

CHAPTER IX.

The French flags—The troops around Montreal—Paper money—Embarkation of the French for France—The militia—Administration of the colony, 1760-1764.

The war in America was over. The disarming of the rural militia took place without noise or demonstration, perfect order prevailed, for the Canadians fully understand the situation, and, furthermore, they had desired peace for a long time. In certain cases, the "habitants" were allowed to retain possession of their guns as being necessary for the killing of game and for personal protection.

"The Chevalier de Lévis seeing with sorrow that nothing could prevail to alter the determination of the Marquis de Vaudreuil, and wishing to spare the French troops a part of the humiliation they were about to endure, ordered them to burn their flags to avoid the painful obligation of delivering them to the enemy. The English general had given them until six o'clock in the morning, but it was eight o'clock when the acceptance was brought to him. It was agreed that they (the English troops) should come the same evening to occupy the Recollet's suburb of the town.'"*

The same day, Colonel Haldimand, with the Grenadiers and light infantry, took possession of one of the gates of Montreal.

The French troops were now reduced to three thousand seven hundred men, not including the militia of the town of Montreal. The following letter was addressed to Monsieur de Bellestre, commanding officer at Detroit:—

"MONTREAL, September 9th, 1760.

"I beg to report, Sir, that I was obliged to capitulate yesterday to the army of General Amherst. This town is, as you know, without defence. The number of our troops had considerably diminished; our provisions and

*Journal of the Chevalier de Lévis, p. 308.

resources were totally exhausted. We were surrounded by three armies, which together numbered at least thirty thousand men. General Amherst has been in sight of the walls of this town since the sixth of this month; General Murray in reach of the outskirts of the town; the army of Lake Champlain occupied both Laprairie and Longueuil.

“Under these circumstances, having nothing to hope for from the efforts or even the sacrifice of the troops, I wisely decided to capitulate to General Amherst, under very advantageous conditions for the colonists, and particularly for the inhabitants of Detroit. Under the same, they are allowed the free exercise of their religion; they retain possession of their real and personal property, and of their furs. They are also granted the privilege of unrestricted trade in common with all other subjects of the King of Great Britain. (Signed) VAUDREUIL.”

Similar letters were addressed to all the French commanders of the Western and Great Lakes posts.

In a report written to the Honourable William Pitt, Prime Minister, General Amherst said: “The ten French battalions laid down their arms and surrendered the flags which had been taken from the regiments of Pepperel and Shirley at Oswego; the Marquis de Vaudreuil, the generals and other superior officers of the regiments giving their word of honour that the battalions had no flags; they had brought them with them (when they came from France) six years ago; they were in rags, and finding them cumbersome in this country, they destroyed them.”

Amherst dismissed from the camp at Montreal the troops from New Hampshire, Massachusetts and Rhode Island, sending them in the direction of Chambly and Lake Champlain. He went to town and called upon Monsieur de Vaudreuil.

The latter returned the call of General Amherst the following day in his camp, and the line troops paid him the customary honours under similar circumstances. In the course of the conversation the French governor was very communicative. He told how, since the fall of Quebec, he had corresponded with France by way of the gulf. He showed a letter from the minister of the colonies promising to send provisions, etc., etc., and begging

him to hold out, for he expected that peace would be signed early in August of that year.

