



WOLFE'S MONUMENT, QUEBEC.



MONUMENT TO WOLFE AND
MONTCALM, QUEBEC.



PARLIAMENT BUILDINGS.

CHAPTER VIII.

Capitulation of Quebec, 1759—Considerations upon that event—Nationalization of the battlefield—General Murray takes the command—The French administration transferred to Montreal—Death of Bishop Pontbriand—Capitulation of Montreal, 1760.

On the 13th of September, 1759, the English won the Battle of the Plains of Abraham, on the outskirts of the City of Quebec, in which both Wolfe and Montcalm met glorious deaths.

Montcalm, before expiring, addressed to Townshend, who had succeeded Wolfe, a letter, stating that it would soon be necessary to surrender the town to him, and asking that kindness be shown to the sick and wounded of the French army.

After the town had resisted for five more days, Commander de Ramezay, at the request of the citizens, agreed to surrender it to General Townshend and Admiral Saunders.

We shall see that some of the terms of the agreement signed on that occasion are of the greatest importance, as, like the terms of the surrender of Montreal, which occurred one year later, they form the basis of the transfer of New France to the power of Great Britain, and were accepted in the Treaty of Paris, which was concluded between the two nations in 1763. George III. considered Canada as having been acquired by capitulation—that is to say, by written agreement accepted by all parties—and not solely by the conquest of arms. As to Louis XV., he gave up the colony; but the surrender of what one does not possess is of little importance.

“Articles of capitulation demanded by Mr. de Ramezay,* the king’s lieutenant, commanding the high and low towns of Quebec, Knight of the Military Order of St. Louis, to his excellency the general of the troops of His Britannic Majesty.” Written in the margin: “The capitulation demanded

*A family settled in Canada since 1685.

on the part of the enemy, and granted by their Excellencies Admiral Saunders and General Townshend, etc., is in manner and form hereafter expressed.”

I. Mr. de Ramezay demands the honours of war for his garrison, and that it shall be sent back to the army in safety, and by the shortest route, with arms, baggage, six pieces of brass cannon, two mortars or howitzers and twelve rounds for each piece. Answer: The garrison of the town, composed of land forces, marines and sailors, shall march out with their arms and baggage, drums beating, matches lighted, with two pieces of French cannon, and twelve rounds for each piece; and shall be embarked as conveniently as possible, to be sent to the first port in France.

II. That the inhabitants shall be preserved in the possession of their houses, goods, effects, and privileges. Answer: Granted, upon their laying down their arms.

III. That the inhabitants shall not be accountable for having carried arms in the defence of the town, for as much as they were compelled to it, and that the inhabitants of the colonies, of both crowns, equally serve as militia. Answer: Granted.

IV. That the effects of the absent officers and citizens shall not be touched. Answer: Granted.

V. That the inhabitants shall not be removed, nor obliged to quit their houses, until their condition shall be settled by their Britannic and most Christian Majesties. Answer: Granted.

VI. That the exercise of the Catholic Apostolic and Roman religion shall be maintained, and that safeguards shall be granted to the houses of the clergy, and to the monasteries, particularly to his Lordship the Bishop of Quebec, who, animated with zeal for religion, and charity for the people of his diocese, desires to reside in it constantly, to exercise, freely and with that decency which his character and the sacred offices of the Roman religion require, his episcopal authority in the town of Quebec, whenever he shall think proper, until the possession of Canada shall be decided by a treaty between their most Christian and Britannic Majesties. Answer: The free exercise of the Roman religion is granted, likewise safeguards to all religious persons, as well as to the Bishop, who shall be at liberty to come and

exercise, freely and with decency, the functions of his office, wherever he shall think proper, until the possession of Canada shall have been decided between the Britannic and most Christian Majesties.

VII. That the artillery and military stores shall be faithfully given up, and that an inventory of them shall be made out. Answer: Granted.

VIII. That the sick and wounded, the commissaries, chaplains, physicians, surgeons, apothecaries, and other people employed in the service of the hospitals, shall be treated conformably to the cartel of the 6th February, 1759, settled between their most Christian and Britannic Majesties. Answer: Granted.

