service, while £40 was considered an average wage--that is, almost double what the voyageur<sup>2</sup> could have earned at any other labour in the colony.

As long as the independent traders flocked to the west, moreover, French-Canadians were by no means ousted from the upper levels of the trade. Jean Orillat, Pierre Foretier, and Joseph Perineau seem to have made comfortable profits from the trade immediately following the conquest,<sup>3</sup> and Foretier, in particular, became one of the greatest property owners in Quebec before his death in 1815. Sanguinet and Beaubien were also among those<sup>4</sup> who thrived upon the brief period of competition, and it was significant that it was a French-Canadian, Dominique Rousseau, who was the last independent trader to venture out from Montreal after the Northwest Company had established a virtual monopoly<sup>5</sup> in the west.

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(1) Clements, Gage Papers, English Series, vol. V, Report on forts of North America, enclosed in Gage to Barrington, New York, Dec. 18, 1765; BROUILLETTE, BENOÎT: La pénétration du continent américain par les Canadiens-français, p. 16.

(2) DAVIDSON, G.C.: op. cit. pp. 230-34.

(3) Bulletin des Recherches Historiques, vol. XLI, pp. 649-50, NADEAU, GABRIEL: "Orillat, négociant"; vol. XLVII, p. 176, MASSICOTTE, E.Z.: "Le bourgeois Pierre Fortier."

(4) Pub. Arch. Can., Collection Baby, vol. XXVIII, p. 203, LeCompte Dupré to Baby, Montreal, July 27, 1772.

(5) Bulletin des Recherches Historiques, vol. XLIX, p. 543, MASSICOTTE, E.Z.: "Dominique Rousseau, maître orfèvre et négociant en pelleteries."

As early as 1776, Lieutenant-Governor Henry Hamilton of Detroit was prophesying that the industry and enterprise of the European traders would soon make the French-Canadians completely dependent upon them. What he neglected to point out was the fact that the fur trade had become so far-flung a business that the day of the individual trader, regardless of his nationality or his industry and enterprise, was almost at an end. At Montreal were the firms that acted as middlemen between the western traders and the great London business houses, and since as long as three years might elapse between the time that a given shipment left London and the time when the repayment in furs arrived, the London and Montreal firms had to supply capital for the enterprise; the trade was becoming<sup>2</sup> impossibly hazardous for the private individual, and the result was a tendency toward centralisation and monopoly that reduced the number of independent traders in the west by half in the years between 1777 and 1790<sup>3</sup>, and crowded most of the French-Canadians from their independent status.

During these same years, the Northwest Company obtained exclusive trading privileges in the Domaine du Roy and then proceeded to establish an illegal,<sup>4</sup> though virtually complete, monopoly in the upper country. It has been suggested that

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(1) Pub. Arch. Can., Series Q, vol. XII, pp. 212-4, Hamilton to Dartmouth, Detroit, Aug, 29, 1776/

(2) QUAIFE, M.M. (ed.) Papers of John Askin, Introduction, vol. I, pp. 8-9.

(3) STEVENS, W.E.: The northwest fur trade, pp. 142-4.

(4) Ibid, p. 143.

this company grew out of the merger of 1775 between the interests of Alexander Henry and J.B. Cadot and those of the Frobisher brothers and Peter Pond.<sup>1</sup> If that version of the origin of the company is accepted, it appears that only one-fifth of its directors were French-Canadian, even at the beginning, and the proportion grew smaller as the company expanded. The fact that the partners of the company tended to underline the French-Canadian heritage of their association,<sup>2</sup> and the fact that several of them were married into French-Canadian families,<sup>3</sup> tended to obscure the essentially English nature of the company. Only two or three French names appear among the partners of the Northwest Company, and the fact that the French-Canadian partners were always in a distinct minority meant that the policy of the company was formulated almost entirely by Englishmen. In theory, traders were supposed to rise through the various grades of the service, but this cursus honorum seems to have stopped short of admission to<sup>4</sup> partnership in the company.

The emergence of a monopolistic fur trading company ultimately reduced almost all the French-Canadian traders to the level of clerks and agents for an English group, and the effects of this change upon all French-Canadians in the fur trade, whether traders or voyageurs, was extremely deleterious.

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(1) MASSON, L.R.: Les bourgeois de la compagnie du nord-ouest, vol. I, p. 97.

(2) Bulletin des Recherches Historiques, vol. XXXVI, p. 325, MASSICOTTE, E.Z.: "Le Beaver Club."

(3) WALLACE, W.S.: (ed.) Documents relating to the North-west Company (Champlain Soc. Pub.) Appendix A.

Lord Selkirk's observations upon the practices of the Company were, of course, very much influenced by his experiences and consequently biased, yet his judgment of the effect of the Company's policy upon its employees seems to be substantiated from other sources. Lord Selkirk charged that the Company deliberately encouraged its servants to accept unlimited credit at the prices of the upper country--frequently, double the Montreal prices--so that they were often in debt to their employers for years of advance pay. It was claimed that the Company could never have made any profits whatever, had it actually paid the voyageurs and clerks the full amount of the wages that looked so attractive on paper.<sup>1</sup>

It is perhaps no mere coincidence that several of the French-Canadians who had hitherto been prominent in the fur trade retired from business in the 1790's, often at quite a young age, and henceforth concentrated their interest upon affairs in Lower Canada;<sup>2</sup> it is interesting to note, also, that several of their number entered politics-- a field of enterprise that had not interested them until French-Canadian leadership in the fur trade had been lost.

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(1) SELKIRK, EARL OF: A sketch of the British fur trade in North America, pp. 27-8, 41-2, 83; ROCHEFOUCAULD-LIANCOURT, DUC DE: Travels through...Canada, pp. 329-31; DAVIDSON, G.C.: op. cit. pp. 230-2.

(2) WALLACE, W.S. (ed.) Documents relating to the North-west Company, (Champlain Soc. Pub.) Appendix A.

As long as the fur trade continued as a flourishing business, however, the prosperity of the country in general remained high, and in this prosperity, French-Canadians as well as Englishmen had a share. The treaty of Versailles in 1783, however, promised the fur trade a crushing blow, even though the British occupation of the western country delayed the falling of the axe for more than a decade. In the early 1780's, the export of furs was valued at £200,000<sup>1</sup> to £250,000 annually, yet, according to Isaac Todd and Simon McTavish, nearly one-half of these furs came from country which, by the terms of the treaty, became the property of the United States, "owing to some oversight and want of proper knowledge of the country."<sup>2</sup> The success of the fur trade, also, was predicated upon the western country's remaining unsettled and untilled, and this condition was bound to disappear before many years; moreover, the British government was by no means so convinced of the value of the fur trade as were Todd and McTavish. Lord Shelburne declared, in a debate in the House of Lords: "If the entire fur trade sunk into the sea, where is the detriment to this country? Is £50,000 a year imported in that article any object for Great Britain to continue a war of which the people of England by their representatives have declared their abhorrence?"<sup>3</sup>

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(1) STEVENS, W.E.: The northwest fur trade, p. 120.

(2) Pub. Arch. Can., Series Q, vol. LVII, pp. 383-4, Observations of Isaac Todd and Simon McTavish, no date.

(3) COBBETT, WILLIAM (ed.): The parliamentary history of England, vol. XXIII, p. 409, Speech of Lord Shelburne, February, 1783.

Anxieties over the fate of the fur trade first made themselves apparent during the 1780's, and, also during that decade, there came a slump in prices throughout the colony,<sup>1</sup> and, finally, a complete crop failure that brought disaster to French-Canadians throughout the colony. Earlier, the default of James Cochrane had alarmed all his creditors,<sup>2</sup> both old and new subjects, and had led to financial ruin for some of them.<sup>3</sup> French-Canadian merchants like Jean Delisle who had built up a reputation for being industrious and prudent, found themselves involved in debts exceeding the value of their entire property.<sup>4</sup> Thus suddenly, the prosperity of the war years disappeared in Canada, and out of the depression of the 1780's came the first real interest in politics among the French-Canadians.

The unrest of later years might lead one to the conclusion that a people aggrieved by constant denial were demanding a political voice in order to assuage their economic ills. A study of the economic development of Canada in the years after the conquest, however, cannot support such a conclusion. It would appear, rather, that the position of most French-Canadians had improved appreciably throughout the

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(1) Histoire des Ursulines de Québec, vol. III, p. 163; p. 240; Pub. Arch. Can., Series B, vol. LXXVII, p. 28, McGill to Mabane, Feb. 22, 1788.

(2) Pub. Arch. Can., Collection Baby, vol. XXVIII, p. 376, J.F. Perrault to Perrault l'ainé, Montreal, Oct. 10, 1782.

(3) Histoire des Ursulines de Québec, vol. III, pp. 168-9.

(4) Pub. Arch. Can., Letter Books of Edward William Gray, Gray to Elias Lock, Montreal, Nov. 7, 1785.



1760's and 1770's, and that this very improvement threw into sharper focus the disasters of the ensuing years. To the generation that remembered the Seven Years' War, however, British rule still seemed to offer more security than French rule had offered; when these older men began to interest themselves in political matters, they were likely to lean toward the French party which had symbolized British government to them for a quarter of a century. Pierre Guy wrote to his son, minimizing the financial difficulties of the time, and looking back over his experiences of many years: " Tu me dit que l'argent est rare au Detroit; ce n'est pas le seul endroit de ma mémoire; je ne l'ai pas vue si rare au Montreal tant avant la conquête." On the other hand, the generation of French-Canadians in Quebec who had been born since the conquest, had a completely different view; they were apt to see the prosperous years of their childhood as the normal condition of the country, before the British monopoly over the fur trade was established, before British seigneurs demanded new taxes from the habitants, and before a large influx of Loyalists had complicated the political situation in their province. The economic history of the early years of British rule had thus contributed largely to the creation of an interest in politics in Quebec and to the determination of the stand which French-Canadians would take upon political issues.

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(1) Pub. Arch. Can., Collection Baby, vol. XXV, p. 19, Pierre Guy to his son, Joseph, Montreal, April 29, 1806.

## CHAPTER X

### FRENCH-CANADIANS IN THE UPPER COUNTRY, 1760-1796.

When Major Rogers received the submission of the French posts in the west in 1760 and 1761, between two and three thousand French-Canadians came under British rule. They remained British subjects for thirty-five years, yet, for a large part of that time, they were cut off from the older settlements along the St. Lawrence, either by the trade policy of the government, or by the exigencies of war. Only after their territory had actually been ceded to the United States in 1783, did they experience a period of British civil administration. A study of this comparatively small group of French-Canadians during the years of British rule has several points of significance. First, it offers evidence of the working of the British fur trade policy upon the inhabitants of the west; secondly, and inextricably bound up with the first, it casts light upon the close relationship of the French-Canadians and the Indians; thirdly, it does much to dispel the legend that military government in Quebec, or beyond it, could continue in popularity as it was extended in time; finally, such a study is

important in showing the contrast between the development of French-Canadians massed together in a close settlement and that of the traders scattered throughout the Indian country.

The event which dominated the history of the western country for many years was the rising of the Indian tribes under Pontiac in 1763. The causes for the unrest among the Indians were not far to seek, for the effects of the transfer of authority from France to Britain were immediately apparent. The parsimony of the new rulers was evident from the first, and the commanders of the posts were supplying necessities to the Indians at exorbitant prices.<sup>1</sup> The Indian reaction to grievances<sup>2</sup> had always been the massacre of a few of the offenders, and it is not surprising that the same means of redress should have been resorted to in 1763. The extent of the plan, however, and the simultaneous attacks upon British traders throughout the western country, suggested the presence of a scheme far more definite and comprehensive than those underlying isolated massacres. English commanders at the forts were well aware that belts were sent to various tribes by French-Canadians, both traders,<sup>3</sup> and missionaries,<sup>4</sup> and they noted the changed

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(1) RUSSELL, N.V.: The British regime in Michigan and the northwest, pp. 18-19.

(2) Clements, Gage Letter Books, Gage to Amherst, Montreal, July 6, 1762; Gage to Amherst, Montreal, April 4, 1763.

(3) Clements, Gage Papers, American Series, vol. IX, Court of enquiry, Detroit, Oct. 12, 1763; vol. XI, Moncrieffe to Burton, Fort Ontario, Dec. 1, 1763; vol. VIII, Gladwin to Gage, Fort William Augustus, April 4, 1764.

(4) Ibid, vol. VIII, Gladwin to Gage, Fort William Augustus, March 24, 1762.

attitude of the tribes, once the belts were received.<sup>1</sup> Rumours that a French fleet was daily expected in the St. Lawrence flourished once the belts were carried to the Indians, and it seems clear that French propaganda had a great deal to do with the outbreak of the revolt.

Such an uprising could have caused great loss of life and property to the French-Canadians living in the upper country, but no one feature emerges more strikingly from the history of the revolt than the fact that the Indians were not directing their attack against anything French-Canadian. At Michillimackinac, the Indians attacked only British traders and soldiers; "They neither hurt the Canadians nor plundered their goods. From which circumstances it can be imagined that there was some collusion betwixt the Canadians and the savages to exclude the English from the trade of the upper posts. I can't discover any formal scheme of this nature, but I have reason to believe from the time the country was conquered that the Indians have been amused with reports of Spanish and French armaments coming up to Quebec to retake the country."<sup>2</sup> Certain circumstances make it seem certain that this conclusion was indeed the correct one.

In the first place, the Indian treatment of the French-

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(1) Clements, Gage Papers, American Series, vol. VIII, Jas. Grant to Gage, Fort William Augustus, May 31, 1762.

(2) Pub. Arch. Can., Series Q, vol. I, pp. 210-11. Gage to Halifax, Montreal, Aug. 26, 1763.

Canadians at Michillimackinac was no isolated example. At Detroit and the other posts, French-Canadian property was always spared, unless its owner was known to be working for British interests.<sup>1</sup> The inhabitants of Detroit complained of the unhappy position in which the uprising placed them,<sup>2</sup> but their list of grievances suggested that inconvenience and perplexity rather than actual loss of property were their chief difficulties.

In the second place, more definite evidence of collusion emerged from the inquiries instituted after the revolt, for the complicity of certain of the inhabitants of the posts was clearly brought out.<sup>3</sup> More important than the charges against specific traders like Godfroy and Beaubien was the virtual certainty that many of the French-Canadians were in close enough touch with the Indians to recognize the signs of preparation for attack, even if they were not accessories before the fact,<sup>4</sup> and the traders could perceive most clearly that

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(1) Clements, Gage Letter Books, Gage to Amherst, Montreal, July 12, 1763; Pub. Arch. Can., Series S (Internal Corr., prov. of Que.) vol. XXIII, Howard to Walker, Montreal, Jan. 11, 1787.

(2) Clements, Amherst Papers, vol. II, p. 22, Inhabitants of Detroit to commander of Illinois, enclosed in Gladwin to Amherst, Detroit, Oct. 7, 1763.

(3) Ibid., vol. VI, p. 56, Amherst to Gage, New York, Aug. 3, 1763; vol. II, p. 20, Court of inquiry held at Detroit, Oct. 4, 1763; Gage Papers, American Series, vol. XIII, Gage to Burton, New York, Feb. 7, 1764; vol. XI, Gage to Burton, New York, Dec. 29, 1763.

(4) PARKMAN, FRANCIS: History of the conspiracy of Pontiac, vol. I, pp. 218-19.

great advantages might result from the Indians' driving their rivals from the western country.<sup>1</sup> That the French-Canadians should have sympathised with the revolt was understandable and inevitable; that some of them had taken an oath of allegiance to a new ruler was true, but it was also true that such an oath was practically meaningless to the traders of the west. Loyalty with them might extend to their families and their friends, but rarely to a remote sovereign, and their friends were the Indians; in this conflict of loyalties, there was little doubt of the result.

In a few cases, friendship for individual Englishmen in the west created a new loyalty that transcended the economic interest of the traders and even their attachment to the Indians. Such was the case at Sault Ste. Marie, where J.B. Cadot<sup>2</sup> saved the life of Alexander Henry. Such was the case at Detroit, where Margeurite Beaubien and Jacques Duperron Baby—brother of François, the Quebec merchant—were both credited with warning the garrison of impending attack. It seems clear<sup>3</sup> that Baby had dealings with Pontiac throughout the year 1763, and whether or not he reported all these conferences to Major Gladwin<sup>4</sup>—as his grandson declared in his memoirs—the British

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(1) Clements, Gage Letter Books, Gage to Egremont, Montreal, Aug. 22, 1763.

(2) WALLACE, W.S. (ed.) Documents relating to the North-west Company, (Champlain Soc. Pub.) Appendix A, p. 428, Note re J.B. Cadot.

(3) BABY, W.L.: Souvenirs of the past, pp. 4-8.

commander was confident of his loyalty.<sup>1</sup> It was Baby's suggestion, moreover, that a company of two or three hundred French-Canadians from Quebec would have a quieting effect upon the Indians, for it would convince them that they could expect no aid from that quarter.<sup>2</sup> Amherst rejected the idea as much too dangerous, for he had grave doubts about the behavior of such a corps.<sup>3</sup> Within a few months, however, the general had changed his mind, and he was suggesting the same plan to the British government, while recommending that Baby should be put in command of a company.<sup>4</sup> Whether Baby had any such plan in mind when he first suggested recruiting French-Canadians, it is impossible to say; certainly, his reputation for loyalty paid him dividends in the later history of Detroit, but there is no indication that he had any real knowledge that British supremacy would be restored in the west.