The same day Amherst sent the troops from Connecticut to Oswego. Then he wrote to Haldimand, who was in Montreal: "Dated from Montreal Camp. Sir,—I have just decided on the ship that will receive and carry the Marquis de Vaudreuil and his suite; its name is the 'Moleneux,' and it is commanded by Mr. Welshman. The 'Wolfe,' Captain Oliver, is also fixed upon for the commissioner, and I have given orders that each one of these two gentlemen be provided with three flat-bottom boats, so that they may commence to load their belongings whenever you may see fit; the six boats are to be sent to you to be placed under your charge, in order that you may give the necessary orders relative to this subject. I have also chosen two other ships, one for the Chevalier de Lévis and his suite, and the other for the engineers and the staff officers, but as I was in receipt of several reports, yesterday, that French flags had been seen very recently, and that consequently the refusal to deliver the same to us was an infraction of the terms of capitulation contrary to the rules of war and one which, in order to uphold the honour of my master, the King, I could not permit, you will be good enough to make it clear to the Marquis de Vaudreuil that these flags must be found, and that if they persist in refusing to deliver them I shall be, in order to justify myself before the King, obliged to examine all baggage before it is shipped. But I am persuaded that the orders he will give to those under his command, will render such an inspection useless, and that, after having well reflected, those who may have considered themselves authorized to retain these flags will be sufficiently honourable to surrender them, in order to avoid consequences that would be most disagreeable to me. You will be good enough to make all necessary enquiries on this subject, and to report on the same to me. I beg to remain, Sir, your most humble and obedient servant, Jeff. Amherst." We know nothing further about this incident of the flags, which has puzzled historians and still remains a mystery.

Then Amherst sent the troops from New York and New Jersey to Oswegatohi, now Ogdensburg. Major Rogers left with two hundred sharpshooters for Detroit, carrying the letters of Vaudreuil to the French commanders in the West.

Letters from Amherst to Colonel Haldimand.

“Dated from the Camp at Montreal 13th September.

“Sir,—I have finally decided on all the ships that are to convey the Marquis de Vaudreuil, his officers and the troops. I am sending you a list of the same which is to be in no way altered; therefore I beg you to give orders that the embarkation take place without delay. You will see by this statement, that I have even provided for the servants, women and children and that there is room for all. You will find enclosed herewith the account of Monsieur la Chenaye, equerry to the Marquis de Vaudreuil, to whom you will be good enough to say, that I have instructed Governor Murray to return all goods and chattels that may have been held back, to their respective owners, and that he, as well as all others concerned may go and take possession of the same to dispose of as they may see fit. I am, etc., etc., Amherst.”

Three English battalions left for England on the 15th. Lévis and Bourlamaque asked to be exchanged for English prisoners in order to continue to serve in Europe during the war, but Amherst refused to take the responsibility of giving this permission; he offered to communicate with Minister Pitt on this subject.

“General Amherst sends his compliments to Colonel Haldimand and begs him to assure the French officers that he has just received word through the reports of Lord Colville that there are sufficient ships in Quebec for the transportation of all the troops to be sent by boat, and that nothing will be lacking in the way of food and comforts for both officers and troops. Captain Bateman will give any assistance in the embarking of the troops that Colonel Haldimand may request of him. J.A.”

The correspondence between the commanding general, Sir Jeffrey Amherst, Governor Burton, Gage, Murray, Colonel Haldimand and others was written in French, probably with a view of showing the same to the French and Canadians interested in the proceedings. The wording was good with certain English idioms in places.

The statement concerning the embarking of the French troops shows about ten battalions composed as follows:—

	Officers	Sergeants	Soldiers
La Reine	29	26	266
La Sarre	19	..	192
Royal Roussillon	27	..	230
Languedoc	25	26	270
Guienne.	20	24	219
Berry.	25	..	319
Berry	24	..	366
Béarn	24	..	254
Marine.	107	..	1052
	—	—	—
	300	76	3168

Amherst gave instructions that food be provided for five thousand men until the end of May, from Montreal to Quebec.