IX. That before delivering up the gate and the entrance of the town to the English troops, their general will be pleased to send some soldiers to be posted as safeguards upon the churches, convents, and principal habitations. Answer: Granted.

X. That the king's lieutenant, commanding in Quebec, shall be permitted to send information to the Marquis of Vaudreuil, Governor General, of the reduction of the place, as also that the general may send advice thereof to the French ministry. Answer: Granted.

XI. That the present capitulation shall be executed according to its form and tenour, without being subject to non-execution under pretence of reprisals, or for the non-execution of any preceeding capitulation. Answer: Granted.

Duplicates hereof taken and executed by, and between us, at the camp before Quebec, this 18th day of September, 1759. (Signed) Charles Saunders, George Townshend, de Ramezay.

The articles II., III., V., concerning the Canadians, were punctually fulfilled. Article VI. formed the base of Article IV. of the Treaty of Paris (1763). With regard to Article II., as above given after the original document, it must be observed here that, according to the British practice and law, and that of all other civilized nations, when the inhabitants are allowed to remain in possession of their properties, it implies the conservation of the laws regulating such matter before the war—consequently the French statutes were kept in force.

After the capitulation of Quebec, General Monckton, upon whom the command devolved in succession to Wolfe, published a manifesto permitting the inhabitants to return to their farms on giving up their arms and taking the oath of fidelity. These conditions most of the people in the villages and districts tributary to Quebec complied with.

Writing to Pitt, October 8th, 1759, General Monckton explained that, owing to wounds received at the battle of the Plains of Abraham, the surgeons had urged him to go south for the winter. He had, therefore, appointed Brigadier Murray to act as governor, and Colonel Burton as lieutenant-governor until His Majesty's pleasure be known.

We are happy to quote here a few remarks made by His Excellency the Earl of Grey, Governor-General, in a recent speech: It was on the battlefields of Quebec that French and British parentage gave birth to the Canadian nation. To-day the inhabitants of the Dominion are neither English nor French. They stand before the world, not as English or French, but as Canadians. It is from the inspiring standpoint of Canadian nationality that the proposal to celebrate the 300th birthday of Canada, by the nationalization of the famous battlefields of Quebec, should win the enthusiastic support of every patriotic Canadian.

“If we regard the question sectionally, I would ask, where is the well-informed Briton to be found, no matter in what part of the Empire he may reside, who has not a personal interest in the ground where the corner-stone of Greater Britain was laid? I might say the same of every well-informed American. The first chapter of the history of the United States describes how the Plains of Abraham became the parchment on which in 1775 the Declaration of Independence was inscribed.

“If the battle of the Plains decided the fate of North America, it is equally certain that the battle of Ste. Foye won for the French-Canadians for all time the full and absolute right to the secured enjoyment of their language, their religion and their laws, under conditions such as do not exist in equal degree in any portion of the earth outside the Empire of the British Crown.

“The nationalization of the battlefields is thus a consecration of those principles which have enabled the British Crown to win the heartfelt

loyalty of all its subjects and which have made the British Empire the most potent force for the spread of freedom that the world has ever seen."