In quite a different category from Baby, who consistently supported the British, were the traders of the posts who quickly set about to impress the authorities, once an expeditionary force was pushing its way westward. Captain de Hertel served as a trusted messenger on this campaign,<sup>5</sup> and,

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(1) Clements, Amherst Papers, vol. VI, p. 56, Amherst to Gage, New York, Aug. 3, 1763.

(2) Ibid, vol. II, p. 9, Gladwin to Amherst, Detroit, Aug. 11, 1763.

(3) Ibid, vol. II, p. 10, Amherst to Gladwin, New York, Sept. 9, 1763.

(4) Pub. Arch. Can., Series C.O. 5, LVI, pp. 49-50, Amherst to Halifax, Pall Mall, Jan. 6, 1764.

(5) KINGSFORD, WILLIAM: History of Canada, vol. V, p. 104.

as the troops drew nearer, French-Canadians began to point out the difficulties they were having with the Indians, and the unreasonable demands that Pontiac was making upon them.<sup>1</sup> This was the natural and politic course of action, provided they had not committed themselves so irrevocably to the Indian cause that they could never hope to ingratiate themselves with the British authorities; if that were the case, flight to the Illinois territory seemed the only solution.

Although the great triangle of land between the Missouri and the Ohio rivers was never a part of Canada, except during the extraordinary years of the American Revolutionary War, and thus its inhabitants could scarcely be included among the French-Canadians, that area was to exercise an important influence upon British policy in the more northerly area, and upon the life and conduct of the French-Canadians of the upper posts. The Pontiac rebellion brought out most clearly the interrelationship between the two areas. For example, the French commander in the Illinois territory was persuaded by General Gage to address a letter to the various Indian tribes assuring them that they could hope for no assistance from the French.<sup>2</sup> In addition, the Illinois

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(1) Clements, Gage Papers, American Series, vol. XXXVI, Alex. Fraser to Gage, Caskaskia, May 26, 1765; vol. XLIV, John Campbell to Gage, Detroit, Oct. 14, 1765; FLICK, A.C. (ed.) Papers of Sir William Johnson, vol. V, pp. 362-3, Johnson to Gage, Johnson Hall, Aug. 25, 1766.

(2) PARKMAN, FRANCIS: History of the conspiracy of Pontiac, vol. II, p. 186.



country offered a refuge for renegades from the northern posts.<sup>1</sup> Just as Detroit attracted those evading justice in Quebec,<sup>2</sup> the Illinois territory was a safe haven for those who were wanted by the authorities in Detroit or Michillimackinac. Even after the English occupied the Illinois in 1766, there was still a good chance that these renegades would not be apprehended, and the establishment of St. Louis, on Spanish territory on the western side of the Mississippi opened a new means of escape.<sup>3</sup> In addition, the presence of French and Spanish traders so very close to the Illinois territory, and the fact that the colony was linked economically with Louisiana rather than with Canada,<sup>4</sup> accentuated the danger that the Pontiac rising would be the first of a long series of such incidents, and, at the same time, delivered the more adventurous of the traders from the rigours of English punishment.

The suspicions of the French-Canadians which emanated from the Pontiac rising and the continued hazards of French traders on the Mississippi dictated a firm policy in the west. Just what the English meant by a firm policy became immediately evident, for General Gage's suggestions in the fall of 1763

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(1) QUAIFE, M.M. (ed.) Papers of John Askin, vol. II, p. 226, Giasson to Askin, Michillimackinac, July 3, 1779.

(2) STEVENS, W.E.: The northwest fur trade, p. 50; RUSSELL, N.V.: The British regime in Michigan and the northwest, p. 19.

(3) Clements, Gage Papers, American Series, vol. XLVI, Sterling to Gage, Fort Chartres, Dec. 15, 1765; PARKMAN, FRANCIS: op.cit., vol. II, p. 256; CARTER, C.E.: The Illinois country under British rule, p. 49.

(4) CARTER, C.E.: op. cit. p. 11.

presaged a grim future for the French-Canadians in the upper country. He wrote that there was no doubt that Gladwin would remove " all priests and Jesuits, in the manner you have decided, and I hope that no more of those black gentry will ever be suffered among the savages. I am certain they will do all they can against us, if ever a fair opportunity offers, but, unless it should offer, they are too cunning to meddle openly. In the meanwhile, both they and the French inhabitants will keep up a spirit...and support that separate interest betwixt English and French which naturally subsisted before we were masters of the whole country. All the posts should be cleared of the canaille which are settled near them as soon as possible. I only wish you had ordered the priests down to New York and sent them thence to Europe. This country is already too full of them. I hope the government will fall upon some methods to thin them out, and not suffer a French priest in the whole country. I am certain they will not only be enemies themselves but make all others so whom they can influence."

Here Gage expressed a view that was extremely strong among the English in America. They were determined that the influence of the Roman Catholic missionaries among the Indians was detrimental to the British cause,<sup>2</sup> and, from the time of Pontiac's rising, it was inevitable that the Catholic clergy in the west

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(1) Clements, Gage Letter Books, Gage to Amherst, Montreal, Sept. 23, 1763.

(2) Clements, Gage Papers, American Series, vol. LXXV, Gage to Carleton, New York, April 4, 1768.

would not receive the support that they received in Quebec. At first, priests were forbidden to go to the Illinois territory, and only in 1768 was this prohibition lifted, possibly on the request of Governor Carleton who was expressing the view of the Quebec hierarchy.<sup>1</sup> The new nominee was Father Pierre Gibault, who found a most rebellious spirit among the inhabitants; they were refusing to pay the tithe, and, in many ways, were showing their disrespect for the clergy.<sup>2</sup> In all parts of the western country, the same policy to limit clerical control rigidly was observed throughout the British regime. The French party in Quebec showed some inclination to favour Sulpicians serving as missionaries among the Indians,<sup>3</sup> but the extensive Jesuit activities were at an end. The inhabitants of Detroit and Michillimackinac were still allowed the freedom of religion that the terms of capitulation had promised them, but the government policy was to watch the priests narrowly. The result was a diminution of clerical influence, not only over the French-Canadians but also, and more disastrously, over the Indians.

The government's answer to the Pontiac rebellion, and the government's means of preventing French-Canadians from making use of their influence among the Indians, was the restrictive

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(1) Clements, Gage Papers, American Series, vol. LXXV, Gage to Carleton, New York, April 4, 1768.

(2) CARTER, C.E.: op. cit. p. 76.note.

(3) Pub. Arch. Can., Series B, vol. CCXXI, p. 54, Haldimand to Hamilton, Quebec, Nov. 14, 1784.

trade policy of 1763. This policy was, in large part, that of Sir William Johnson, a man who had gained his position as superintendent of Indian affairs as a reward for his somewhat doubtful services in the Seven Years' War,<sup>1</sup> and who was determined to assert his authority in the west.<sup>2</sup> While understanding the Indian temperament and point of view better than most of his contemporaries, his mission was assuredly not "to promote the Indians' welfare,<sup>3</sup> but to get around the savages' objections to British policy."<sup>4</sup> In this effort, his active interest lay in curbing, if not destroying, the influence of the French-Canadian fur trader and missionary, and he was quick to see the machinations of the French in every occurrence in the Indian country. His restrictive policy, however, probably injured the traders from Quebec and Montreal more than those who were already at the posts, and who could not be prevented from visiting the Indian villages; in fact, the French-Canadians in the upper country may well have reaped an advantage from this policy that was designed to limit their activities. In addition, the decision to abandon the posts farther west simply effected a shift of trade toward the

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(1) ALDEN, J.E.: General Gage in America, p. 34.

(2) FLICK, A.C. (ed.): op. cit. vol. IV, p. 24, Johnson to John Tabor Kempe, Johnson Hall, Jan. 20, 1763.

(3) PECKHAM, H.H.: Pontiac and the Indian uprising, p. 53.

(4) O'CALLAGHAN, E.B. (ed.) op. cit. vol. VII, pp. 818-19, Johnson to the Lords of Trade, Johnson Hall, March 22, 1766.

Hudson's Bay Company, and the dispersal of a number of French-Canadian traders among the Indian tribes where, like some of the residents of the Illinois territory, they became almost indistinguishable from the savages.<sup>1</sup>

Johnson's policy was in direct conflict with that of Governor Guy Carleton who was expressing confidence in the French-Canadians in Quebec at exactly the same time as Johnson was watching those in the upper country with a great deal of suspicion. One example of their clashing interests occurred when Joncaire Chabert, who had great influence among the Indians of Detroit and Niagara, sought to return to the west.<sup>2</sup> Johnson was suspicious of his intentions, and Carleton attacked the tendency to cast vague aspersions upon the objectives of the French-Canadians. He wrote to Gage of this dispute, saying: "If Sir William Johnson has positive proof that Chabert has been stirring up the Senecas, I should like to have it"<sup>3</sup>; on another occasion, he declared it as his opinion that "it is not only more just but more wise, that the punishment should follow the crime rather than run before it; to ruin any man lest he should commit a crime is a doctrine

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(1) DAVIDSON, G.C.: op. cit. p. 33.

(2) FLICK, A.C.(ed.): op. cit. vol. VI, pp. 429-30, Joncaire Chabert to Johnson, Detroit, Oct. 1, 1768; Clements, Gage Papers, American Series, vol. LXV, Turnbull to Gage, Detroit, May 27, 1767; vol. LXXI, Gage to Carleton, New York, Dec. 13, 1767.

(3) Clements, Gage Papers, American Series, vol. LXXVII, Carleton to Gage, Montreal, May 28, 1768.

I do not understand.<sup>1</sup>"

Carleton's complaints against the trade restrictions<sup>2</sup> were usually those of the Quebec merchants, for his interests naturally lay with the rights of citizens of the colony he administered. His knowledge of the western country was always vague—in fact, he stated that he had no idea of the distance from Quebec to Illinois, while, in his testimony before the House of Commons in 1774, he averred that Detroit was not under the government of Canada, but that Michigan was!<sup>3</sup> It is at least possible that Carleton's objections to the trade restrictions stemmed from the fact that the traders in his government were suffering from a policy that favoured the residents of the west.

One very great reason for the relaxation of the controls over the western fur trade was the conduct of Major Robert Rogers, during his sojourn as commander<sup>4</sup> at Michillimackinac. Given command of that post in 1766, he deliberately disobeyed his instructions, gave presents to the Indians on a scale reminiscent of the French regime, and allowed the traders to winter among the Indians as they had formerly done.<sup>5</sup> The

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(1) Clements, Gage Papers, American Series, vol. LXXVI, Carleton to Gage, Quebec, Feb. 3, 1768.

(2) Ibid, vol. LXXVI, Carleton to Gage, Quebec, Feb. 3, 1768.

(3) WALKER, C.I.: The northwest during the revolution, pp. 10-11.

(4) Clements, Gage Papers, English Series, vol. V, Conway to Gage, St. James's, Oct. 10, 1765.

(5) Clements, Gage Papers, American Series, vol. LXXVIII, Charges vs. Rogers, enclosed in Gage to Cramahe, New York, June 20, 1768.

Quebec traders rejoiced in the relaxation of the rules, for they were thus enabled to win back the trade that had often benefited the French-Canadians of Michillimackinac, whom Rogers was not disposed to favour.<sup>1</sup> It has been stated that "compared with the cynical selfishness of Sir William Johnson's attitude toward the Indians...(the policy of Rogers) seems refreshingly humane and progressive."<sup>2</sup> The immediate results of the clash between the two policies were the removal of Rogers from his command, and, almost simultaneously, the lifting of the fur trade restrictions, and the rush of traders from the St. Lawrence valley into the Indian country.

In the upper country, the years after 1768 were notable for the competition of rival traders, while the absence of restraining controls by government or missionaries brought about a situation that was becoming intolerable by the 1770's. It seems to be generally accepted that the effects of this competition upon the Indians were disastrous,<sup>3</sup> while the lawlessness of the upper country became notorious. It must be remembered that this lack of restraint upon the traders came at a time when the posts were most inadequately served in point of view of government and law courts. The period between the conquest and the coming into effect of the Quebec Act was one of military government, in the upper country. In Quebec,

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(1) Clements, Gage Papers, American Series, vol LXII, Robert Rogers to Gage, Michillimackinac, Feb. 12, 1767.

(2) Burton Collection Historical Leaflets, vol. VII, No.I, p.12, QUAIFFE, M.M.: "Robert Rogers."

(3) MASSON, L.R.: Les bourgeois de la compagnie du nord-ouest, vol. I, p. 6.

the military regime had been one of tranquillity, of careful following of the old precedents, and of generally amicable relations between the authorities and the French-Canadians. In conception, however, the military regime had been purely negative, and the unfortunate result of pursuing such a policy for fifteen years without making any formal provision for law or government became extremely evident in the upper country.

In the first place, the enforcement of law and the adjustment of rival claims was in the hands of the commanders of the posts. The Judge Advocate was enjoined to take<sup>1</sup> evidence in civil cases, and a court of arbitrators was<sup>2</sup> advised in order to settle land claims. In the vexed question of conflicting claims in the Detroit area, however, no arbitration board could agree, and the military commander was left to decide the merits of each case, with sporadic instructions from his superior officers in New York. Much difficulty arose over the grant of land by Captain Turnbull to McDougall, first because the government policy was to allow no grants in the Indian country, and secondly because that particular piece of land was already claimed by Jacques Duperron<sup>3</sup> Baby. Another cause for dispute was the concession of land by

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(1) Clements, Gage Papers, American Series, vol. XI, Gage to Bouquet, New York, Dec. 23, 1763.

(2) Ibid, vol. XCVI, Gage to Stevenson, New York, Sept. 28, 1770.

(3) Ibid, vol. CIV, Gage to Stevenson, New York, June 17, 1771.



Picotté de Bellestre, the last French commander at Detroit, who had spent the early summer of 1760 giving land to a large number of Detroit residents; it was finally decided that none of these grants was valid, because they had been made at a time when the capital was already in British hands, and therefore had never been properly registered.<sup>1</sup> At the same time, the Detroit residents who claimed land by virtue of Indian grants<sup>2</sup> had little chance of having their titles recognized.<sup>3</sup> François Navarre, who had sent in an annual papier terrier to the Commissaire de la Marine at Montreal during the French regime, stated that all grants made by the commanders had been considered valid, and rents collected accordingly, even before the actual registration at Quebec,<sup>4</sup> and this was very probably true, but the commanders under British rule were not convinced by his arguments and, particularly when the land in question lay inside the fortifications, they did their best to invalidate the claims or, if that proved impossible, to exchange the property for other grants outside the town. French-Canadians<sup>5</sup> were by no means sure that this was a favourable exchange, and these disputes were particularly violent at Detroit where

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(1) Clements, Gage Papers, American Series, vol. XCIV, Gage to Bruce, New York, Aug. 6, 1770.

(2) Ibid. vol. XCIX, List of inhabitants possessing land by virtue of Indian deeds, Dec. 16, 1770, enclosed in Stevenson to Gage, Detroit, Dec. 18, 1770.

(3) Ibid. vol. XCIX, Stevenson to Gage, Detroit, Dec. 18, 1770; vol. ~~CI~~, Gage to Stevenson, New York, April 7, 1771.

(4) Ibid. vol. XCIX, Stevenson to Gage, Detroit, Dec. 14, 1770.

(5) Ibid. vol. XLII, Campbell to Gage, Detroit, Sept. 15, 1765; vol. XLV, Campbell to Gage, Detroit, Oct. 31, 1765.

property values inside the town were soaring in the 1760's and 1770's.<sup>1</sup>

Along with complaints over the disregard of their land claims, the inhabitants of Detroit protested against the interpretation of feudal obligations which the commanders attempted to enforce. Colonel Campbell levied a tax of a cord of wood from each farmer for each arpent of frontage, while the proprietors of land inside the fortifications were supposed to lodge the troops.<sup>2</sup> Thereafter, the old French feudal dues were collected instead, but at a rate higher than that of the old regime<sup>3</sup> and most of the inhabitants found it quite impossible to pay them.<sup>4</sup> Very few of the farmers of the district produced more than enough for their own subsistence, as Major Campbell discovered when he attempted to buy provisions from them. The largest property-holder, Marzac, promised 20,000 hundredweight of flour, but most of the promises were for trifling amounts.<sup>5</sup>

A second legal difficulty that arose from the continuance of military government in the west was the trial and punishment of those accused of criminal offenses. If civil disputes led to

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(1) BURTON, C.M.: The city of Detroit, vol. II, p. 200.

(2) Burton Historical Collection Leaflets, vol. III, No. I, p. QUAIFFE, M.M.: "Some glimpses of life in ancient Detroit" cites P. LeGrand on taxation, c. 1767; Clements, Gage Papers, American Series, vol. XLII, Campbell to Gage, Detroit, Sept. 11, 1767.

(3) Burton, Porteous Papers, Quit-rent books for 1771-2.

(4) Clements, Gage Papers, American Series, vol. LII, Campbell to Gage. Detroit, May 31, 1766.