Notice.—Pierre Rigaud, Marquis de Vaudreuil, Grand Cross of the Royal and Military Order of St. Louis, Captain of the ships of his most Christian Majesty; François Bigot, councillor of the King, commissary of the navy, having been informed of the anxiety of the people of this colony concerning the redemption of the paper money remaining in circulation, we feel it our duty to assure them that we have not the slightest doubt but that his most Christian Majesty will redeem this money so soon as the circumstances be more favourable. His Majesty has even assured us that such will be the case; it is only a question of delay in payment, caused by the great expenses unavoidable during war, and we are convinced that the Canadian people will have enough confidence in us to patiently await the fulfilling of the promises of His Majesty. On our part, when in France, we shall spare no effort to obtain of His Majesty the shortest delay possible by setting forth to him the affection with which these people have served him, and we exhort them to continue to circulate among themselves this same money. “Signed: Vaudreuil, Bigot. Given at Montreal the 15th of September, 1760.”

“Dated at the Camp of Montreal, September the 16th, 1760. Sir,—I have just received your letter with the note and the notice which were sent to you by the commissary. I could not think of allowing this notice to be

posted; this would be to acquiesce to an arrangement to which I could not agree without first knowing the will of the King on this subject, but, as I have said, at the beginning, in order to accord all privileges in my power to the habitants, I shall close my eyes to whatever circulation may be made of the paper money among themselves. Believe me, very sincerely your most humble and obedient servant, Jeff. Amherst."

On September 16th, Amherst appointing Burton governor of Three Rivers, wrote to him as follows: "Awaiting the King's good pleasure you will rule according to military law, should you find the same necessary, but I am of the opinion that the differences which may arise amongst Canadians should be settled by themselves according to their own laws and customs. When the habitants shall have taken the oath of allegiance they will be as much subjects of His Majesty as we are ourselves, and therefore will be entitled to the same protection." The 23rd of September he added in writing to the same person: "Theft and murder are to be punished according to martial law . . . but the habitants are to settle their differences according to their own laws. You will authorize the captains of the militia to preside over the hearings in the parishes. . . . You will appoint your council to be composed of as many captains of the militia as you may deem necessary in order to hear the appeals, should there be any."

The oath above alluded to formulated by Amherst the 12th of September read as follows: "I swear that I will be faithful and conduct myself loyally towards His Majesty George the Second, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, and that I will defend him and his, in this country, with all my strength, against all his enemies or theirs; I will make known to His Majesty, his general or those acting under him, in so far as I am able, all traitors or all conspiracies that may be formed against his sacred person, this country or his government."

Perfect order prevailed. The antecedents of individuals, no matter to what class they belonged, were not looked into. There never was a conquest so peaceably achieved. Quiet ruled in the rural districts from the moment that the men of each company returned to their homes. Apart from the poverty, the ruins in certain parishes, the absence of the dead, everything was as peaceful as before the war. The end of the war was, to

tell the truth, indeed a relief. The cause was last, but the adversaries of yesterday were filled with respect for the courageous defenders of the soil and the conduct of the former would be regulated by their own. The new yoke could not be worse than the old, all things considered, for the Canadians had always wished for something better, without knowing, however, how to change the order of things, owing to their lack of political education. This people who had only known government from afar, the imperative dictation of the mighty, realized the injustice of its position, but did not know how to remedy the same. They did not expect much betterment from the new regime; they were accustomed to bend the knee before a master. They could nevertheless hope that life would be no harder under a foreign government than it had been under the reign of the favourites of the king. Thus a few days after the departure of the French troops and the administration that carried away the flag of the Bourbons, they were greatly surprised to see gold and silver coins in circulation, instead of the miserable paper money, to which they were accustomed, as well as the opening of free shops, where everything could be bought at reasonable prices, articles that formerly had been highly taxed for the benefit of the grasping monopolies that had always kept the colony in a state of poverty. English traders asked the farmers to produce wheat and other cereals in abundance, promising to pay in gold for as much as they could deliver. Such a wind-fall had never been known in the country. A new era was opened to them. What government could be better than one that allowed everyone to improve his condition by honest work—and, thank God, the Canadians were industrious. Add to this the fact that all the superior officers of the English army, as well as the civil officers, wrote and spoke French, being very careful lest on this score it be felt that they were foreigners. So what was there to complain of?