The following extracts from a paper written by the Honourable G. W. Ross, senator, strike the keynote of the spirit which animates the population of Canada on the occasion of the Quebec celebration, and are also valuable for the historical review embodied therein: "Articles of partnership were formally signed on the Plains of Abraham outside the City of Quebec on the 18th September, 1759, and went into immediate effect. . . It is a far cry from the treaty of capitulation which was made on the Plains of Abraham in 1759 to the present year of grace, 1908, but it is remarkable how the stipulations of that treaty have influenced the course of Canadian history. Ramezay's demand that the French garrison should be permitted to march out of the city which he so honourably surrendered was significant of the resolute manner in which the French race has ever since insisted upon fair recognition in the administration of the country. A race who, in the hour of their direst adversity, was able to snatch from the iron grasp of the conqueror the "honours of war" could not fail to be an important factor in the future history of any country. And then, whether we approve or disapprove of the religion they professed, a race who claimed as a condition of "laying down their arms" that they should be allowed the free exercise of their religious convictions is not a race likely to encourage anarchy or flout the authority of constitutional government. A race, too, that has preserved its individuality, its social habits and its language amid all the changes of the centuries, has a steady power, which in this democratic age of change and unrest, must prove of incalculable value in promoting the stability of government and suppressing the vapid agitator and the turbulent demagogue. To quote Sir Charles Dilke in his recent book on the British Empire: 'The French-Canadians are now, under the admirable institutions which in our late born wisdom we have conferred upon them, perhaps the most loyal of all peoples under the British Crown and they are so in spite of the fact that they have remained intensely French, proud of their race and its history and deeply attached to their tongue and its literature. . . The double allegiance of the French-Canadians of the present day on the one hand to the British Crown

and to the liberty which they enjoy under it, and on the other hand not to a foreign power which they regard as foreign, but to their own race and literature, is one of the most interesting spectacles which the world affords.

“With this race we have entered into a partnership by treaty and by Acts of Parliament. In the long years of that partnership there have been differences of opinion, accentuated more than once by mutual recriminations, but in spite of the lapses of human nature, and it may be of hereditary antipathies, Canada is to-day stronger in her national cohesion and more inevitably committed to pursue her own distinctive destiny, whatever it may be, than she would have been were it not for the partnership so happily formed one hundred and fifty years ago on the Plains of Abraham.

“And here let me submit two other considerations bearing upon the relations of the French occupation of Canada to the history of North America. First, if the French had not taken possession of Canada when they did and colonized the valley of the St. Lawrence, Canada would, no doubt, like other parts of North America, have been occupied by the British. Then would it not naturally follow that when the other British colonies revolted in 1776 that Canada as the fourteenth colony would have also joined them? By a similar process of reasoning, had not Canada become a British possession in 1759 it is more than probable when Napoleon Bonaparte sold his French possession in America to the United States in 1803 that Canada as part of these French possessions would have been bargained away. Are these two circumstances contingent parts of that ‘divinity which shapes our ends,’ or merely an hypothesis incapable of proof? At all events the logic of the situation leads to but one conclusion.

“Let us next consider the significance of the Plains of Abraham to America. Although it is generally assumed that the passing of the Stamp Act was the cause of the revolt of the thirteen colonies, a closer reading of history shows that the right of self-government conceded to them in their charters from the Crown was the secret spring of that spirit of independence which found expression at Philadelphia in 1774. The Stamp Act was but an excuse to assert their independence in the fullest sense, although they had in fact all the liberty up to that time which it was possible to obtain under any circumstances.

But so long as France was in control of Canada to the north and west they felt that to attempt a separation would be to place themselves between two fires. On the Atlantic side British troops could be easily landed, to which resistance would be futile. To the north and west they would be subject to the attack of the French, aided no doubt by the Canadians. But by the conquest of Canada, the position was materially changed. They argued that now (1776) in the event of a revolution, France, instead of aiding Great Britain, would be disposed to revenge the loss of Canada and could be depended upon openly or secretly, at least, for assistance.

“Is it possible that to General James Wolfe rather than to General George Washington the American Republic owes its origin, and is it possible that the victory which won for Great Britain her vast Canadian possessions occupying half a continent, lost to her the other half continent, and that the true shrine for the American is, not Independence Hall where the Declaration of Independence was signed, not Mount Vernon, where the remains of General Washington are entombed, but the heights behind Cape Diamond, beneath which the St. Lawrence flows in silent and majestic grandeur? This seems to be the judgment of the historians. If so, how significant to the whole world, as well as to America, was the event of September 18th, 1759!