(5) Ibid, vol. LII, List of inhabitants who have agreed to furnish provisions, enclosed in Campbell to Gage, Detroit, May 31, 1766.

endless wrangling and ill feeling, the lack of authority to try criminal cases in the west led to increasing lawlessness. When Michel Dué, for example, was accused of the murder of Tobias Isenhout early in the year 1771, he fled to the Illinois, but, after being apprehended at Kaskaskia,<sup>1</sup> he was sent down to Quebec for trial. He was convicted in the summer of 1772, and then sent to Montreal to be hanged, because it was felt that this lesson might have a salutary effect upon the traders and voyageurs there.<sup>2</sup> It must be assumed that for every man so apprehended and laboriously convicted, there were plenty who<sup>3</sup> evaded punishment, and this impression is reinforced by the fact that the grand juries of Quebec and Montreal repeatedly called attention to the want of jurisdiction for the trial of offenses committed in the Indian country; it was not until 1803 that any effective steps were taken to remedy this evil.<sup>3</sup>

Difficulties over the administration of justice in the west were further complicated by the fact that several of the commanders in the early years of British rule were personally unpopular with the French-Canadians. Major John Campbell was one of those who became involved in disputes with the inhabitants,<sup>4</sup>

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(1) Clements, Gage Papers. American Series, vol. CIV, Stevenson to Gage, Detroit, July 1, 1771.

(2) Ibid. vol. CXIII, Cramahé to Gage, Quebec, Aug. 13, 1772.

(3) DAVIDSON, G.C.: op. cit. p. 80.

(4) Clements, Gage Papers, American Series, vol. CVII, Stevenson to Gage, Detroit, Oct. 9, 1771.

while his successor, James Stevenson, does not seem to have been remarkable for his tact. In answer to a request by several French-Canadians to be allowed to pasture cattle on Hog Island, he wrote: "I want no pattern proposed by you gentlemen nor your advice till I ask it..Mr. Dejean (the captain of militia) could have informed you that I would not give my consent to your making use of Hog Island, and this might have saved you time and paper." <sup>1</sup> The immediate result of Stevenson's outburst was a petition to General Gage, complaining of the arbitrary rule to which the citizens of Detroit had been subjected since 1760; instead, they asked that "nous puissions goûter en liberté les douceurs de ce <sup>2</sup> constitution anglicanne (sic)". It is highly improbable that these men had the faintest conception of what was implied in their request for the introduction of English law; at the same time, their protest against the system in the west in the 1760's and early 1770's, was none the less real, and the home government was becoming increasingly aware of the justice of these <sup>3</sup> complaints.

The passing of the Quebec Act did not solve the problems of the west, for, by the time that act came into effect, the

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(1) Clements, Gage Papers, American Series, vol. CVII, Stevenson to Campau, Réaume, and Labutte, Detroit, April 29, 1771.

(2) Ibid., vol. CVII, Inhabitants of Detroit to Gage, Detroit, Nov. 21, 1771.

(3) Pub. Arch. Can., Series Q, vol. III, p. 9, Conway to governors of Detroit & Michillimackinac, Whitehall, March 27, 1766; vol. IV, p. 130, Shelburne to Carleton, Whitehall, June 2, 1767.

communications between British headquarters in Boston and the upper posts were already broken by American armies.<sup>1</sup> The state of emergency again delayed the formation of courts, and the arrival of Lieutenant-Governor Henry Hamilton did nothing to improve relations between the French-Canadians and their government, or to assure the inhabitants that a new era of justice was about to dawn.<sup>2</sup>

The coming of peace in 1783 brought no end to the uncertainty and confusion of the upper country for, although law courts were set up in 178<sup>3</sup>7, and Michigan had representation in the councils and assembly of the province of Upper Canada after 1792, it was already de jure part of the United States. Any arrangements that the British might make in that area were thus purely temporary ones, as temporary as the expedient of military government itself had been. The courts showed an increasing tendency, throughout the 1790's, to select their jurors<sup>4</sup> from the southern, or Canadian, side of the Detroit river, and they may well have concentrated their attention upon the interests of those who would undoubtedly remain British subjects. At the same time, the grant of the franchise to all those who held land en roture<sup>5</sup> meant that a large number

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(1) Clements, Gage Papers, American Series, vol. CXXI, Gage to Carleton, Boston, May 20, 1775.

(2) Burton Historical Leaflets, vol. IV, No. II, QUAIFFE, M.M.: "Capital punishment in Detroit."

(3) RIDDELL, W.R.: Michigan under British rule, p. 52.

(4) Ibid, pp. 268-332, Records of Court of Common Pleas, 1792-4, printed in extenso.

(5) Ibid, pp. 136-7.

of French-Canadians in the upper country did have the vote in the elections of 1792, but those elections were chiefly notable for the lack of interest shown by nearly every French-Canadian. Important exceptions to this general rule were the two sons of Jacques Duperron Baby. Both of them seem to have been in the midst of the bargaining for votes that went on among the English<sup>1</sup> candidates; both of them had strong support from their own<sup>2</sup> countrymen in Quebec; both of them succeeded in achieving public office in 1792, Francis in the first assembly of Upper Canada, and James in the executive council selected by Lieutenant-Governor Simcoe.<sup>3</sup> For French-Canadians as a whole, however, the granting of representative government was a matter of little concern,<sup>4</sup> and the introduction of English law by the first assembly does not seem to have provoked any protest from the inhabitants of the Michigan territory. The virtual certainty that this territory would soon be occupied by American forces made all British efforts at reorganisation and reform completely meaningless for the population as a whole; what French-Canadians in the upper country were far more disposed to take into account

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(1) QUAIFE, M.M. (ed.): The papers of John Askin, vol. I, p. 420. Smith to Askin, Niagara, Aug. 6, 1792; Pub. Arch. Can., Collection Baby, vol. XV, p. 367, James Baby to Francis Baby, Niagara, July 12, 1793.

(2) QUAIFE, M.M. (ed.): op. cit. vol. I, p. 433, Draft of a letter from Askin to D.W. Smith. Detroit, Sept. 4, 1792.

(3) Burton Historical Leaflets, vol. V, No. II, QUAIFE, M.M.: "Detroit's first election."

(4) Pub. Arch. Can., Journals of assembly, Upper Can., p. 10.

was the period of confusion and unrest that preceded the long-postponed interest of the British authorities in their welfare.

Almost the entire period of British rule in the upper country had been filled with complaints from the French-Canadians and an increasing lawlessness among the traders, and, at the same time, it had been quite clear that the British authorities were far from sympathetic. When a number of individuals had sent in a petition to General Gage, he remarked that " the sooner (they)..leave for the French government they<sup>1</sup> apparently crave, the better for everybody." An opportunity for returning to French rule did not present itself, but an opportunity for leaving British rule did, and most French-Canadians acted upon the general's suggestion. It is scarcely surprising that there was so little enthusiasm for the British cause during the American War of Independence. Like the habitants of Quebec, the voyageurs, engagés, and petty traders were so lukewarm in their attachment that the commander had to keep<sup>2</sup> them under constant surveillance. To do this without raising their active hostility, however, was extremely difficult; to ask them to serve in the defence of their posts against the Americans was certain to arouse their resentment. At Michillimackinac, the British commander did persuade Charles Langlade

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(1) Clements, Gage Papers, American Series, vol. CXI, Gage to Stevenson, New York, May 15, 1772.

(2) RUSSELL, N.V.: op. cit. p. 85; STEVENS, W.E.: op. cit. p. 44.

to raise a corps of Canadian volunteers and Indians and to proceed towards Montreal,<sup>1</sup> but Langlade was one of the very few influential traders in the west who chose to support the British.<sup>2</sup> Etienne Campion of St. Joseph was another whose conduct suggested that British rule was more tolerable in the Michillimackinac region than it was at Detroit.<sup>3</sup> In the latter post, anti-British feeling ran extremely high, and, although a militia company was organised there in 1775, with J.B. Cuillerier as captain,<sup>4</sup> the difficulties of raising a corps were immediately apparent.<sup>5</sup> When a few French-Canadians did penetrate the Illinois country, the conduct of their captor, George Rogers Clark, must have left a strong impression with them. Copying his policy in dealing with the inhabitants of Cahokia, Kaskaskia, and Vincennes,<sup>6</sup> Clark told his prisoners "that we were happy to learn that many of them had been torn from their fathers and mothers and forced to go on this expedition, while others, ignorant of the true issues at stake, had engaged in the conflict

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(1) WALKER, C.I.: The northwest during the revolution, p. 14.

(2) HENRY, ALEXANDER: Travels, and adventures, pp. 80-81.

(3) Ibid, pp. 12-13; WALLACE, W.S.: Documents relating to the North-West Company, Appendix A, pp. 431-2.

(4) Clements, Riopelle Papers, Commission of J.B. Cuillerier, signed by Guy Carleton, Aug. 1, 1775.

(5) Michigan Historical Collections, vol. X, p. 328, Lernoult to \_\_\_\_\_, Detroit, March 26, 1779; p. 458, De Peyster to Haldimand, Detroit, Nov. 16, 1780.

(6) QUAIFE, M.M.:(ed.) The capture of old Vincennes, the original narratives of George Rogers Clark and of his opponent, pp. 58-73.



in obedience to a principle that actuates many men, that of being fond of adventure. They had now enjoyed a good opportunity, however, of acquainting themselves fully with the character of the war, and they were in a position to explain it to their friends. Since we knew that to send them to the States, where they would be confined in jail, probably for the duration of the war, would make a large number of our friends in Detroit unhappy, we had thought, for their sakes, to permit them to return home.<sup>1</sup>"

The masterly psychological approach of Clark, however, could only be successful in winning French-Canadian support so long as his military campaign was successful, and the eventual position of the Detroit inhabitants depended upon the outcome of the war. Like the residents of the Illinois, they would probably have been perfectly willing to take an oath of allegiance to Congress, had American armies reached their post, and then, equally willingly, they would have reversed their decisions and taken a pledge to the British sovereign as soon<sup>2</sup> as the fortunes of war shifted. As the war progressed, therefore, and when the Lieutenant-Governor himself was taken prisoner, a good many French-Canadians began to be most accommodating to the Americans.

The attitude of the north-west toward the revolution is

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(1) QUAIFFE, M.M. (ed.) The capture of old Vincennes...p. 133.

(2) Ibid, p. 198.

significant for several reasons. First, it serves as an indication of the general unpopularity of British rule in the preceding years; secondly, it shows the weakness of the influence of the ecclesiastical leaders in Quebec over the French-Canadians in the west, for, at the very time that the higher clergy had determined that the triumph of the Americans would mean assimilation, the French-Canadians in the upper country were becoming increasingly pro-American.<sup>1</sup> The small numbers of Englishmen in the west before 1790<sup>1</sup> may have made the French-Canadians unaware of the possibility of assimilation, and, in addition, the policy of the higher clergy did not always prevail even among the priests of the upper country. In 1794, for example, Father Le Dru was encouraging the inhabitants of the River Raisin settlement to enter into negotiations with the Americans.<sup>2</sup> It is true that the governor, acting upon the urging of the Bishop of Quebec, did take action in this case, and one Edmund Burke was sent out to replace LeDru, but he was completely unable to undo the work of his predecessor, and to recall the inhabitants to their old allegiance.<sup>3</sup>

A third factor that entered into the situation in the west was the political immaturity of most of the residents,

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(1) QUAIFFE, M.M. (ed.) Papers of John Askin, vol. I, p. 303, List of English Protestants in Detroit; CATLIN, G.B.: The story of Detroit, p. 101.

(2) CRUIKSHANK, E.A. (ed.): The correspondence of Lieut.-Gov. John Graves Simcoe, vol. IV, p. 20, Burke to Major Littlehales, May 27, 1795.

(3) Ibid., vol. IV, p. 19.

even by comparison with their relatives in Quebec. Almost all of the French-Canadians in the upper country were illiterate, and they had fewer connections with the world outside than did the inhabitants of the St. Lawrence valley. Only two men, Philippe Dejean--a fugitive from justice in Montreal who had fled to Detroit in 1768<sup>1</sup>-- and Jacques Duperron Baby--who had close relationships with the more settled part of the country-- seem to have perceived the advantages of accommodating themselves to the British authorities, and receiving confidence and favours as a result. Dejean, however, permitted himself to become merely a tool for Lieutenant-Governor Hamilton, and became so unpopular with his own countrymen that he had to follow his benefactor out of the country. Baby, on the other hand, retained the respect of most of the French-Canadians at the same time as he was making a favourable impression upon the English. He and his sons were thus honoured with offices under the British crown, and were likely to remain British subjects once the Americans arrived to take possession of their territory.

For most residents of the west, however, a realisation of the expediency of being on good terms with the rulers came much more slowly, and, since it matured later, it dictated obedience to the Americans rather than to the British. By the 1790's, a group of men led by François Navarre, François La Fontaine, Antoine Lasselle, and Jacques Lasselle, the son-

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(1) QUAIFE, M.M. (ed.) : The papers of John Askin, vol. I, pp. 105-06, note re Philippe Dejean.

in-law of Blue Jacket, the Shawnee chief, were firm supporters of General Wayne, and extremely useful to him in his negotiations with the Indian tribes,<sup>1</sup> while James Baby, as a loyal councillor of the province of Upper Canada, was busily informing the Lieutenant-Governor of these transactions.<sup>2</sup> Interest in the Indian trade, however, was dictating a policy generally favourable to the Americans, and this fact is significant for it indicates the faint beginnings of a concern with political affairs among a certain group of Michigan traders.

Once the Americans had actually reached Detroit in the summer of 1796, a somewhat broader section of the population perceived the advantage of pleasing the new rulers. A curious petition of the French citizens of Detroit to the United States Congress declared, in most expedient if somewhat ungrammatical fashion, that "Les Canadiens ont été horriblement molestés par les anglois depuis la tretté de 1783...beaucoup d'entre nous ont courû les risques de perdre la vie et la fortune pour avoir démontré de l'attachement aux États-Unis, et nous sommes tous rassemblées (sic) dans notre Eglise paroissiale pour unir nos prières...de nous delivrer du joug de l'oppression."<sup>3</sup> This document, signed by representatives of the foremost families of Detroit--Navarre, Campau, Meloche, Boyer, Chapoton, Desaulniers,

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(1) Michigan History Magazine, vol. ~~xxix~~, p. 213, BALD, F.C.: "How Michigan men helped to make the treaty of Greenville."

(2) CRUIKSHANK, E.A. (ed.): The correspondence of Lieut.-Gov. John Graves Simcoe, vol. II, p. 379, James Baby to Simcoe, Detroit, August 17, 1794.

(3) Burton, Winthrop Sargent MSS., Petition of Detroit citizens to the U.S. Congress, Sept. 17, 1796.

and so on-- also asked for an opportunity to learn the English language and the civic duties of Americans.

This was virtually a plea for assimilation, a sharp contrast to the petitions emanating from Quebec. Such a document as this address to the American Congress must, of course, be treated with a great deal of caution; it really proves nothing except the realistic attitude of the leading citizens of Detroit. It shows acceptance of the ironical fact that, in the very region where the possibility of anglicisation was greatest, where clerical power was feeblest, and where seigneurial power was virtually unknown,<sup>1</sup> where the attachment to French law and custom was slight, Britain had made the slightest impression upon her new subjects. The years of British rule in the west ended as if they had never been, and it remained for American rulers to make use of the conditions which the British had ignored. Probably no French-Canadian in the upper country could perceive any real distinction between British and American rule in 1796, or in the ensuing years.<sup>2</sup> The questions of the legality of Indian grants and the duty of serving in the militia complicated the early history of Wayne County,<sup>3</sup> just as they had complicated the

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(1) BALD, F.C.: The seigniory of Repentigny and De Bonne at Sault Ste. Marie, MSS. thesis prepared for Wayne University, Detroit, in Burton Historical Collection, Detroit Public Library, p. 65.

(2) QUAIFFE, M.M.: (ed) The papers of John Askin, vol. II, pp. 578-9, Pierre Audrain to Askin, Detroit, Oct. 22, 1807.

(3) Ibid, vol. II, pp. 60-61, Livingstone to Schieffeln, Elizabethtown, Dec. 17, 1796; pp. 574-5, Isaac Todd to Askin, Montreal, Oct. 1, 1807.

history of Quebec, but here the similarity in the development of the two area ended. The tendency toward the absorption of the French-Canadians in Michigan continued, and even the attitude of parishioners to their priest altered to some extent. The incident in which a man sued his priest for defamation of character because of a threat of excommunication, and then roused his entire family connection into political<sup>1</sup> opposition to the priest's candidacy for Congress, could scarcely have occurred in Quebec.

At the same time, moving across the Detroit river into Canadian territory was no means of escape from anglicisation, and there were few French-Canadians who left the American side of the river at the end of the eighteenth century. Again, the Baby family serves as the only notable example of French-Canadian Loyalists. There is no more striking contrast than that between the mémoires of William Lewis Baby of Sandwich, Ontario, and those of his contemporary and relative, Philippe Aubert de Gaspé, of Port-Joli, Quebec. The fact that they chose different languages for their reminiscences is the first obvious point of contrast, but the differences are much more profound than that. De Gaspé dealt almost exclusively with the French-Canadian group in Quebec, and his horizons were never broader than the St. Lawrence valley; Baby, on the other hand, reported the doings of a much larger area, the entire province of Upper Canada, the state of Michigan, the growth of a

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<sup>1</sup>  
(1) Burton, Campau Family Papers, Case of Labadie v. Father Richard, 1822.

Canadian nation, and its relations with its southern neighbour. He was interested in the possibilities of iron-mining in Algoma, in new developments in agriculture and industry, in the problem of fugitive slaves from the southern states, and in the political development of his own province, in which his family had shared from the beginning<sup>1</sup>. In the mémoires of these two grand-nephews of François Baby of Quebec, merchant and councillor, member of the Chateau Clique and staunch upholder of French law and custom, may be seen the essential difference between the development of the French-Canadians in the St. Lawrence region and that of the residents of the upper country, whether they became citizens of the United States or remained subjects of Great Britain.