The future seemed bright. It remained to be seen whether or not the English laws, which were much feared, would disturb the quietude of this people so thoroughly attached to their country that they knew no other, in spite of the pamphleteer and the poet who said that "he was an exile in his own country." He would not have wished to return to France, even if he had had permission to do so.

The 16th of September, Burton was appointed governor of Three Rivers, and Webb's regiment was sent there.

The 17th, all the French troops were embarked. Vaudreuil sent Catalogne, ensign "en pied," to the Bay des Chaleurs to order those remaining there to disarm.

The 18th, the companies of the regiments "Royal" and "Montgomery" left for New York on their way to Halifax.

The 19th, Amherst received a letter from Pitt dated July 23rd.

The following letter was addressed to Colonel Haldimand, who remained in town:—

"Dated from the Camp at Montreal, September 19th, 1760.

"*Sir*,—As I have already ordered you to assemble the militia of Montreal to-morrow in the city, I am sending you the form of oath of allegiance that you are to administer to them. When they are assembled, you will have them lay down their arms and after that, repeat and take the aforementioned oath, having a list made of their names, their calling and the parishes they belong to. The arms you will have placed in the arsenal, where they will be received by officers of the artillery. And, as it may happen that, later on, these same arms be restored to them, it is advisable that each man fasten to his own a ticket bearing his name, and the company to which he belongs, so that, in case of the above eventuality, it would be possible to give each man his own weapons. You will take this occasion to make known to the captains of militia (who must hand in their commissions) that I shall not delay in sending them new ones; that the troops are soon to take possession of their winter quarters, where they will be cared for by the King, and that I shall have a schedule of prices made to apply to the carting, etc., by means of which the habitants will be spared many inconveniences and they will be able to live peacefully and quietly at home.

I am, yours, etc.,

JEFF. AMHERST."

The 20th the Marquis de Vaudreuil embarked on the "Marie," a French frigate captured in the gulf. Then the militia of the city and of the surrounding towns laid down their arms and took the oath of allegiance.

The 22nd, Brigadier-General Gage is named Governor of Montreal.

The troops in the towns as well as in their cantonments amongst the country people were provided for by the King in kind, and it was expressly ordered that they should pay for all that they bought from the inhabitants in ready money and specie. General Amherst issued a placard on the 22nd September, stating: "As it is specially enjoined on the troops to live with the inhabitants in harmony and good fellowship, we likewise recommend the inhabitants to receive and treat the troops as brothers and fellow-citizens. It is further enjoined upon them to harken to and obey all that is commanded them, whether by us or by their governors and those having authority from us and them. And so long as the said habitants shall obey and conform to the said orders, they shall enjoy the same privileges as the ancient subjects of the King, and they may rely on our protection."

On the same day, General Amherst authorized the Governors of Quebec, Montreal and Trois-Rivières to nominate to all posts vacant in the militia, adding that they may begin by signing commissions in favour of those "who have lately enjoyed such posts under his most Christian Majesty." In the same document he says: "That in order to settle amicably as far as possible all differences which may arise amongst the inhabitants, the said governors are charged to authorize the officer of militia commanding in each parish or district, to hear all complaints, and if they are of such a nature that he can settle them, he shall do so with all due justice and equity; if he cannot decide at once, he must send the parties before the officer commanding the troops in his district, who shall in like manner be authorized to decide between them, if the case is not sufficiently serious to require its being brought before the governor himself, who in this, as in every other case, shall administer justice where it is due.

"For the better maintenance of both good order and police, in each parish or district, the arms of the inhabitants shall be delivered up to the officers of militia; and if thereafter there shall be any of the residents who desire to have them, they must ask for a permit from the governor, so that the officers of the troops commanding the district in which these persons are residing may know that they have the right to carry arms.