“Then what about the significance of the contest on the Plains of Abraham to Great Britain. First, it revealed to her in a most conclusive manner, the advantage of naval supremacy. When Admiral Saunders, with 277 ships of the line and 60,000 soldiers, set sail for America for the conquest of Canada it was evident to the whole world that without the command of the sea no nation need aspire to universal sovereignty. Second, the taking of Quebec practically laid the foundation of her Colonial Empire. Except a slender foot-hold in India, the British possessions elsewhere were comparatively insignificant. Australia and New Zealand, although discovered, had no appreciable value except as a shelter from offended justice. She owned a few of the West Indies Islands and Prince Rupert’s Land in North America, and seemed to be satisfied. But with the possession of Quebec the idea of a Colonial Empire fastened itself upon British statesmen, and from that date forward, whenever new territory could be

obtained or minor possessions enlarged, she pushed her conquests as well as her commerce, until now she occupies one-quarter of the habitable globe. Had she failed in the conquest of Canada who can tell what would have been the effect upon her aspirations and her territorial expansion.

“Third. It was vital for Great Britain that in the councils of Europe her prestige should be maintained. Prussia was asserting herself under Frederick the Great, Austria had undoubted influence as one of the greatest powers of Central Europe. Russia was emerging from the obscurity of centuries and Spain was still a force to be reckoned with. Outside the continent of Europe she had little to fear because of her power at sea, but to maintain her rank among her sister nations, she could not afford to be baffled either in diplomacy or in war. What were the many millions which Pitt spent in the conquest of Canada, compared to the prestige and the distinction which it conferred upon British statesmen, and the dread with which it invested her army and navy?

“And lastly, the acquisition of French Canada gave to Great Britain a frontal entrance to her western possessions in North America. What would the great North-West be worth to Canada to-day if a foreign country intervened between it and the Atlantic Ocean? Accessible directly only by Hudson Bay, it would be isolated from the world except for a few months each year. The great waterways reaching half across the continent would be under foreign control, and the prairies of the West would be as isolated as Central Africa. To acquire Canada was to connect the east and the west, and to lay the foundation for that Canadian Empire which so happily responds to the impulses of nationhood and is already so rich in promise and so commanding in its possibilities.

“And now, having endeavoured to interpret the significance of the events to which I have called your attention, let me ask you if it is not a fitting thing that we should rejoice in the memories they awaken and the national consequences to which they gave birth.”

On the surrender of Quebec, September 18th, 1759, the government moved to Montreal, where, about that date, Vaudreuil and Bigot were to have gone, as, during the afternoon of the 13th, they had left Beauport with the troops that had not been quartered in the City of Quebec.

At Montreal on the 28th of October, Mgr. de Pontbriand issued a mandate in which he ordered public prayers to invoke the mercy of heaven. On the following 17th of April, he renewed the mandate and added that he had faith in the movement inaugurated by Chevalier de Lévis, whom he eulogized in a few words. On the 28th of that month we know that Lévis defeated Murray at Ste. Foye, near Quebec, but that the arrival of the English fleet shortly after the battle prevented a re-capture of the city.

Knowing that his health was failing, and expecting death from day to day, on May 19th Mgr. Pontbriand addressed the clergy, outlining their conduct. On June 8th, M. Montgolfier, Grand Vicar of Montreal, issued a circular letter announcing Mgr. Pontbriand's death, which occurred on that day. On the 10th of July M. Perreault, Grand Vicar, signed a similar circular for the clergy of the district of Three Rivers. These examples do not appear to have been followed by M. Briand, who remained at Quebec.

From May to September the English fleet sailed slowly up the river, accepting the submission of the militia men who gave up their arms. These they classed as British subjects together with those already included in the surrender of Quebec.

General Amherst, with the principal invading army arrived at Lake Champlain, and Montreal was soon placed between two fires. Except for short periods there had been no interruption to the hostilities which were begun sixteen years previously.

On the morning of the 7th September, the Marquis de Vaudreuil sent two officers, of whom one was Bougainville, to the camp of General Amherst. The parley resulted in an armistice until noon. Amherst then received the draft of the conditions of surrender and, thereon added his reply which was not satisfactory to Vaudreuil and Levis, who asked for better terms on certain articles, and consequently the afternoon and night were spent in exchanging letters on the subject, but Amherst refused to make further concessions.