The American War of Independence and the events that followed it had brought the first real danger of assimilation to French-Canadians everywhere. In the west, the result was a gradual absorption of the few thousand inhabitants into the English-speaking population; in the east, the result was a quickening of the fear of anglicisation, a tightening of national lines, and a determination that the developments in the upper country should not be repeated in the St. Lawrence valley. In a sense, the 1780's and 1790's marked the end of the history of the French-Canadians in the west, for their future development was to be inextricably bound up with Canadian and American expansion; the same years, however, marked the real beginning of the political history of the French-Canadians in Quebec.

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(1) BABY, W.L.: Souvenirs of the past; DE GASPÉ, P.A.: Mémoires.

## CHAPTER XI

### THE EFFECTS OF THE LOYALIST MIGRATION IN QUEBEC.

In both the upper country and in Quebec, the 1780's and 1790's witnessed the reappearance, in a far more menacing form, of the prospect of anglicisation. In both, the threat came from former residents of the thirteen colonies, and whether they remained loyal to Great Britain or whether they became citizens of the United States, their effect was likely to be the same. In the upper country, the small number of French-Canadians and their isolation from the powerful centres of thought combined to make it inevitable that they would soon become but a small minority, sharing, to some degree, the responsibilities of a predominantly American or Loyalist government, often despised by the newcomers for their ignorance<sup>1</sup> bigotry, and lack of initiative, but almost certain to become assimilated, within a period of years, into the very society that scorned them in the late eighteenth century.

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(1) VOLNEY, C.-F.: Tableau du climat et du sol des États-Unis d'Amérique, vol. II, p. 402.



In Quebec, on the other hand, the coming of the Loyalists had very different results, for the numbers of the immigrants and their ill-concealed scorn of the society which the Quebec Act had continued in the colony, aroused a resentment and an opposition to Loyalist innovations that was of tremendous importance in the development of Quebec. The Loyalists came to Canada with the feeling that they had sacrificed much in order to remain British subjects, and they found living under French laws and institution no adequate compensation. The justice of many of their complaints did not alter the fact that the French-Canadians found their society under constant attack, and their reaction to that attack was a stiffening of their resistance to change, coupled with an increasing consciousness that the men whom the governor had selected to represent them in his councils were either unable or unwilling to present the French-Canadian point of view.

An examination of the conduct of the seigneurs and the few important merchants who had penetrated the council by the 1780's reveals three characteristics of their leadership, all of which were very much heightened by the Loyalist migrations. In the first place, the weakness and ineptitude of the French-Canadian group in the council was made more apparent when the opposing faction was reinforced by the addition of several able men, who had formerly held office in the thirteen colonies; secondly, the appearance of a powerful opposition drove the French-Canadian members into a closer reliance upon the old French party, now led by Adam Mabane; thirdly, the weakness of the French-Canadian members and their dependence upon a foreign group whose policy no longer pleased many of the French-

Canadians pointed out the necessity for new leadership, and widened the gulf separating the Mabane following from the people as a whole.

The coming of the Loyalists meant a threat to the position of the French party in the council, and this point was brought out very clearly when its former champion, Guy Carleton, came back to the colony to which he had declared he would never return.<sup>1</sup> Yet, in 1786, elevated to the peerage as Baron Dorchester, and possessing the confidence of the British<sup>2</sup> ministry as he had possessed it twenty years before, he again arrived to assume his duties as governor of Quebec. Some optimistic French party members were convinced that his policy<sup>3</sup> would be essentially the same as it had been in the past, and, for a brief moment, the French-Canadian councillors may have hoped that the Loyalist threats would achieve nothing, for the old protector of French law and custom had now returned. What they neglected to take into account was the fact that Dorchester had spent several of the years since his departure from Canada administering Loyalist claims in America, and that experience was bound to affect his subsequent decisions. Even more important, he had come in contact with a man who was greatly to

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(1) Pub. Arch. Can., Series C.O. 42, vol. XV, p. 56, Carleton to Haldimand, New York, Sept. 6, 1783.

(2) Pub. Arch. Can., Series Q, vol. XXVI, p. 437, Sydney to Hope, Whitehall, April 6, 1786.

(3) Pub. Arch. Can., Series B, vol. LXXVI, p. 222, Mathews to Haldimand, Quebec, Nov. 9, 1786.

influence him throughout the next decade. William Smith, the former Chief Justice of New York, had been in correspondence with Carleton as <sup>1</sup>early as 1783 on the subject of Loyalist claims, and by 1784<sup>2</sup>, he was making suggestions on the government of Quebec. When his friend assumed office in Canada two years later, Smith became Chief Justice of the colony, and the governor's most trusted adviser upon the political and judicial questions of the day.<sup>3</sup>

The appearance of Smith in this position of confidence was significant for several reasons. First, the Chief Justice was a Loyalist<sup>4</sup>, and a determined and able proponent of everything English; secondly, and in large measure a result of the first, he roused the antagonism of most French-Canadians, especially those who had hitherto been staunchest supporters of Dorchester. F.J. Cugnet, for example, admitted that Smith was a man of intelligence, but characterised him as "vain de ses connaissances, trop emporté dans ses opinions, trop mordant sur l'administration des juges inférieurs;<sup>5</sup>" thirdly, the position of the Chief Justice jeopardised everything that the French-Canadian councillors had won in the past. Since few of them

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(1) Pub. Arch. Can., Smith Papers, vol. IV, p. 2, Smith to Carleton, June 7, 1783.

(2) Pub. Arch. Can., Series C.O.42, vol. XVI, p. 278, Mahon to Sydney, Downing Street, Aug.2, 1784.

(3) Pub. Arch. Can., Smith Papers, vol. I, pp. 140-4, Smith to Brooke Watson, Quebec, Nov. 7, 1788; Series B, vol. LXXVII, p. 211, Mabane to Haldimand, Woodfield, July 31, 1789.

(4) Pub. Arch. Can., Series B, vol. LXXVI, p. 245, Hope to Haldimand, Feb. 10, 1787.

(5) Pub. Arch. Can., Collection Baby, vol. II, p. 156, Cugnet to Lavaltrie, Quebec, Feb. 1, 1787.

had any real support from their own countrymen; they were completely dependent upon the goodwill of the governor, and the late 1780's offered striking examples of their impotence to combat any policy without that favour.

The very natural reaction of the French-Canadian councillors, in these circumstances, was to draw closer together, and to adhere more closely to the French party. Before 1786, there had been few indications that these councillors had any real community of interest with Mabane and his group, and the records of the council show a number of instances where the French-Canadians were actually giving support to the English party. The ordinance of 1785 to introduce new,<sup>1</sup> and essentially English procedures, in the civil courts, was passed with the aid of Baby, Longueuil, and St.<sup>2</sup> Ours, while de Léry and Bellestre gave their support to the Mabane faction. It was perfectly true that this measure was a reasonable one, for three-quarters of the trade was by that time in the hands of the old subjects, and the granting of juries in mercantile cases might well mean that the prejudices of twelve jurors would neutralise each other in a way that the prejudices of the judges did not,<sup>3</sup> but it is doubtful if any arguments in favour of an English procedure, no matter how

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(1) Can. Arch. Report, 1914-15, Appendix C, pp. 149-60, Ordinance regulating the procedure in the civil courts, 1785.

(2) Pub. Arch. Can., Que. Leg. Council, vol. D, p. 264, vote of April 6, 1785; Series Q. vol. XXIX, p. 387, Hope to Haldimand, Quebec, May 20, 1785.

(3) NEATBY, H.M.A.: The administration of justice under the Quebec Act, p. 48.

cogent the arguments might have been, would have moved the French-Canadian councillors a year or two later. The return of Dorchester brought a new period of activity in the council-- a division of the council into committees to consider the administration of justice, the state of communications in the colony, the questions of agriculture, colonisation, trade, and education,<sup>1</sup> that the French party wanted to defer indefinitely. Subsequent deliberations in these committees revealed the sharpness and definiteness of party lines in Quebec; the evenness of the parties numerically meant that the chairman of the committee was frequently required to give the deciding vote, and, according to the rules of seniority in the council, it was very unlikely that a French party member would serve as chairman of a committee. By 1789, there were six English councillors with precedence over de Léry, the oldest French-Canadian councillor in point of service, while there were five ahead of Adam Mabane,<sup>2</sup> the leader of the French party.

More important still, the acrimonious party disputes of the late 1780's revealed the paucity of constructive ideas and the stubbornly obstructionist policy of the French party. Every French-Canadian councillor except Lanaudière, who remained on friendly terms with Dorchester and Smith,<sup>3</sup> now voted en bloc, and

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(1) CHAPPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p.24.

(2) Pub. Arch. Can., Que. Exec. Council. vol. F, p. 271.

(3) Can. Arch. Report, 1889, Haldimand Diary, p. 251, Oct. 29, 1789; Pub. Arch. Can., Series Q, vol. XLIII, p. 803-4, Fraser to Nepean, London, Oct. 31, 1789.

almost invariably on the negative side of resolutions. The Chief Justice himself felt that these councillors would have been completely powerless, except for the fact that "they have been joined by a few of our own people, at the expense of the Exchequer in posts and promotions, by which both were mutually served, the one procuring signatures to petitions and representations as suited the occasion, the other engrossing the pipe of the correspondence to the reservoir from which the benefit was to flow."<sup>1</sup> Smith had ample cause to bemoan the alliance between Mabane and his friends, on the one hand, and the French-Canadian councillors, on the other, for the French party proved itself capable, on some occasions, of blocking measures in the council, and, still more serious, it remained firmly entrenched in the Court of Common Pleas. It was upon the question of law and of the judicial interpretations of the law that the bitterest battles of the 1780's were fought, and when Smith introduced an ordinance to reduce the confusion in the law courts,<sup>2</sup> Paul Roch de St. Ours countered with a bill to do away with the optional juries introduced in 1785, and to revert to the old French laws and customs in all particulars.<sup>3</sup> St. Ours could scarcely have hoped that such a bill would pass, but its introduction did

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(1) Pub. Arch. Can., Smith Papers, vol. I, pp. 143-4, Smith to Brooke Watson, Quebec, Nov. 7, 1788.

(2) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 574-9, Draft of Smith ordinance, March 12, 1787.

(3) NEATBY, H.M.A.: op. cit. p. 234; BURT, A.L.: The old province of Quebec, pp. 438-40.

delay the passing of the Smith measure, and it offers a striking illustration of the dog-in-the-manger tactics of the French party.

7      The St. Ours bill is remarkable for other reasons as well. It shows the way in which the French-Canadian members of the council were huddling together for protection and, even more important, it shows that their unity was a sign of weakness rather than of strength. They were now bound to ignore all reasons for complaint against the existing system, whether or not these complaints were justified, whether they came from English or from French-Canadian sources, merely because they were forced to support the French party. That meant that they must close their eyes to every evil except anglicisation, whether these evils affected the merchants, the habitants, or even the Roman Catholic church. In order to maintain their own positions, the councillors had to bolster the view that the *coûtume de Paris* was of inspired origin, and that any change in it meant a loss of French-Canadian privileges, more cherished because they were usually undefined.

The general furore aroused by the clash of parties in the council and the judicial investigation that followed it did do much to spread the fear among the French-Canadians that the Loyalists were about to impose English law upon them, and

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(1) Pub. Arch. Can., Series Q, vol. LVI, p. 668, Finlay to Nepean, Jan., 15, 1787; vol. XXVIII, p. 308, Finlay to Nepean, Quebec, March 15, 1787.

the very presence of the newcomers had led to an ill-feeling that the French party did nothing to dispel. The postponement of all other land grants until the Loyalists were settled<sup>1</sup> annoyed one group in Canada, while rumours that the Loyalists did not wish to do any work for themselves, and sought to widen the use of the corvée so that the French-Canadians would have to perform services for them<sup>2</sup> did nothing to make the newcomers more popular. Moreover, it was the government policy, at the beginning of the Loyalist migration, to grant them lands interspersed with Canadian lands,<sup>3</sup> and the entire experiment of settling the Sorel seigneurie with Loyalists did much to embitter the relations between old and new subjects. One group of habitants in the Sorel district, for example, built a gallows on the very edge of the Loyalist grants as a gentle reminder to the newcomers of the fate they had escaped farther south.<sup>4</sup> The numbers of the Loyalists--<sup>5</sup> about 5000 of them in Quebec by 1785--and their penetration of the country districts around Sorel, Terrebonne, Machiche, and St. John's<sup>6</sup> as well as their new settlements farther up

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(1) Pub. Arch. Can., Series B, vol. LXIV, p. 358, Mathews to Finlay, Quebec, Oct. 24, 1784.

(2) Ibid, vol. CLXIV, p. 125, Mathews to Gagy, Quebec, March 24, 1783; pp. 6-7, Gagy to Haldimand, Machiche, Oct. 8, 1779.

(3) Ibid, vol. CLXIII, p. 256, Mathews to Barus, Quebec, June 1, 1784.

(4) Ibid, vol. LXIII, p. 255, Mathews to Delancey, Quebec, April 28, 1784; vol. CLXV, p. 242, DeLancey to Mathews, Lachine, June 10, 1784.

(5) Pub. Arch. Can., Series Q, vol. XXIV, p. 66, Loyalists in Quebec, enclosed in Haldimand to Sydney, London, March 3, 1785.

(6) Ibid, vol. LIX, p. 109, Dorchester to Sydney, Quebec, Nov. 8, 1788.



the St. Lawrence and along Lake Ontario, had completely dispelled the old conviction that the French-Canadians would always remain in the vast majority in Canada, and that their assimilation was therefore impossible. Moreover, the late 1780's were years of financial disaster for both habitants and merchants, and it was a simple matter to blame the influx of thousands of newcomers for the scarcity in Canada. All conditions were therefore favourable to the growth of a strong nationalist feeling in Quebec, but, at the same time, the adherence of the French-Canadian councillors to a foreign party was cutting them off from most of their fellow-countrymen.

The division between the councillors and the rest of the French-Canadians had been extremely marked during the American War of Independence, and the years that followed brought no bridging of the gulf between them. The administration of Sir Frederick Haldimand in Canada had been filled with complaints from French-Canadians. The clergy denounced his arbitrary rule, his espionage system, and his incursions upon the liberty of the subject,<sup>1</sup> and Briand wrote : "La conduite du gouverneur dont on trouve des exemples à la Chine et au Japon...avait causé de la fermentation dans le laïque et dans le clergé."<sup>2</sup> It can doubtless be argued with great justice that many of Haldimand's actions were made almost inevitable by the extraordinary war-time

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(1) Histoire des Ursulines de Québec, vol. III, p. 152, 156; GARNEAU, F.-X.: Histoire du Canada, 5th ed. vol. II, pp. 392-3.

(2) GOSSELIN, ABBÉ AUGUSTE: L'Église du Canada après la conquête, pp. 206-07, cites Briand to Carleton, Quebec, June 30, 1781.

conditions of the colony, and by the prevalence of American<sup>1</sup> and French propaganda, but the questions raised by his administration illustrated the startling differences of opinion between other French-Canadians and the Anglophile members of the council. François Baby, certainly the ablest of these men, was firm in his support of Haldimand,<sup>2</sup> and the debates over the introduction of Habeas Corpus in 1784 showed that petitions from French-Canadian sources had no power to move him from that position.<sup>3</sup>

Complaints against the administration of justice under the Quebec Act had also a very real basis; both old and new subjects felt themselves aggrieved by the conduct of Judge de Rouville, in particular,<sup>4</sup> while a placard of the time pictured him busily disseminating the lies of the English government.<sup>5</sup> There is no doubt that all the judges, no matter how impeccable their motives, were permitted a wide discretionary power, and were allowed to take part in politics to such an alarming extent that the judiciary in Quebec had become the mere handmaiden of the executive and legislative functions of government.<sup>6</sup> This was

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(1) CHAPPAIS, SIR THOMAS: Cours d'histoire du Canada, vol. I, p.216

(2) Pub. Arch. Can., Collection Baby, vol. XV, pp. 23-8, Baby to Haldimand, Quebec, Nov. 17, 1785.

(3) Pub. Arch. Can., Que. Leg. Council. vol. D, p. 208, Baby's reasons for dissent from the opinion of the majority, April 22, 1788.

(4) Pub. Arch. Can., Que. Exec. Council, vol. I, p. 150, Committee report, May 10, 1791, on charges brought by L.C. Foucher v. Rouville; Series C.O. 42, vol. XIX, pp. 128-40, Letter from "Cato" to Judges of Common Pleas, Quebec, May 6, 1788.

(5) Pub. Arch. Can., Collection Baby, vol. LV, pp. 282-6, Placard found in home of Perras, Feb. 27, 1785.

(6) NEATBY, H.M.A.: op. cit. pp. 87-8; 91.

so true that judges could render ineffective in the courts the very measures that they had failed to block in the council;<sup>1</sup> in addition, there was still a welter of French and English laws and usages; the fees were still so high that a suitor wishing to collect a debt of £12 would pay at least £3 in costs, and he might well find that the costs would consume the entire amount<sup>2</sup> of the debt. The French-Canadian merchants also continued to feel the restraining effects of the *coûtume de Paris* upon business transactions,<sup>3</sup> and the habitants still complained against the militia ordinance and the punishments handed down for violations of it,<sup>4</sup> but the French-Canadian councillors were led by their new associates into a conviction that the existing legal system was perfect, and that any criticism of it was an attack upon French-Canadian privileges. They took the view that no grievance existed over the militia system, and Baby, Longueuil, and St. Ours all declared that the habitants were<sup>5</sup> delighted to perform *corvée* duty because of the attractive pay, but the complaints that emanated from the habitants belied their

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(1) NEATBY, H.M.A.: op. cit. p. 213.