"The meagre support which Canada has received from France for the past two years having exhausted her wealth, her supplies and her neces-

saries, we have for the common good both of the troops and the habitants, given orders in our letters to the different governors of the English colonies nearest to Canada, to post up and publish notices to their colonists to repair hither with all sorts of provisions and supplies, and we flatter ourselves that we shall see this project carried out without delay; and as soon as it is done, everyone will be notified so that he may have his share in it, at the current rates, and without duty.

“Trade will be free to everyone without duty, but merchants will be obliged to take out passports from the governors, which will be furnished them gratis.”

“The Canadians are to a man soldiers and will naturally conceive that he who commands the troops should govern them. I am convinced at least it will be easier for a soldier to introduce and make palatable to them our laws and customs than it can be for a man degraded from the profession of arms.”*

After all was not the colony always under military rule? Where was its liberty during the time of the French occupation?

The organization of the militia tribunals was made by an Ordinance from Governor Murray dated 31st October, 1760.†

The first commission as judge (distinct from the militia) was given by General Murray on the 6th January, 1760, worded in the following terms: “It being found necessary for the wellbeing and profit of the inhabitants of the parish of Berthier and those lying beyond as far as Kamouraska inclusive, and for the maintenance of the police and good order in the said parishes, to establish courts of justice therein, and knowing well the exemplary life, sound morals and capacity for the administration of justice of Mr. Jacques Allier,‡ we have appointed and hereby do appoint him civil and criminal judge to execute justice in the aforesaid parishes—save in the matter of appeal in the town of Quebec before Colonel Young, the civil and criminal judge in final appeals of the aforesaid town and conquered territory, and that the said Sieur Allier may enjoy the said office with the

*General Murray, 15th October, 1764.

†See *Canadian Archives*, 1907, p. 35.

‡A Canadian.

fees, emoluments, rights, honours and prerogatives thereto appertaining—we order the same Sieur Allier to receive the said commission under penalty of disobedience, after having taken oath between our hands on the Holy Gospels to perform the duties of his office with all loyalty, zeal and conscience.”

In France, Germany and the United States a conquered people cannot acquire citizenship except by the final treaty of peace, and they are thus placed in an undefinable position, transitory, full of uncertainty, even ruinous and most humiliating.

The English law, on the contrary declares that, from the moment the British flag floats over a territory the same shall constitute a part of the possessions of the Crown and that the inhabitants be under the protection of the King of Great Britain, that they become his subjects and be universally regarded as such in all parts of the territory occupied by his troops, and not as foreigners or enemies. It is not necessary to pass legislation to bring about this change.

The acquisition of territory may be made in more than one manner. For example, First. A sovereign cedes a province in consideration of a compensation, under the guise of an exchange or otherwise; or he cedes it to avoid a war. This constitutes cession pure and simple. Second. A country is conquered by war; then a treaty gives it to the victor. This is conquest and not cession, since the defeated power does not possess that which it afterwards apparently cedes; its act is a recognition of the conquest that has taken place; it grants its acquiescence, and does not go further than giving permanency to the acts of the conqueror during the military occupation that has preceded the treaty. This has been an English principle for centuries. Third. Here is the case of New France; a field battle is won by the English army; the neighbouring city capitulates, making conditions accepted by the victor; seven months later a field battle is won by the French army in its turn; the hostilities continue and five months are thus passed, after which another city that had not been taken capitulates in order to put an end to the war, and makes conditions that are accepted.

According to English law the capitulations form the basis for future

action; there is no question of conquest, and, as for the treaty of cession which is made subsequently, its value is unimportant, as the conquered people are already English subjects, enjoying all the privileges attached to this title, and never were at the mercy of the conquerors.

The fact of having laid down arms, and having seen their conditions accepted while asking for the protection of the conqueror, determines the status of the defeated. Furthermore, it is understood that the English laws are not to be imposed upon the defeated nation.