(2) Ibid, pp. 87-8.

(3) Pub. Arch. Can., Series C.O. 42, vol. XIX, pp. 155-6, Letter of April 12, 1787, enclosed in Finlay to Nepean, Quebec, June 10, 1787; NEATBY, H.M.A.: op. cit. p. 97; 152.

(4) Pub. Arch. Can., Series Q, vol. XXIV, pp. 358-60, Representation of Montreal merchants, April 11, 1785; Series S (Internal Corr., Prov. of Que.) vol. XX, Abstracts of cases v. militiamen for non-observance of orders relative to *corvée*, Feb. 19, 1782-April 8, 1783.

(5) Pub. Arch. Can., Collection Baby, vol. XV, p. 13, Lettre de F. Baby, Quebec, April 2, 1785; Series C.O. 42, vol. XVII, p. 256, Finlay to Grant, Quebec, Aug. 9, 1785.

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statements. Likewise, the French-Canadian councillors seem to have disregarded any evidence brought out in the legal investigation of 1787 for, by that time, they were certain that the Loyalists would completely undermine their position, if one jot or tittle of the Quebec Act were abandoned. Twenty years later, a prominent French-Canadian could comment upon the sacrifice of legal principles to political expediency,<sup>2</sup> but the French-Canadian councillors never hinted that they were aware of this tendency in the 1780's. They regarded the Quebec Act, by that time, as their permanent creed, a charter of their liberties. "The tragedy of 1774<sup>4</sup> lies in the fact that on what should have been a camping-ground, the French party...erected a citadel."<sup>3</sup>

Just as the events of the late 1780's aroused in the French-Canadian councillors a passion to preserve the status quo, they aroused in clergy, in merchants, and in habitants, a similar reverence for things French, together with an increasingly strong conviction that the French party in the council could not stem the tide flowing against them. Even Guy Carleton, the former idol of nationalist groups in Canada, was no longer in a position to maintain his popularity. His return to the colony had been greeted enthusiastically, for

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(1) Pub. Arch. Can., Series Q, vol. XXIV, p. 262, Table of corvees, enclosed in St. Leger to Sydney, Montreal, June 2, 1785.

(2) Pub. Arch. Can., Collection Baby, vol. V, p. 187, Perrault to Olivier Perrault, Rivière Ouelle, July 14, 1807.

(3) NEATBY, H.M.A.: op. cit. p. 19.

his sympathy with the French-Canadians had become a legend in Quebec,<sup>1</sup> but it soon became apparent that his interests were now divided between the new subjects and the Loyalists. He could denounce both parties in the council as being too extreme, he could attempt to limit the incursions of the Loyalists upon the pattern of society and government he himself had been instrumental in continuing in Quebec, he could oppose any universal or instantaneous change,<sup>2</sup> but, all the while, his reliance upon Chief Justice Smith, and the contrast between his attempts at compromise in the 1780's and his unequivocal position of fifteen years earlier, were sufficient to convince many French-Canadians that they hoped for little from the governor. The coming of the Loyalists had forced him into a position where he had to abandon much of the policy that had ensured his popularity with certain groups of French-Canadians in the past. Of the French-Canadian councillors, only Baby seems to have retained any real influence with the governor,<sup>3</sup> and, as Dorchester's favour now went to the more able English party, the old policy of selecting the weakest reeds for preferment had its inevitable result: the governor was forced to recognize the incapacity of many of his councillors, and, at the same time, his critics among the

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(1) Histoire des Ursulines de Québec, vol. III, p. 181.

(2) Pub. Arch. Can., Series Q, vol. LVIII, p. 164, Dorchester to Sydney, Quebec, Oct. 14, 1788; vol. XLVI, pp. 2-3, Dorchester to Grenville, Quebec, Sept. 25, 1790.

(3) Pub. Arch. Can., Collection Baby, vol. VI, p. 57-8, Perrault to Perrault l'ainé, Montreal, Nov. 30, 1789.

French-Canadians might well ponder why he had chosen those particular councillors in the first place.<sup>1</sup>

That the playwright, Joseph Quesnel, should have entitled one of his productions of this period "L'Anglomanie"<sup>2</sup> is perhaps significant of the rising tide of criticism against the French party and against the slavish following of foreign modes that formed one of its most unnatural characteristics. French-Canadian merchants made it perfectly clear that they did not approve the policy of a government that was still dominated by a party calling itself French,<sup>3</sup> and there were some indications of the beginning of an alliance<sup>4</sup> between the dissatisfied merchants and the clerical leaders. For all those to whom the 1780's had brought setbacks and discouragements-- and that meant almost all French-Canadians-- the clergy's leadership became increasingly powerful.

From the moment of Briand's resignation in 1784, the relations between the Roman Catholic clergy and the French party had become steadily worse, and much of the ill-feeling centred itself around Jean Hubert, who became coadjutor in 1785, and succeeded D'Esgly as bishop three years later. The

(1) Pub. Arch. Can., Collection Baby, vol. XVI, pp. 149-50, Duchesnay to Perrault, Beauport, Dec. 7, 1788.

(2) Trans. of Royal Soc. of Can., Series III, vol. XXVI, p. 120, MASSICOTTE, E.Z.: "Recherches historiques sur les spectacles au Montreal de 1760 à 1800."

(3) Pub. Arch. Can., Collection Baby, vol. XXXII, p. 322, Neveu Sevestre to Baby, Montreal, June 16, 1787; vol. XXXIII, pp. 231-3, J.F. Perrault to Perrault l'ainé, Montreal, June 23, 1787; p. 236, J.F. Perrault to Perrault l'ainé, Montreal, Aug. 4, 1787.

(4) Clements, Sydney Papers, vol. XII, Petition of Adhémar & Delisle to Sydney London, Feb. 28, 1784.

fact that Hubert was himself Canadian-born may have given him a more nationalistic outlook than Briand from the beginning, and certainly the suspicions that the government entertained of him, and the difficulties which it placed in his path, did nothing to make him desirous of following the policy of co-operation laid down by his predecessor. As soon as Bishop D'Esgly selected him as coadjutor in 1784<sup>1</sup>, the French party proceeded to exert pressure on behalf of Montgolfier instead,<sup>2</sup> and the home government then refused to ratify Hubert's appointment,<sup>3</sup> in spite of testimonials in his favour signed by both English and French-Canadian residents of the colony,<sup>4</sup> until the coadjutorship had first been offered to the friend of Mabane. Montgolfier declined the appointment, and Hubert did become coadjutor, but it was not an auspicious beginning for his term of office. To these early rebuffs was added a still more serious one when, as Bishop of Quebec, he was forced to accept as his coadjutor, Charles François Bailly de Messein, the favourite of Lord Dorchester.<sup>5</sup> Bailly was always a stubborn

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(1) Histoire des Ursulines de Québec, vol. III, p. 178; Que. Arch. Report, 1930-31, pp. 186-7, Appointment of Hubert.

(2) Pub. Arch. Can., Series B, vol. LXXVII, pp. 489-90, Mabane to Haldimand, Quebec, July 3, 1785.

(3) Pub. Arch. Can., Series Q, vol. XXIV, p. 214, Sydney to Hamilton, Whitehall, April 30, 1785.

(4) Ibid, vol. XXIV, pp. 37-9, Témoignages de bonnes moeurs et de capacité en faveur de M. Hubert, enclosed in Hamilton to Sydney, Quebec, Dec. 2, 1784.

(5) Trans. of Royal Soc. of Can., Series II, vol. XXVI, p. 14, CARON, ABBÉ IVANHOE: "La nomination des évêques catholiques de Québec sous le régime anglais;" TÊTU, MGR. HENRI: Lettres..et mandements des évêques de Québec, vol. II, pp. 421-2, Briand to Dorchester, Quebec, May 2, 1790.

critic of Hubert, and much at variance with the Quebec Seminary,<sup>1</sup> and he did not hesitate to pass on all the gossip he had collected in the hope of ingratiating himself with the official party. Major Mathews, the governor's secretary, included a description of an interview with Bailly in one of his letters to Haldimand. "I passed a day with him (Bailly) lately," he wrote," and, without my seeking it, we fell upon the subject of politics here the winter you went home. He related a number of anecdotes that astonished me, and was quite unreserved with regard to names. He reprobated the whole proceedings of the clergy and petitioners for a change of government...Gravé (the superior of the Quebec Seminary) went so far as to write a circular letter to the cures to assemble their parishioners for the purpose of signing the petitions. He mentioned his intentions to Bailly who told him that if his parishioners ... presumed to come to him upon so illegal a business, he would immediately despatch them by express... to the commanding officer of the troops."<sup>2</sup>

The difficulties between Hubert and his coadjutor flared into an open quarrel over the university project of 1790. The coming of the Loyalists had meant an increased danger of assimilation for the French-Canadians, and they were naturally suspicious of English plans for state-controlled education.

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(1) Pub. Arch. Can., Series B, vol. LXXVI, p. 93, Mabane to Haldimand, Quebec, July 8, 1788.

(2) Ibid, vol. LXXVI, pp. 210-2, Mathews to Haldimand, Quebec, Sept. 7, 1786.



Various groups in Quebec had formulated plans for a university between 1788 and 1790; the Sulpicians, for example, had petitioned for a charter to erect a college in Montreal, and their request had been signed by men of such diverse political views as Picotté de Bellestre, French party stalwart in the council, and Pierre Foretier, one of the loudest critics of that party.<sup>1</sup> Bishop Hubert, however, does not seem to have given much support to the Sulpician plan, for he wanted a revival of the defunct Jesuit college, under the control of his church;<sup>2</sup> at this juncture, Chief Justice Smith produced still another plan that provided for a non-sectarian university, with the Jesuits' estates as an endowment, as the apex of an elaborate educational system, whose base was to be supplied by free public schools in all the parishes, supported by the donations of numerous charitable institutions and foundations in the mother country.<sup>3</sup> To the bishop, the mere fact that the plan originated with Smith rendered it suspect from the outset. How was it possible to have a truly non-sectarian university? How could the parish schools be non-sectarian when they were to be aided by such avowedly sectarian organisations as the Society for the Propagation of the Gospel in Foreign Parts?<sup>4</sup>

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(1) Pub. Arch. Can., Que. Exec. Council, vol. H, pp. 443-60, Petition on behalf of a Sulpician college at Montreal.

(2) BURT, A.L.: op. cit. p. 463.

(3) Pub. Arch. Can., Que. Exec. Council, vol. G, pp. 232-42, Chief Justice Smith's plan for a university, 1790.

(4) CASGRAIN, P.B.: La vie de J.F. Perrault, p. 103, cites Perrault to Baby, Montreal, March 8, 1790.

Hubert presented his objections in detail in a letter<sup>1</sup> to the Chief Justice. Some of his reasons for opposing the scheme were undoubtedly trivial,<sup>2</sup> as objections are apt to be when the real underlying fear is unexpressed, but the very fact that some of his arguments were illogical made it possible for an opponent to ridicule them unmercifully. Bailly took this opportunity to address a letter to the committee on education, criticising Hubert's views in the most mordant manner. The Bishop had said that settlement in the country was not yet far enough advanced to support a university; Bailly countered with the remark that the plan could not wait until Canada was cleared to the polar circle. To Hubert's complaint that the inertia of the habitants would render the scheme impossible, Bailly retorted that the lack of education was the very evil to be corrected, and that the existence of a deplorable situation should not be used as an excuse for doing nothing about it.<sup>3</sup>

Bailly's arguments carried some force; they were more logically presented than Hubert's, and they had the added advantage of being exactly what the English party in the council

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(1) TETU, MGR. HENRI: op. cit. vol. II, pp. 385-96, Hubert to Smith, Quebec, Nov. 11, 1789.

(2) Trans. of Royal Soc. of Can., Series III, vol. XXV, pp. 37-8, AUDET, F.J.: "Simon Sanguinet et le projet d'université en 1790."

(3) Lettre de l'Evêque de Capse, coadjuteur de Québec, au comité sur l'éducation, pp. 2-3.

wanted to hear. These views, however, no matter how ably they were expressed, were merely those of one individual who had little or no support among the clergy as a whole,<sup>1</sup> and who was, moreover, actuated by a personal grudge against the bishop and a personal desire to find favour with the governing group. In these circumstances, the decision of the exultant majority in the council to print the Bailly letter and give it wide<sup>2</sup> circulation throughout the colony was likely to embitter the relations between church and state still further.

The whole incident serves as a revelation of the fear of most clergymen of Loyalist schemes, and of the turning away from a government that gave encouragement to the Loyalists. The university project was only one example of the way in which Bailly attempted to put his superior in a bad light, and that as publicly as possible. In 1790, also, Bailly wrote a letter to the bishop advising the abolition of certain holidays that interfered in the sowing and harvesting of crops; instead of allowing this to be a private communication, he published a copy of his letter in the Quebec Gazette, and, by the wording, he made it quite clear that he considered the bishop a slavish follower of ritual and tradition, and quite unaware of the actual conditions in his own diocese.<sup>3</sup> There was immediately

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(1) TETU, MGR. HENRI: op. cit. vol. II, pp. 419-20, Réponse d'Hubert à l'évêque de Capse, 1790.

(2) Pub. Arch. Can., Que. Exec. Council. vol. G, p. 528, Resolution of April 30, 1790.

(3) Quebec Gazette, April 2<sup>nd</sup>, 1790.

a public disavowal of Bailly's imputations by practically every<sup>1</sup> clergyman in the colony, and by some prominent laymen as well,<sup>2</sup> so that it is quite clear that the coadjutor did not possess the sympathy of many French-Canadians in his quarrel with the bishop. Bailly continued, however, until his death in 1794,<sup>3</sup> to be a constant thorn in Hubert's flesh, and, at the same time, a constant reminder that an official party desired sycophants in high offices in church and state.

Resentment at the policy of the government thus continued to grow among the Roman Catholic clergy in the late 1780's and early 1790's, but there are few indications that any constructive solution had yet been reached. The leadership of the Roman Catholic church, the greatest force in French Canada, was no longer buttressing a faltering official party, but ideas of positive political reform had not yet come under consideration. The French-Canadian merchants, therefore, were temporarily placed in a position where they could follow the spiritual leadership of their priests and, at the same time, follow the political leadership of the British merchants. As a result, petitions of the 1780's--like the petition of 1784<sup>4</sup> for an assembly-- usually had a considerable number of French-Canadian

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(1) Quebec Gazette, May 6, 1790, letter of clergymen of Quebec.

(2) Quebec Gazette, May 13, 1790, letter of citizens of Quebec.

(3) Ibid., Jan. 5, 1794, announcement of death of Bailly.

(4) SHORTT, ADAM & DOUGHTY, A.G.: op. cit. pp. 502-9, Petition for a house of assembly, Nov. 24, 1784.

merchants among the signers. This rapprochement between the two groups of merchants was made possible by the new willingness of the English group to support a more moderate programme, and to foresake the old appeals to bigotry and racial arrogance.<sup>1</sup> The new policy had considerable success in the 1780's, but its chances for permanence would have been much greater had the transformation in British opinion come sooner, for the influx of Loyalists had aroused in all French-Canadians an apprehension that was likely to undermine the new and precarious understanding among the merchants. During the 1780's, this understanding continued, because each group blamed the French party for its grievances, but one criticised the party for being French in its sympathies, and the other criticised it for being English in its membership. In other circumstances, this difference in emphasis might have remained obscure, but the nationalist ferment that followed the Loyalist migration had made the distinction an important one.

The question of the militia was perhaps the most vexed of the entire decade, and the English and French-Canadian merchants seemed to be in substantial agreement in their criticisms of the government's policy<sup>2</sup>, but, even there, there was a significant move to see to it that the English and French--

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(1) BURT, A.L.: The old province of Quebec, pp. 411-12.

(2) Pub. Arch. Can., Series Q, vol. XXIV, p. 381, Hamilton to Sydney, Quebec, June 4, 1785.

Canadian militia corps were kept separate,<sup>1</sup> a testimony to the nationalism that threatened to break up the alliance. The solution for many of the ills against which the French-Canadian merchants and habitants were complaining might have been found in certain changes that the English party in the council was advocating, but French-Canadians were finding themselves in the position of one whose suit has just been bid by one's opponent. To give support to the French party in the council was manifestly impossible; to align themselves with the English group seemed unthinkable, for such an alliance would have run counter to the nationalistic feeling that the Loyalist migration had stirred up in Canada.

The coming of the Loyalists thus produced a real dilemma for the French-Canadians. It aroused a fear in all groups that their privileges and customs were in danger, but it did not immediately point to any means of safeguarding these privileges and customs. The French-Canadians in the council offered the only suggestion--the preservation of the status quo, but that was no solution to the complaints of many French-Canadians against the existing government, even if the policy had had any chance for success. The church offered no political solution to the problem, and the bourgeoisie found its own temporary solution in an association that could not long continue. A consciousness of what one opposes must be followed by a perception of what one supports, but that perception had not developed to any appreciable extent in Canada by 1790.

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(1) Pub. Arch. Can., Collection Baby, vol. XCVIII, p. 160, Sevestre to Baby, Montreal, Oct. 28, 1787; vol. XXVIII, p. 323, St. George Dupre to Baby, Montreal, Aug. 5, 1787.

## CHAPTER XII

### FRENCH CANADA AND REPRESENTATIVE GOVERNMENT, 1792--1800.

As the inadequacy of a government dominated by foreigners and by those who had become mere satellites of the governor became increasingly apparent in the 1780's, a considerable group among the French-Canadian bourgeoisie became interested in the possibilities of a representative assembly. This was one British institution that might well be made to serve the interests of the French-Canadians, and, as early as 1784, a petition for an assembly gained such signatures as those of Pierre Guy, Pierre Foretier, Joseph Perinault, Jean Delisle, Maurice Blondeau, Joseph Papineau, J.F. Perrault, Philippe Rocheblave, J.B. Deschenaux, and Antoine Juchereau-Duchesnay.<sup>1</sup> Opposition to such petitions was led, significantly enough, by the French-Canadian seigneurs,<sup>2</sup> particularly by those who already held office of some kind, and

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(1) Pub. Arch. Can., Series Q, vol. XL, pp. 57-60, Petition for a house of assembly, November, 1784.

(2) Quebec Gazette, Nov. 9, 1788, Address of new subjects to the king.

the French party attempted to prove that all the criticisms of the existing system came from the "poor white" class. One of Lieutenant-Governor Hope's despatches contained a curious enclosure—an anonymous document, listing the French-Canadian signers of various petitions, with their occupations and comments upon them. The aristocratic bias of the compiler of the list is evident from the beginning, for he seems to argue that the political opinions of wig-makers and traders would not possibly carry weight, but the document has a still more striking characteristic. Over one-third of the signers are listed without any occupation, as men "who are of no note, as otherwise I must of course know something about them from residing twenty-two years among them." Among those so characterised were several of the most important leaders of the time, whose occupations, if included, would have changed the tenor of the whole. Pierre Guy and Pierre Foretier, for example, were both justices of the peace for the district of Montreal at that time, but the French party professed to have heard of neither of them!

This continued insistence that the "better class of French-Canadians" opposed an assembly was at last having its disastrous effect, and accentuating the differences between

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(1) Pub. Arch. Can., Series C.O. 42, vol. XVII, pp. 156-8, List of persons signing petitions against the militia ordinance, enclosed in Hope to Johnson, Quebec, Oct. 30, 1785; pp. 69-73, Alexander Davison to Nepean, Quebec, June 26, 1785.



the French-Canadians and their government. This divergence was constantly emphasized by the English merchants, a much more artful group than the merchants of twenty years before, and, as a result, a large number of the French-Canadian bourgeoisie added their voices to the general clamour for an assembly.

Lord Dorchester had by no means given up his idea of strengthening the aristocracy, for he was afraid that in Canada "everything tends to a wild democracy,"<sup>1</sup> and his influence with the British ministry was still strong. Before his arrival in England to discuss the terms of a new act to establish a different form of government in Canada, Lord Grenville had declared that the constitution of Canada should be assimilated to that of Great Britain, as far as the circumstances will permit.<sup>2</sup> After personal consultation with Dorchester, however, the Secretary spoke with the voice of the old French party. In the debate upon the Canada Act, he declared: "It has been stated that the French inhabitants of Canada are so much attached to the prejudices of the Canadians for their customs, laws, and manners, as to prefer them to the laws of England. He thought such an attachment deserved a better name than that of prejudice. He conceived it was an

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(1) Pub. Arch. Can., Series Q, vol. XXVII, p. 983, Dorchester to Sydney, Quebec, June 13, 1787.

(2) Can. Arch. Report, 1890, Note B, p. 11, Grenville to Dorchester, Whitehall, Oct. 20, 1789.

attachment founded in reason, or in something better than reason: in the best feelings of the human heart. It was undoubtedly a mistake to suppose that any government was free only as it approached democratic principles.<sup>1</sup>"

Logically, this argument should have been used to exclude a representative assembly as well as English laws, but such a measure was impossible by 1791. The Canada Act was a compromise between the extravagant demands of Loyalists and of the French-Canadian seigneurial class; it was a result of the confusion of the 1780's and of the warring ideas in<sup>2</sup> Dorchester's own mind. By dividing the colony into Upper and Lower Canada, the new Act was creating a minority group in each province that could hope for little in the new assemblies. In Lower Canada, where the experience of the past had indicated that the minority group was to have a preponderant position in the councils of the governor, the experiment was likely to be particularly dangerous. In both provinces, however, the division created an overwhelming majority of one racial group in the assembly, and stultified whatever conciliatory forces<sup>3</sup> might have operated in the colony. That this division was directly contrary to the wishes of the English merchants was immediately obvious; their reason for opposing it was the

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(1) COBBETTE WILLIAM (ed.) Parliamentary history of England, vol. XIX, p. 656, Lord Grenville in the House of Lords, May 30, 1791.

(2) Pub. Arch. Can., Series Q, vol. XXVIII, p. 138, Dorchester to Nepean, Quebec, Oct. 21, 1787.

(3) SHORTT, ADAM & DOUGHTY, A.E. (eds.) Canada and its provinces, vol. III, p. 136, MACARTHUR, DUNCAN: "Canada under the Quebec Act."

cutting of trade links between what was left of the upper country<sup>1</sup> and the port of Montreal. Some of the French-Canadian bourgeois class favoured the division because it ridded their province of the Loyalists and all their works,<sup>2</sup> but others were to feel the disadvantages of it, quite as keenly as their English rivals. Thus, no group of French-Canadians was particularly pleased at the passing of the Canada Act. The seigneurs, to whom Dorchester was still showing favour, resented the calling of an assembly and the restriction of seigneurial tenure;<sup>3</sup> the bourgeois group, while receiving the assembly for which they had petitioned, was by no means certain of the results of the splitting of the colony in two; the church showed no interest whatever in the passing of the Act; the habitants had not yet awakened to any interest in representative government,<sup>4</sup> yet the Canada Act of 1791 gave to the French-Canadians the right to select a group of their own compatriots who were to sit in the first legislative assembly of Lower Canada.<sup>5</sup>

Seldom has representative government been given to a people who desired it less, or were worse prepared for it. The

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(1) Pub. Arch. Can., Series Q, vol. LVII, p. 99, Adam Lymburner to Dundas, London, Aug. 19, 1791; GRAY, HUGH: Letters from Canada, p. 82, Letter from Quebec, August, 1806.

(2) Pub. Arch. Can., Collection Baby, vol. VI, pp. 281-3, J.F. Perrault to Perrault, l'âiné, Montreal, Aug. 2, 1790.

(3) SHORTT, ADAM & DOUGHTY, A.G.: Documents relating to the constitutional history of Canada, 1759-1791, p. 655, Dorchester to Sydney, Quebec, Nov. 8, 1788; p. 657, Finlay to Nepean, Quebec, Feb. 9, 1789.

(4) Canadian Historical Review, vol. IV, p. 258, SOWARD, F.H.: "The first assembly in Lower Canada."

(5) ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. III, p. 244.

illiteracy rate in the colony was very high, and, seven years earlier, Hugh Finlay had pleaded: "Before we think of a House of Assembly, let us lay a foundation of useful knowledge to fit the purpose,"<sup>1</sup> but his advice had been disregarded. Scarcely one person out of ten in the country parishes was able to read and write,<sup>2</sup> and illiteracy was by no means confined to the habitants. There is no more revealing evidence of the low standards of education among the so-called "better classes" than the letters of many of the men prominent in the history of the late eighteenth century. Tonnancour's letters are so muddled that they are practically unintelligible,<sup>3</sup> while Lanaudière<sup>4</sup> showed a fine disregard for spelling and grammar; Boucherville seemed to convey his meaning fairly clearly, but he too was rather vague about such niceties as agreement and gender.<sup>5</sup> Chartier de Lotbinière, on the other hand, was remarkable<sup>6</sup> for the clarity and brevity of his letters, and a considerable number of the merchants wrote in equally lucid fashion.

The prevalence of illiteracy, however, and its extension

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(1) SHORTT, ADAM & DOUGHTY, A.G.: Documents relating to the constitutional history of Canada, 1759-1791, p. 500, Finlay to Nepean, Quebec, Oct. 22, 1784.

(2) ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. III, pp. 343-4, cites testimony of Parent, Superior of the Quebec Seminary, before the assembly, 1801.

(3) Pub. Arch. Can., Collection Baby, vol. XCI, pp. 252-322, Series of letters by Tonnancour, chiefly to F. Baby, 1781-2.

(4) Ibid, vol. XIV, p. 270, Lanaudière to his mother, Ste, Anne, March 25, 1777.

(5) Ibid, vol. XV, pp. 55-6, Boucherville to Baby, Montreal, May 9, 1800.

(6) Ibid, vol. XCIV, pp. 53-74, Lotbinière to Baby, Lanaudière, Panet, etc. Vaudreuil, 1799-1805.

up to men in political office, in the council,<sup>1</sup> and in the  
assembly,<sup>2</sup> was of tremendous importance to the French-Canadians.  
It cut them off from political ideas of the time, unless they  
were transmitted by word of mouth. The obvious agency through  
which political education might take place, even while the  
majority of the people remained illiterate, was the clergy,<sup>3</sup>  
but their thirst for knowledge of political issues had not  
been whetted by any general perception that a representative  
assembly might constitute a sure protection against assimilation.<sup>4</sup>

Moreover, the entire French regime and the years of  
English rule between 1760 and 1791 had encouraged the idea that  
the government was absolute, and the citizens, never consulted,  
were conceived to be passive beings.<sup>5</sup> In 1791, they were  
made active by a statute of the British parliament; it was not  
Canadian initiative that had secured the measure; the change  
was thrust upon the French-Canadians by the authorities. Even  
among the literate, preparation for such responsibility was  
lamentably absent. The councillors before 1791 were, with few  
exceptions, but dimly aware of their duties in the council.

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(1) Pub. Arch. Can., Series Q, vol. LXXXIV, p. 41, Milnes to Portland, Quebec, Jan. 31, 1799.

(2) GRAY, HUGH: Letters from Canada, pp. 79-80. Letter from Quebec, August, 1806.

(3) MASERES, FRANCIS: The Canadian freeholder, vol. I, p. 27.

(4) Pub. Arch. Can., Series B, vol. LXXVII, p. 261, Christie to Haldimand, Montreal, Oct. 19, 1789.

(5) ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. III, p. 245.

Even the matter of putting a motion, or of discerning the meaning of a motion put by another councillor, seems to have been difficult for some of them. When these men were appointed to committees, they were frequently absent; Lanaudière, it seems, held the record for absenteeism. In the sessions of the committee considering the militia ordinance, Lanaudière appeared once between September 10 and December 30, 1790; at four sessions out of the seven that took place in January and February, 1791, he did put in an appearance<sup>1</sup>, but there is no indication that he contributed anything to the deliberations of the committee.

Still another difficulty facing French-Canadians who were attempting to learn something about the bewildering processes of English representative government was the fact<sup>2</sup> that very few could read English, and most of the information available was naturally in that language. Joseph-François Perrault, later a champion of elementary schools in Quebec, and an earnest advocate of a curriculum comprised of English, French, and Latin grammar, Canadian history, and elementary veterinary medicine<sup>3</sup>, did attempt to remedy the lack of information upon parliamentary procedure, and the duties of magistrates and jurors. The result was a translation of certain chapters of Burns'

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(1) Pub. Arch. Can., Que. Exec. Council. vol. I, pp. 73, 81, 83, 95.

(2) Pub. Arch. Can., State Books, Lower Canada, vol. C, p. 21, Report of Bishop Mountain on education, Oct. 19, 1799.

(3) CASGRAIN, P.B.: Vie de J.F. Perrault, p. 55.

"Justices of the Peace" which appeared in the early 1790's, a manual of parliamentary procedure and a dictionary of parliamentary terms, and a handbook for bailiffs,<sup>1</sup> but none of these were available at the time that representative government was introduced.

French-Canadians, likewise, were unlikely to glean much political information from their newspapers. There were, of course, no exclusively French newspapers until the appearance of "Le Canadien" in 1806, nor was there a large reading public. From 1764 on, however, the Quebec Gazette had been in existence and had run parallel columns of English and French news. Shipping reports and advertisements were undoubtedly of interest to both English and French-Canadian merchants, but one may search the files of the Gazette in vain for political reports or opinions. Its leading articles were usually upon the climate of Russia, the salt mines of Poland and Hungary, the natural history of sharks, or the temperament of the late king of Sweden; at the same time, it omitted such obvious news items as the governor's being made a Knight of the Bath in 1776, and it was forbidden to publish petitions to the governor and comments upon them.<sup>2</sup> Until the death of William Brown, its first editor, in 1789, and the succession of Samuel Neilson, practically no local news of any kind was included, and the only clue concerning British laws and customs to be discovered in the columns of the Gazette

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(1) CASGRAIN, P.B.: Vie de J.F. Perrault, p. 54; Trans. off Royal Soc. of Can., Series II, vol. III, p. 273, SULTE, BENJAMIN: "The miscellaneous and historical literature of Quebec, 1764-1820."

(2) Quebec Gazette, March 26, 1789.

seems to be an exhaustive and rather menacing dissertation upon high treason and its punishment, published in the issues of December and January, 1781-82. In short, the newspaper prided itself upon being "the most innocent gazette in the British dominions,"<sup>1</sup> and it was probably quite correct.

Meanwhile, the Gazette du commerce et littéraire had a brief appearance during the American War of Independence, and its editor, Fleury Mesplet re-appeared to publish the Montreal Gazette of the 1780's. This newspaper even dared to publish a poem extolling the virtues of Benjamin Franklin in 1785,<sup>2</sup> and, more important, it included a good deal of American news. The Quebec Herald--or the Courrier as the French edition was called-- had a brief history in 1788 and 1789, and it did show a certain disposition to publish the proceedings in the English Houses of Parliament, but the fact that the Herald had a strong anti-clerical bias was evident from the beginning. It was a Loyalist organ, and, although the Courrier claimed one hundred French-Canadian subscribers in 1789,<sup>3</sup> it is unlikely that it influenced any great number of them. Moreover, the fact that the Courrier was by no means an exact translation of the Herald was bound to lead to suspicion,

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(1) Quebec Gazette, Nov. 30, 1775.

(2) Montreal Gazette, Dec. 29, 1785.

(3) Quebec Herald, April 20, 1789.



Praise was heaped upon the French-Canadians in the columns of one newspaper, while it was conspicuously absent in the other.<sup>1</sup>

If educational facilities and propaganda agencies were alike lacking in 1791, there is no indication that most French-Canadians had any desire for them. Only one group of the merchants, and perhaps some of the clergy, saw the possibilities that lay in representative government. As Carleton had observed some years before: "It is a difficult matter to instruct a whole people in lessons of politics, and I have never attempted it."<sup>2</sup> At the time of the passing of the Quebec Act, the feeling that the French-Canadians should be given a form of government that they could understand and appreciate was expressed by a good many of the supporters of the Act. One of them declared: "We have not given them (the French-Canadians) the best constitution possible, but we have given them the best they are capable of receiving."<sup>3</sup> Such a patronising attitude may have passed unnoticed by most French-Canadians in 1774, and it was likely to remain hidden until such time as they found themselves in political positions and became, in time, acutely aware of their lack of preparation for their tasks, and, simultaneously, of the advantages which English office-holders enjoyed over them. When that time arrived, the evil effects of introducing representative government in 1791 had become apparent.

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(1) Courrier de Quebec, Dec. 1, 1788; Quebec Herald, Dec. 1, 1788.

(2) CAVENDISH, HENRY: Debates on the Quebec Bill, p. 112, Examination of Carleton, 1774.

(3) BERNARD, SIR THOMAS: An appeal to the public, stating and considering the objections to the Quebec Bill, p. 58.

In the elections of 1792, thirty-four of the fifty<sup>1</sup> members returned to the new assembly were French-Canadians, and the fact that more than half of the thirty-four were seigneurs has led some to conclude that this election was proof of the confidence which the people in general still<sup>2</sup> felt in the seigneurial class; it has led others to conclude that the representation in the first assembly of Lower Canada<sup>3</sup> was of a peculiarly high character. The first of these assumptions might have been a logical one, had the voters of the 1790's possessed the knowledge of politics that one supposes to be necessary. Whether they chose able men or not was largely a matter of chance. That the country parishes, which sent a solid block of French-Canadians to the assembly, should have selected their seigneurs in many cases in the elections of 1792 was inevitable. Unless the seigneur were extremely unpopular, he was the logical choice for the new position; whether or not he would fill the position well was a matter that most of the voters were quite incompetent to judge; in fact, they had but a hazy view of the position itself, and thus can scarcely have been expected to know the qualifications for it.

The statement that the first assembly of Lower Canada

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(1) Pub. Arch. Can., Journals of Assembly, Lower Can., vol.I,p.6.

(2) BABY, L.F.G.: L'exode des classes dirigeantes...pp. 36-7.