New France becoming a part of the British Empire, under written conditions dictated by herself, became detached from a kingdom less free than the nation to whom she was annexed. By the conquest the Canadian people were able to become an agricultural colony, and were no longer a people of trappers and woodsmen or soldiers sacrificed to the interests of the great.

In vain do we look for the words "conquest" or "cession," for the documents signed in Quebec, September 18th, 1759, and in Montreal, September 8th, 1760, are broader than that, they constitute a compromise between two parties meeting each other half way to come together on a friendly footing.

The laws of the conquered country remain in force until the local or Imperial Parliament has decided on the question. The King alone has not the power to change them. (Gonzalve Doutre, *Droit Civil*, page 336-7.)

The famous motto, "What we have, we hold," signifies not only that the British administration is always armed to defend its territory, but also that it knows how to take, in advance, the necessary precautions and measures to win the people to its cause before the other powers dispute its possession.

It might be thought that, from 1760 to 1764, Parliament or the minister, or the King, would have taken the trouble to regulate the affairs of Canada more or less, but this was not the case. The colony was in the hands of General Amherst, who ruled it according to the terms of the capitulations. This officer was a man of great wisdom and of high intellectual attainments. He understood perfectly that he must, so far as possible, continue the state of things that had existed before the war, changing only certain details so as to meet the needs of the moment—just as though Can-

ada were to be returned to France when peace would be signed between the two countries.

This period, which lasted from the 8th of September, 1760, to the 10th of August, 1764, was called the Military Regime, but it would seem that the presence of the English troops alone justified this appellation, as I fail to see that it was any harsher than the so-called Regime of Peace under which the colony had suffered for 150 years. There was none of the German sternness nor the French absolutism that these two words "Military Regime" would imply. It seemed more like the rule of a good father. It is the same with the term "military rule" as with seigneur and seigneurie; imagination conjures a dark picture of the first, and a rosy one of the two others—because in our ignorance we attach certain significations to words without knowing to what they apply.

To the credit of the military officers who had fought against the Canadian militia and who were called by circumstances to administrate the colony, it must be said that their conduct was loyal and generous. They knew the worth of the habitants and they respected them. This greatly helped to pacify the rural districts, to banish fear, to inspire confidence and to permit of making calm and just comparisons between the old rule and the new.

Later on, men filled with prejudices were sent to us from London, who spoiled the situation by false British zeal. The first to defend the Canadians before the British public were those who had met them on the field of battle, and who afterwards had studied at first hand their character and their disposition. They did not hesitate to protest against the blindness of ill-advised officials who modelled their line of conduct from that of their colleagues in certain colonies, where the condition of people and things was very different. It was officials of this class who brought about the revolutionary movement that created the United States.

Someone has made the following remark: We are forced to believe that the liberty accorded to the Canadians in 1760 was only relative, since they continued to struggle—even in concert with the English liberals—to obtain greater freedom.

In this observation 1792 and 1837 must have been confounded with

1760. Before 1760 the Canadians did not know the meaning of political liberty. The little that was given them then astonished as much as it overjoyed them. Their children profited by this beginning of political education to develop the principles of liberty which took time, as we know.

General Murray, a lieutenant of Amherst, made it his policy to change nothing in the country before the end of the war in Europe and the signing of peace. We shall see that he had a very delicate task before him. Being a military chief he had not the power to form a council or any kind of legislative body. It is true that he did not wish to make laws, but it was, nevertheless, necessary for him to attend to the public affairs of a country that had never had a municipal system, and from which authority, autocracy, absolute government had just departed.

What was to take the place of the form of government that had disappeared? The organization of a judicial system was of first importance as the courts had been dissolved. Commissions of justice of the peace were given to the officers of the militia, who were to sit in their respective districts, using the civil laws of the country as before—according to articles 37, 42, of the capitulation of Montreal.