(3) BOURINOT,SIR JOHN: Canada under British rule, 1760-1900,p. 93.

was of a high character deserves some examination. If this statement is taken to mean that the representatives in the first assembly generally came from families well-known in French Canada, that they were usually decorous in their conduct, and amenable to the wishes of the governor, it is undoubtedly true; representation of a high character, however, also implies some degree of ability and effectiveness, and both these qualities in the first assembly were obscured or nullified by the fact that the members who had just been voted into office, usually understood their duties and powers most imperfectly. After some bickering, the French-Canadian majority in the assembly selected Jean-Antoine Panet as Speaker; a disconsolate member of the English group in the assembly wrote: " The election fell on Mr. Panet, a Quebec lawyer, whose ideas and talents were never calculated for anything beyond the quibble, routine, and formality of a Court of Common Pleas, such as this country has hitherto experienced.<sup>1</sup>" Richardson's criticism was probably a just one, for lack of understanding of the rules of procedure was likely to produce confusion and debate over trivialities in either a court or an assembly. Panet was perhaps the best-qualified among the French-Canadians for the office of Speaker, but it was inevitable that the first sessions should be filled with minor questions of routine and privileges, for these were the very matters that most of the members knew nothing about.

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(1) Canadian Historical Review, vol. IV, p. 260, SOWARD, F.H.: "The first assembly in Lower Canada", cites John Richardson to Alexander Ellice, Montreal, Feb. 10, 1793.

Almost as soon as the assembly had convened, a complaint was lodged against the election of Paul Margane de Lavaltrie, one of the members for the county of Warwick,<sup>1</sup> and the result was a lengthy debate upon the legality of elections. The arrest of John Young, one of the members, brought forth a flurry of discussion upon the privileges of the house.<sup>2</sup> At the next session, absenteeism seemed to be the primary matter under consideration; the quorum was set at eighteen, but frequently fewer than that number put in an appearance; and, on April 15, 1794, the assembly vigorously set to work to find out the reasons for the absences of the twenty-one members who did not appear on that day. It was found that ten of them had official leaves of absence, nine offered excuses of various sorts, several of them reminiscent of the death of a grandmother, while Lorimier and Lavaltrie advanced no reason whatever.<sup>3</sup> All this inquiry took up a great deal of time, and there is no indication that the penchant of the first assembly for discussing such problems was peculiar to that particular group of men, for, years later, the question of expelling a member convicted of conspiring to obtain money under false pretenses took up most of one session.<sup>4</sup>

At the same time as these minutiae were absorbing so

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(1) Pub. Arch. Can., Series Q, vol. LXII, p. 73, Clarke to Dundas, Quebec, Feb. 2, 1793.

(2) Pub. Arch. Can., Journals of Assembly, Lower Can., 1793-4, pp. 90-120.

(3) Ibid, 1793-4, pp. 212-4.

(4) KINGSFORD, WILLIAM: History of Canada, vol. VII, pp. 477-8.

much time, supply bills glided through the assembly with scarcely a dissentient vote.<sup>1</sup> Defining their own position in this strange new environment was still of greater interest to most of the members than debating questions of state. A very small minority seems to have assumed leadership in the first assembly, and the English members, along with Salaberry, de Bonne, Papineau, Bédard, Berthelot d'Artigny, P.L. Panet, Rocheblave, and Taschereau, seem to have taken the initiative, and practically every resolution came from this group. The fact that almost all the French-Canadians in the group were re-elected in 1796 does not suggest that their coöperation with the English members made them unpopular. In fact, the journals of the first assembly of Lower Canada give no evidence of an English-French split; over and over, the lines of division were not racial ones, and only the question of having all laws passed in French and then translated into English, instead of vice versa, seems to have aroused nationalistic<sup>2</sup> sentiment.

The fact, however, that most of the French-Canadians took little part in debate, and frequently became ciphers in the assembly and often the tools of a few designing leaders,<sup>3</sup> was bound to have its effect in the future. Even as early as

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(1) Pub. Arch. Can., Journals of Assembly, Lower Can., 1795, p. 145; KINGSFORD, WILLIAM: History of Canada, vol. VII, p. 398.

(2) QUAIFE, M.M. (ed.) The papers of John Askin, vol. I, pp. 459-460, McGill to Askin, Quebec, Jan. 20, 1793.

(3) GRAY, HUGH: Letters from Canada, pp. 79-81, Letter from Quebec, August, 1806.

1796, the composition of the assembly was changed in such a way that it was likely to be far less amenable. Instead of a large Anglophile seigneurial representation, the elections of June, 1796, returned a triumphant bourgeoisie, most of them residents of Quebec and Montreal, whose ownership of property in the country districts entitled them to represent the parishes in the assembly, but whose outlook was scarcely that of the people they represented.<sup>1</sup> Here was still another possibility that a few would dominate over the many; first the seigneurs, and then the merchants assumed offices for which few of them were prepared. They found themselves the dupes of the English members, in many cases, and, rebelling against the system they knew, they had not yet found the leadership or even the cause for which to fight. The merchants had criticised the first assembly for its submissiveness and inactivity, and the result was the removal of almost every French-Canadian member of the first assembly in the elections of 1796; that election thus signalled the dissatisfaction in the towns with the conduct of the member elected in 1792; even more important, it meant that an equally inexperienced group of men would sit in the assembly during the next four years, and, even if they were more demanding, they were unlikely to be more effective than the first assembly had been.

A few weeks after the elections of 1796, Chief Justice

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(1) Pub. Arch. Can., Journals of Assembly, Lower Can., 1797, (unpaged).

Osgoode wrote: "A very extraordinary description of men has been returned for the next assembly. The county of Quebec is represented by two persons (Louis Paquet and John Black) of whom one was indicted for High Treason and the other for sedition by the late Attorney-General, and bills were found against them. The former can neither read nor write. Seven of these unlettered gentry have been returned...There will be about ten or twelve British in the lower house. I should not wish for many more.<sup>1</sup>" Osgoode explained this selection of representatives upon the grounds that the unfounded accusations of James Monk, the Chief Justice at Montreal, had aroused such a spirit of criticism that any person who had been accused by him ran an excellent chance of being elected.

This unrest which characterised the 1790's and which had its reflection in disputes over legal proceedings and in the elections to the assembly was, in large part, the result of the French Revolution. Its outbreak and its growing violence during the early 1790's had profound effects in Quebec. First, it cut irrevocably the ties binding the seigneurs and some of the clergy to France, for those classes looked upon the new govern-<sup>2</sup>ment in their old mother country with nothing but horror. A good number of the relatives of seigneurial families began to look to Canada as a place of refuge, and they soon found that

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(1) Pub. Arch. Can., Series C.O. 42, vol. XXII, p. 93, Osgoode to John King, Quebec, July 7, 1796.

(2) ROY, J.E.: Histoire de la seigneurie de Lauzon, vol. III, p.268'.

the British government had no objections to their immigration.<sup>1</sup> Instead of the denunciations of Canada as a land ruled by aliens and heretics, diatribes against the rulers of revolutionary France filled the letters of the French relatives of the seigneurs. One of them wrote: "La France est devenue pour le monde un second enfer; ces gouverneurs sont des diables, et vous qui êtes un homme de Dieu, vous savez qu'on ne peut traiter et s'arranger avec eux."<sup>2</sup> The effect of this change upon the Canadian seigneurial class was electric. Loyalty to Britain now became a passion with those who had toyed with the idea for a generation. Eagerness to comply with the wishes of the governor, and eagerness to serve in the new regiment formed in 1796<sup>3</sup> drove all thoughts of political opposition from the minds of the seigneurs. The alternative to loyalty to Britain seemed to be anarchy and violence.

The fact that the Roman Catholic clergy again was loud in its denunciation of opposition to the government was also a direct result of the revolution in France. By 1794, the clergy were urging obedience to the government, and submissiveness to authority had again become their cry.<sup>4</sup> In addition, the Revolution

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(1) Pub. Arch. Can., Collection Baby, vol. XCIV, p. 25, Dailleboust to his cousin, New York, July 15, 1795; vol. XXVII, p. 395, Chevalier Lacorne to his sister, Loches, Aug. 21, 1791; p. 401, Chevalier Lacorne to his suster, Montreal, Aug. 21, 1793.

(2) Ibid, vol. XLI, p. 258, M. Bellot to Chevalier Lacorne, London, Jan. 22, 1799.

(3) Bulletin des Recherches Historiques, vol. VII, p. 372, Note re "Le Royal Canadien".

(4) Quebec Gazette, July 31, 1794; Oct. 30, 1794, Addresses to the governor.



had solved the old problem of importing European priests to fill up the ranks of the Canadian clergy. Bishop Hubert asked for fifty French refugee priests in 1793<sup>1</sup>, and this request was apparently not an excessive one, for, by 1800, forty-two members<sup>2</sup> of the French non-juring clergy had actually come to Canada, with the blessing of the British authorities, for these men were bound to be irreconcilable enemies of Britain's enemies; again a shared hostility had cemented an unnatural alliance. Lord Dorchester in the 1790's was upholding virtually the same position that he had upheld twenty years before; his temporary concern with Loyalist problems had tended to alienate the clergy in the 1780's, and so had contributed to a nascent revolt that died down in the new unanimity of the 1790's.

That unanimity, however, was dangerously similar to the unity of twenty years before; it represented a rapprochement between Lord Dorchester and the seigneurial and clerical groups; it did not represent any spirit of unity within the country as a whole, and the habitant and merchant groups were in a far more uncontrollable mood than they had been on the eve of the American Revolution. French propaganda was circulating throughout the colony, and the result was a spirit of revolt that extended from the towns to the country parishes

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(1) Pub. Arch. Can., Series Q, vol. LXVI, p. 259, Dorchester to Dundas, Quebec, Oct. 20, 1793.

(2) Bulletin des Recherches Historiques, vol. V, pp. 186-8, GAGNON, ERNEST: "Les prêtres français réfugiés au Canada pendant la révolution."

as well.<sup>1</sup> Citizen Genest's propaganda mission to America and its emphasis upon the doctrines of just administration, abolition of feudal tenure, equality of all citizens before the law, and so forth, found an audience in Canada. The circulation of the pamphlet "Les Français libres à leurs frères, les Canadiens"<sup>2</sup> was begun in the year 1794<sup>2</sup>, chiefly by French-Canadians who had gone to the United States during the 1770's and 1780's. This group was numerically small, and its reasons for departure had been chiefly economic in the first place, but the political significance of the migration was becoming evident by the 1790's.<sup>3</sup> The French pamphlet very cleverly stressed the grievances of the French-Canadians and, in a sense, it offered the first constructive platform for a French-Canadian political movement in the future, although there were few who were prepared to seize upon it so early as 1794. It inquired most pertinently: "Quels avantages avez-vous retiré de la constitution qui vous a été donnée? Depuis que vos représentants sont assemblés vous ont-ils fait présent d'une bonne loi? Ont-ils corrigé un abus? Ont-ils le pouvoir d'affranchir votre commerce de ses entraves? Non! et pourquoi? Parce que tous les moyens de corruption sont employés...pour faire pencher la balance en

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(1) ROY, J.E. Histoire de la seigneurie de Lauzon, vol. III, p.269.

(2) Pub. Arch. Can., Series Q, vol. LXIX, pp. 225-6, Extract from the pamphlet "Les Français libres à leurs frères, les Canadiens."

(3) KINGSFORD, WILLIAM: History of Canada, vol. VII, p. 400.

faveur des Anglais." In summing up the advantages of what it described as a free Canadian government, the pamphlet actually laid down a platform for French-Canadian political leaders of the next generation--the abolition of the corvée and other feudal obligations, of hereditary titles, of the governor's veto, of the mercantile system, the creation of new schools, the establishment of responsible government.

The authorities, alarmed at the dissemination of such ideas in the colony, countered with the Alien Act of 1794<sup>1</sup>, and the wholesale prosecution of those suspected of entertaining pro-French sympathies. Dorchester proceeded to take exactly the same stand as he had in the 1770's, choosing to ignore the ferment of the intervening years. Again, the clergy, re-inforced by a strong conservative element from France itself, rallied to his support. Again, the French-Canadian seigneurs and merchants in the council were submerged in an English majority. The English view of these men was expressed by James Monk when he suggested a list of French-Canadians who might be included in the councils, because they were "best qualified to serve the government there, or, being so placed, least able to clog it elsewhere,"<sup>2</sup> but, for all this patronising attitude, the old rancour of the 1780's tended to die down, and the French-Canadian councillors did not show the increasing animosity toward

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(1) Pub. Arch. Can., Series C.O. 42, vol. XXII, p. 53, Osgoode to John King, Quebec, Oct. 13, 1796; Series Q, vol. LXIX, p. 362, Monk to Nepean, Quebec, Sept. 19, 1794; pp. 54-6, Monk to Dorchester, Quebec, June 18, 1794; vol. LXXIX, p. 19, Report of Sewell to Prescott re offenses vs. the government, May 12, 1797.

(2) Pub. Arch. Can., Series Q, vol. LXVI, p. 299, Monk to Nepean, Quebec, May 8, 1793.

the English that Chief Justice Smith had expected to materialise.<sup>1</sup> Instead, these councillors attached themselves firmly to the Chateau Clique, and Dorchester again showed favour to them in small matters like the appointment of minor officials of their choice,<sup>2</sup> but, at the same time, the governor's policy was effectively keeping political power from the councillors as well as the French-Canadian representatives in the assembly.

Chief Justice Osgoode was perhaps the severest critic of Dorchester at the time; he had never been on good terms with the governor, because he was the favourite of Henry Dundas for whom Dorchester, as Osgoode phrased it "had the same affection as the Devil has for holy water."<sup>3</sup> The Chateau Clique expressed its horror at Osgoode's notions of government which would, they declared, lead to the governor's losing power to a Canadian counterpart of the English Houses of Parliament!<sup>4</sup> Such a solution was, of course, unthinkable to Dorchester and his councils, and most French-Canadians had no such definite plan to offer. They realised merely that their existing government did not satisfy their needs, and they were aware, as Osgoode was, of the temperament of their governor. As some of them phrased it:

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(1) Pub. Arch. Can., Smith Papers, vol. III, pp. 198-206, Smith to Dorchester, Quebec, Jan. 3, 1792.

(2) Pub. Arch. Can., Series C.O. 42, vol. XXII, pp. 25-6, Osgoode to Burland, Quebec, Oct. 27, 1795; Collection Baby, vol. XCIV, p. 57, Lotbinière to Baby, Vaudreuil, Sept. 26, 1802.

(3) Pub. Arch. Can., Series C.O. 42, vol. XXII, p. 5, Osgoode to John King, Quebec, May 23, 1795.

(4) Ibid., vol. XXII, p. 366, H.W. Ryland to John King, Quebec, June 12, 1801.

"Qui méprise Sir Guy n'aime pas son Roi,  
Et n'a, selon Sir Guy, ni Dieu, ni Foi, ni Loi." <sup>1</sup>

It is perhaps significant that, in his *mémoires* of the period, Philippe Aubert de Gaspé should comment upon the high esteem in which Lieutenant-Governor Prescott was held by the French-Canadians, and upon the wisdom he showed in consulting the leaders of the assembly, and not relying merely upon the advice of his councillors; <sup>2</sup> the very omission of references to Dorchester's conduct in this connection is striking.

The assembly elected in 1796 achieved little, but it did offer an indication of the rebellious temper of many French-Canadians at the time. Perhaps only the mildness of Prescott prevented an outburst that the continued presence of Dorchester was more likely to provoke. The French emissaries, American propaganda, and the Chief Justice himself, were pointing to a solution of the problem, at the same time as the defects in the official policy were becoming so evident. Perhaps there is no more penetrating satire upon that policy than that expressed in a letter found in the Baby collection. The writer declared himself irrevocably opposed to immigration, for these reasons. First, the promotion of arts and sciences would increase the criticism of the government; secondly, a greater population would drive away or civilise the Indians, and so ruin the fur

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(1) Pub. Arch. Can., Series C.O. 42, vol. XXII, p. 19, Osgoode to John King, Quebec, Oct. 27, 1795.

(2) DE GASPÉ, P.A.: Mémoires, p. 130.

trade; thirdly, immigrants would be given land in free and common soccage, and this would ruin the feudal system; finally, he stated his fears concerning the associations between "the ignorant Catholics of Canada and the scientific, artful Protestants of Vermont". As he summed up the case: "The administration of Lord Shelburne in 1783 considered Catholic subjects to be better than Protestant subjects, because more ignorant and more easily governed."<sup>1</sup> The fact that such a letter was apparently treasured among the papers of François Baby, suggests that it may have had the same fate as Defoe's satire on the high-flying churchmen.

Any such criticisms, however, did not come from the French-Canadian councillors, from Baby or Lotbinière, perhaps the ablest French-Canadian leaders of their generation. They seem to have succumbed to the temptation facing all prosperous holders of important offices to regard the existing system as both beneficial and worthy of perpetuation. There were no indications that these men represented interests in any way divergent from those of the governor and his official English group; national differences did not appear in the councils, and the tendency was to pretend that they did not exist in Canada, that the divisions were simply between those who were loyal and those who were disloyal to the government.

The councillors, then, were representative of no large group of French-Canadians, and one of the chief difficulties of the people as a whole was the tendency for their keenest in-

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(1) Pub. Arch. Can., Collection Baby, vol. XX, p. 258, S. Peters to Berczy, Torena (?) Aug. 18, 1799.

tellests, and ablest leaders to turn toward the governor and his clique. In the assembly, meanwhile, there was a dismal story of the failure of representative government to solve a nation's problems without an informed public opinion. The realisation that the English were better prepared for representative government than the French-Canadians, and the perception that they were using that advantage to the full, were bound to have their effects in the future. The generation of French-Canadians born in the 1760's and 1770's were beginning to appear in public offices by the end of the century, and that generation was at once better-informed and less docile than the earlier generation had been. They were more fully aware of the political ideas of their time, American, French, and British, and that awareness was likely to transform representative government in Canada; at the same time, the experiences of the first years of the new government were to embitter relations between the official party, composed of both English and French-Canadian men of property, and the members of the assembly, whom they stigmatised as "disloyal" because they represented a point of view different from their own.