Let us quote a historian: "The positions of captains and officers of militia in the rural districts were generally filled by the seigneur and other persons of note who made their residence there, and these persons were the most highly educated and the best informed on general questions and even on legal matters. After the departure of the members of the legal profession these men were the best that could be chosen to administer justice. They also were the class of men that the English were best able to appreciate; having known them as brave soldiers, they could credit them with the honour that is inseparable from their profession, and consequently with the inborn sense of equity indispensable to judges, and, furthermore, they were acquainted with both civil and military law. Events proved that they were not mistaken, for the courts of justice gave almost general satisfaction to the habitants."*

Here is another opinion: "Although under the military rule of its conquerors, the country was administered by them according to the laws,

*Dr. Jacques Labrie, written in 1827; see *le Règne Militaire*, Montreal, 1870, p. 28.

forms and usages that had prevailed during the time of French rule, at least in so far as the civil laws were concerned, but as the judicial administration was placed in the hands of officers of the militia and of the British troops, as a consequence perhaps of the fact that the majority of the legal profession had returned to France, there must have been more than one arbitrary act committed on the part of the judges, who were only more or less perfectly acquainted with the laws of Canada. This is doubtless the explanation of the name given by our ancestors to this short period of our history.* Happily Mr. Viger said "doubtless," thus admitting that his supposition was open to doubt. Scholars who have taken the trouble to study the subject, express a quite different opinion, when speaking of the supposed lack of legal men, of the irregularities "that must have occurred," and of the terror to be found in the words "règne militaire" (military rule).

"The records kept by the captains of the militia showed that their rulings conformed entirely with the French laws," said, in 1827, Dominique Mondelet, who, later on, became a distinguished judge; and he adds: "It does not require great penetration to be convinced, after having examined the registers and nearly all the judicial records of this period, that the governors were above all desirous of winning our friendship, by preserving our customs and laws. We do not find the slightest attempt to introduce the English laws, and still less to judge according to military law; for even if these judges were occasionally arbitrary in their rulings, it must not be concluded that the reason for their decisions is to be found in their adherence to laws made for soldiers only, but rather that in their desire to mete out justice in each particular case they were at times obliged to violate the general principles of the laws. The only thing military about these tribunals was their name, taken from the profession of the judges who presided over them. . . . Should one be unconvinced by various edicts of General Gage, of his determination, most decidedly expressed, to make the ancient laws of the country the authority for the rulings of these courts, all doubts on the subject will be banished by the perusal of a few of these judgments. Those who are interested in alleging that our conquerors

*Jacques Viger, 1827, quoted in 1870 in *Règne Militaire*, p. 5.

wished to deprive us of all that we held dear, might, with greater adherence to facts, show that these courts had no fixed laws for their administrations, if we are to judge from several particular cases; rather than to accuse them of being interpreters of military law, which has fixed rules, and has nothing in common with the jurisprudence of this period.”*

Mr. Gonzalve Doutre, a celebrated lawyer, affirms that the courts of justice of the Military Regime, administered according to the laws and customs of the country and not in accordance with the laws of equity nor the English laws. The numerous documents referring to these tribunals indicate much satisfaction at their rulings.†

The old division of Lower Canada into three districts, Quebec, Three Rivers and Montreal, was not altered. The appeals from the judgments of these courts were referred to the governors commanding the district. To assist the latter in his judicial labours, Cugnet, Daine, Panet, De Leigne, Belcourt-Lafontaine and others, all distinguished jurists and true Canadians, were appointed.

Here is further testimony on the subject: “At the time of the conquest far from being made to feel the sadness of captivity . . . we were left in possession of our laws and customs. The free practice of our religion was preserved and confirmed by the treaty of peace; and our own citizens were named the judges of our civil disputes. We shall never forget this great kindness . . . and we shall not allow it to be forgotten by our descendants.”‡ In this document they complained that English laws had recently been introduced into the country.

*The “*Règne Militaire*,” p. 4.

†The “*Droit Civil*.”

‡Address of the Canadiâns to the King, 1773.