## CHAPTER XIII

### CONCLUSION

The first forty years of British rule in Canada have been described as years of amity between two nationalities, years of harmony--with a few important exceptions--between the British officials and the French-Canadians. Never, it has been stated, has a country changed hands with fewer pangs than did Canada, for the isolation from France and the consequent growth of separatist feeling, and the policy of the English governing group combined to make the transfer an easy one. Such an argument implies that the French-Canadians, already cut off from France, were gradually ushered through a period of transition, at the end of which they emerged loyal subjects of Great Britain, convinced that their future lay within the Empire, that economic development and social progress alike demanded a copying of English customs. Nothing could be farther from the truth. The first generation of British rule in Canada had virtually no effect upon the language, the customs, and still less upon the religion of the French-Canadians. As Chief Justice Osgoode noted in 1795,



the body of the French-Canadians were not anglicised at all—a point upon which the French refugee priests commented in surprise. Actually, the Chief Justice found that steps had been taken so that "no coalescence should obtain"; for example, there were separate British and French-Canadian militia corps, and several young men, born since the cession, had been imprisoned for refusing to enrol in the French-Canadian companies, preferring service in the British ones.<sup>1</sup>

The determined policy of three governors had prevented the introduction of anything English for a quarter of a century. English law, although it was supposedly in force in Canada for a decade, affected few French-Canadians; the English language remained unknown to almost every French-Canadian in the eighteenth century; English standards of education, which the old subjects loudly proclaimed to be much superior to Canadian ones, were never copied during the period; the English passion for representative government went unrequited for thirty years, and, during that time, few French-Canadians were convinced that British institutions had any usefulness for them. The British merchant group continued, throughout the entire period, to extol the virtues of the British constitution, but the French-Canadians were never given any concrete evidence that British rule could afford them any real advantage except the conditions of peace

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(1) Pub. Arch. Can., Series C.O. 42, vol. XXII, pp. 28-9, Osgoode to J.B. Burland, Quebec, Oct. 27, 1795.

which had been denied them in the last years of the French regime, and without which there would inevitably be the disruption of trade and agriculture that they remembered and feared. Whenever war disturbed or threatened to disturb the French-Canadians under British rule, the results were the same. During the American War of Independence, and during the militia disputes of the 1780's and 1790's, the French-Canadians were perfectly consistent in their determination to do everything in their power to resist losing the one tangible advantage that the British conquest had brought them. That this immunity from constant warfare was the only reason that most French-Canadians saw for preferring British rule to French control was significant for two reasons: first, it was almost inconceivable that a nation whose loyalty depended so largely upon the continuance of peace, would evince much devotion to the new mother country in time of war; secondly, this reason for attachment to Britain was likely to die out with the generation that remembered the closing years of the French regime, and, paradoxically enough, those born British subjects would have less reason for attachment to Britain than those who were forced to take an oath of allegiance to a conquering power.

Another reason for the increasing dissatisfaction with British rule was less evident to the masses of the French-Canadians but of equally profound importance for the country. That was the subtle change in the attitude toward authority which the conquest had engendered. "Englishmen found that the

Canadians, exposed to a measure of English liberty, quickly caught the spirit of Englishmen. 'They are become insolent and overbearing, easily offended,' reported a traveller, and when they fancied themselves oppressed, they insisted as peremptorily as did Englishmen upon redress of grievances.<sup>1</sup> Here was an unfortunate effect of the conquest that became manifest within a few years: the positive introduction of English laws and forms of government was systematically avoided by the governors, yet they could not prevent a completely negative spirit of criticism permeating a larger and larger group of the population, a spirit that was both destructive and dangerous, for the French-Canadians had not the means of airing their grievances and demanding redress that existed in contemporary England.

If the English authorities of the late eighteenth century were so eminently tactful in dealing with the French-Canadians as they have been represented, if they were so solicitous of French-Canadian interests, it may well be asked why this feeling of abiding grievance and of gradually mounting animosity toward the newcomers should have become apparent. The answer is a simple one. So long as the British official party in Canada permitted its sympathy for the conquered to remain an all-embracing emotion, lack of national differences was striking. Once, however, the authorities sought to placate certain groups among the French-Canadians in the hope of gaining the support

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(1) MILLER, JOHN: The triumph of freedom, p. 94.

of all, once they proceeded from the false premise that a united French-Canadian feeling existed, they were dedicating themselves to a policy that could end in no other way than the stirring up of a people into angry opposition to a government whose tact and solicitude extended to only a small part of the population.

Not immediately perceptible but of overpowering importance in the first years of British rule was the growing unpopularity of the seigneurial system. The denunciations of British merchants, the propaganda against feudal dues that was disseminated throughout the American and French Revolutions, did not, of themselves, have much effect upon the French-Canadian habitants, but the fact that each successive wave of propaganda acquired a larger audience may not be ascribed solely to the cumulative effect of a series of attacks. It must not be forgotten that, by the 1790's, the habitants were aware that their dues were generally higher than they had formerly been, and that the courts no longer protected them in their quarrels with the seigneurs. Above all, they were becoming conscious that the seigneurs were the instrument of a government whose policies were frequently distasteful to the rest of the French-Canadians. The seigneurs had shown their loyalty to the government during the American invasion by attempting to force the habitants into the militia; seigneurs in the council had refused to listen to the complaints against militia duty, against the corvée, and against the administration of justice. To the generation of French-Canadian merchants and habitants who were in their prime in the 1790's, memories of the

French regime were either dim or non-existent, and any feeling that the seigneurs fulfilled an important function was disappearing. In many communities, of course, habits of deference to the seigneurs lingered on, especially in districts where the personal popularity of ~~of~~ Duchesnay, a Lotbinière, or a Taschereau made it probable that the seigneur would be the representative of the district in the assembly. The class as a whole, however, was coming to be viewed as a group of obnoxious landlords and, to the most perceptive of the French-Canadians, many of these men seemed to be mere puppets of the English ruling group. There is no indication of any widespread revulsion from the seigneurs' Anglophile policy as early as the 1790's, for the very seigneurs who coöperated most sedulously with the British were the ones signalled out for re-election in 1796; such a revulsion was bound to ensue, however, as soon as French-Canadian nationalism emerged as a force to be reckoned with in the early nineteenth century.

By 1806, the newspaper "Le Canadien" was proclaiming its devotion to "notre langue, nos institutions et nos lois" and was storming against the English governing group with a vituperative fervour<sup>1</sup> that had a widening following.<sup>2</sup> It is not surprising that English observers at that time should have concluded: "From the moment of the cession, the Canadians

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(1) GRAY, HUGH: Letters from Canada, p. 102, Letter from Quebec, March, 1807.

(2) Pub. Arch. Can., Collection Baby, vol. V, pp. 114-5, Perrault to Olivier Perrault, Rivière Ouelle, Jan. 29, 1807.

have been concentrating themselves, and cloathing (sic) all their peculiarities, of whatever denomination soever, in coats of mail. They have endeavoured to raise a sort of Chinese wall around their sacred domain, as a defence against the infectious intrusion of their English neighbours.<sup>1</sup>" It was perhaps natural that Englishmen at the beginning of the nineteenth century should fail to discern the fact that the foundation stones for the "Chinese wall" of which they spoke had been laid by the English rather than by the French-Canadians. It was likewise inevitable that Englishmen coming to the colony half a century after the cession, should examine the conditions of their own time--the distrust for England, exceeded only by apprehension at the prospect of American expansion northward, the lack of enthusiasm for France, that were threatening to create an ingrown society in Quebec--and conclude that those conditions had been present in Canada from the moment of the conquest. Their judgment was completely in error on this point, for the conditions of 1810 had been conspicuous by their absence fifty years before. There had been a distrust of foreigners, and bewilderment at their strange customs, and difficulty in communicating with those who spoke an alien tongue, but there had been none of the animosity and little of the inflexibility that characterised many of the second generation of French-

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(1) CUTHBERT, ROSS: An apology for Great Britain in allusion to a pamphlet entitled "Considérations sur les effets qu'ont produits...etc,p. 20.

Canadians under British rule. Upon only one point had the French-Canadians of the 1760's shown a sincere desire to cling to what they knew; upon only one characteristic of the newcomers had they looked with real repugnance; religious differences were by far the most significant of the first years of British rule. In a sense, the preservation of everything French-Canadian had become the religion of the nationalists of the nineteenth century; at the time of the conquest, however, the devotion of the French-Canadian extended only to the Roman Catholic faith in which he had been reared.

It is to the church, therefore, that one must look in order to discover the reasons for the growth of that all-inclusive national spirit. Bishop Briand had spent twenty years accentuating the differences between English and French-Canadians upon only one point; his opposition to things English disappeared as soon as purely political ground was entered, but, of course, there could be much dispute on what constituted political ground. Briand remained an ardent advocate of British rule, but, at the same time, he had to oppose any anglicisation scheme that would menace his church. This delicate balance was extremely difficult to maintain, yet its maintenance was of tremendous importance: a disproportionate emphasis upon the duty of French-Canadians to the mother country might strain the relations between the clergy and their flocks, and might send the clergy upon the way of the seigneurs; a disproportionate emphasis upon French-Canadian national differences and upon opposition to British policies would

undoubtedly render the clergy suspect to the government and thus deprive them of much of their power. Equally important, a policy of consistent opposition to the government smacked of disloyalty to the country to which they had sworn allegiance, and it might lead to the bloodshed which the clergy sought to avoid. At different times during the eighteenth century, the clergy made both these mistakes. In 1775, they saw their influence temporarily diminished as a result of too-close association with the governing party; in the 1780's, they saw their disputes with that party reaching to such a height that a number of clergymen were aiding in the petitions against the government.

After 1790, and particularly after the arrival of the refugee priests from France, the Canadian clergy again tended toward a support of the governing class, and a suppression of radical ideas among the habitants and merchants—ideas which, to the clergy, foreshadowed revolution, bloodshed, anarchy, and heresy. Their slow pressure throughout a quarter of a century, however, their consistent teaching that the French-Canadians must forever remain essentially different from His Majesty's non-Catholic subjects had much to do with the growing preoccupation with all things French-Canadian and the growing resentment against a government controlled by English commercial interests and by such French-Canadians as had been induced to enter the governing clique and vote with the majority.

French-Canadians in general thus showed themselves quite unable to maintain the delicate balance that the clergy



were striving to maintain. One group tended to become Anglo-phile, the other energetically critical and, in time, rebellious, and each, for a time, could claim to be following the leadership of the church. Such a condition could not long continue, for the clergy would have to declare themselves upon one side or the other, but, while the condition lasted, it offered striking proof of the dominant place that the clergy continued to occupy in Canada, and of the important part that they had played in creating French-Canadian nationalism.

In many ways, the history of the first forty years of British rule in Canada is the story of the church and its constant battle against assimilation. It won that struggle, largely through the support of Lord Dorchester and the French party, a predominantly English group who began with an appeal to sympathy for the conquered but who allowed that ideal to degenerate into an appeal to prejudice, a party that won its major battles, and then proceeded to block all innovations, and to rouse the very nationalism that would make its future existence impossible. The history of the first forty years of British rule in Canada is also the story of the gradual abandonment of any plans for anglicisation--to which, as it has been aptly remarked, the chief obstacle was the Englishman<sup>1</sup>--of the growth of national feeling among the French-Canadians, and of the embittering of relations between two nationalities which had begun their association with promising signs of harmony and of peace.

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(1) SHORTT, ADAM & DOUGHTY, A.G. (eds.): Canada and its provinces, vol. III, p. 107, MACARTHUR, DUNCAN: "Canada under the Quebec Act."

## APPENDIX

### I. French-Canadians serving as judges, 1775-1800.

Pierre Amable de Bonne . . . . .	1794-1800.
Jean Antoine Panet . . . . .	1794-1797.
Jean Claude Panet. . . . .	1776-1778.
Pierre Louis Panet . . . . .	1795-1800.
Pierre Méru Panet. . . . .	1778-1784.
Rene Ovide Hertel de Rouville. . . . .	1775-1793.
Simon Sanguinet. . . . .	1788-1790.
Gabriel Elzéar Taschereau. . . . .	1777-1778.

### II. French-Canadian executive councillors,, 1792-1800.

François Baby. . . . .	1792-1800.
James Baby*. . . . .	1792-1800.
Pierre Amable de Bonne . . . . .	1794-1800.
Antoine Juchereau-Duchesnay. . . . .	1795-1800.
Joseph de Longueuil. . . . .	1792-1800.
Pierre Méru Panet. . . . .	1792-1800.
Paul Roch de St. Ours. . . . .	1792-1800.
Gabriel Elzéar Taschereau. . . . .	1798-1800.

### III. French-Canadian legislative councillors, 1775-1800.

François Baby. . . . .	1778-1800.
James Baby*. . . . .	1792-1800.
François Picotté de Bellestre. . . . .	1775-1793.
René Amable de Boucherville. . . . .	1787-1800.
Antoine Pécaudy de Contrecoeur . . . . .	1775-1776.
Jean Baptiste LeCompte Dupré . . . . .	1787-1791.

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\* Served in the councils of the province of Upper Canada.

### III. Legislative councillors (continued)

Pierre Ignace Aubert de Gaspé . . . . .	1798-1800.
Charles Tarieu de Lanaudière, père . . . . .	1775-1776.
Charles Tarieu de Lanaudière, fils . . . . .	1787-1800.
Joseph Gaspard Chaussegros de Léry . . . . .	1775-1797.
Joseph de Longueuil . . . . .	1778-1800.
Michel Chartier de Lotbinière . . . . .	1795-1800.
Jean Baptiste Bergères de Rigauville . . . . .	1775-1776.
Louis Chapt Lacorne de St. Luc . . . . .	1775-1784.
Charles Roch de St. Ours . . . . .	1775-1776.
Paul Roch de St. Ours . . . . .	1777-1800.

### IV. French-Canadians in the Legislative Assembly, 1792-1800.

Francis Baby (Upper Canada)* . . . . .	1792-1800.
Pierre Bédard* . . . . .	1792-1800.
Charles Begin . . . . .	1796-1800.
François Bernier . . . . .	1796-1800.
René Boileau . . . . .	1792-1796.
Nicolas Gaspard Boisseau . . . . .	1792-1796.
Jean Boudreau . . . . .	1792-1796.
Charles B. Boué . . . . .	1796-1800.
Benjamin Cherrier . . . . .	1792-1796.
François Dambourges . . . . .	1792-1796.
Antoine Berthelot d'Artigny . . . . .	1792-1796.
Pierre Amable de Bonne* . . . . .	1792-1800.
Jean Digé . . . . .	1792-1796.
N. Dorion . . . . .	1796-1800.
J.M. Ducharme . . . . .	1796-1800.
Antoine Juchereau-Duchesnay . . . . .	1792-1796.
Joseph Dufour . . . . .	1792-1796.
Alexandre Dumas . . . . .	1796-1800.
Louis Dunière . . . . .	1792-1796.
P. Dunière, fils . . . . .	1796-1800.
Hypolite St. George Dupre . . . . .	1792-1796.
J.B. Durocher . . . . .	1792-1796.
O. Durocher . . . . .	1796-1800.
Louis Charles Foucher . . . . .	1796-1800.
Pierre Guerout . . . . .	1792-1796.
Etienne Guy . . . . .	1796-1800.
J. Hétiér . . . . .	1796-1800.
Hubert Lacroix . . . . .	1796-1800.
Joseph Lacroix . . . . .	1792-1796.
L. Lafontaine . . . . .	1796-1800.
Gaspard de Lanaudière . . . . .	1796-1800.
François Antoine Laroque . . . . .	1792-1796.
Paul Margane de Lavaltrie . . . . .	1792-1796.

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\* Re-elected in 1796.

IV. Members of the assembly (continued)

Guillaume François Lorimier. . . . .	1792-1796.
Michel Chartier de Lotbinière. . . . .	1792-1796.
François Malhiot . . . . .	1792-1796.
Pierre Marcoux . . . . .	1792-1796.
Jerome Martineau . . . . .	1796-1800.
Alexandre Menut. . . . .	1796-1800.
Nicolas Montour. . . . .	1796-1800.
J. Nigé. . . . .	1796-1800.
Louis Olivier. . . . .	1792-1796.
Bonaventure Panet* . . . . .	1792-1800.
Jean Antoine Panet* . . . . .	1792-1800.
Pierre Louis Panet . . . . .	1792-1796.
Joseph Papineau* . . . . .	1792-1800.
Louis Paquet . . . . .	1796-1800.
Jacques Périnault. . . . .	1796-1800.
C - Joseph François Perrault . . . . .	1796-1800.
Pierre LeGras Pierreville. . . . .	1792-1796.
A.J. Raby. . . . .	1796-1800.
Augustin Rivard. . . . .	1792-1796.
Philippe Rocheblave* . . . . .	1792-1800.
B.M. Hertel de Rouville. . . . .	1792-1796.
Nicolas Saint-Martin . . . . .	1792-1796.
Louis de Salaberry . . . . .	1792-1796.
Pascal Sirois. . . . .	1796-1800.
Gabriel Elzéar Taschereau. . . . .	1792-1796.
François Têtu. . . . .	1796-1800.
J.M. de Tonnancour . . . . .	1792-1796.
Denis Benjamin Viger . . . . .	1796-1800.
Joseph Viger . . . . .	1796-1800.

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\* Re-elected in 1796.

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