At the dawn of day Vaudreuil gave notice of acceptance by the following letter to Amherst:—

“MONTREAL, September 8th, 1760.

Dear Sir,—I have received from your Excellency, through M. Abercromby, the letter with which you favoured me. I have signed the articles of surrender and handed them to this major. You will kindly furnish me with a duplicate of same, signed by yourself. At the conclusion of the capitulation your Excellency will be able, as you will deem more advisable, to cause the taking possession of the posts and doors. That Colonel Haldimand is your choice is enough to make him agreeable to me. I cannot but be very sensitive to the courteousness which your Excellency extends to me. I have the honour to be, with the highest consideration of your Excellency, your very humble and obedient servant.—VAUDREUIL.”

“Whereas the interests of the colony do not allow us to refuse the terms proposed by the English general, which are advantageous to the country whose fate has been entrusted to me, I order the Chevalier de Levis to comply with the present surrender and to cause his troops to lay down their arms. Montreal, September 8th, 1760. (Signed) VAUDREUIL.”

Articles of capitulation between their Excellencies Major-General Amherst, Commander-in-Chief of His Britannic Majesty's troops and forces in North America, on the one part, and the Marquis de Vaudreuil, etc., Governor and Lieutenant-General of the King in Canada, on the other:—

I. Twenty-four hours after the signing of the present capitulation, the British general shall cause the troops of His Britannic Majesty to take possession of the gates of the town of Montreal; and the British garrison shall not enter the place till after the French troops shall have evacuated it. Answer: The whole garrison of Montreal must lay down their arms, and shall not serve during the present war.* Immediately after the signing of the present capitulation, the King's troops shall take possession of the gates, and shall post the guards necessary to preserve good order in the town.

II. The troops and the militia, who are in garrison in the town of Montreal, shall go out by the gate of Quebec,† with all the honours of war, six pieces of cannon and one mortar, which shall be put on board the vessel where the Marquis de Vaudreuil shall embark, with ten rounds for each

*The hostilities in Europe.

†North-east side of the town.

piece; and the same shall be granted to the garrison of Trois-Rivières. Answer: Referred to Article I.

III. The troops and militia who are in garrison in the Fort of Jacques Cartier and in the Island of St. Helen, and other forts, shall be treated in the same manner, and shall have the same honours; and these troops shall go to Montreal, or Trois-Rivières, or Quebec, to be there embarked for the first seaport in France, by the shortest way. The troops who are in our posts, situated on our frontier, on the side of Acadia, at Detroit, Michillimakinac, and other posts, shall enjoy the same honours and be treated in the same manner. Answer: All these troops are not to serve during the present war, and shall likewise lay down their arms; the rest is granted.

IV. The militia after evacuating the above towns, forts and posts, shall return to their habitations, without being molested on any pretence whatever, on account of their having carried arms. Answer: Granted.

V. The troops who keep the field shall raise their camp, drums beating, with their arms, baggage and artillery, to join the garrison of Montreal, and shall be treated in every respect the same. Answer: These troops, as well as the others, must lay down their arms.

VI. The subjects of His Britannic Majesty, and of his most Christian Majesty, soldiers, militia or seamen, who shall have deserted or left the service of their sovereign, and carried arms in North America, shall be, on both sides pardoned for their crime; they shall be respectively returned to their country; if not, each shall remain where he is without being sought after or molested. Answer: Refused.

VII. The magazines, the artillery, firelocks, sabres, ammunition of war, and in general everything that belongs to his most Christian Majesty, as well in the towns of Montreal and Trois-Rivières, as in the forts and posts mentioned in the third article, shall be delivered up, according to exact inventories, to the commissaries who shall be appointed to receive the same in the name of His Britannic Majesty. Duplicates of the said inventories shall be given to the Marquis de Vaudreuil. Answer: This is everything that can be asked on this article.

VIII. The officers, soldiers, militia, seamen and even the Indians de-

tained on account of their wounds or sickness, as well as in the hospitals as in private houses, shall enjoy the privilege of the cartel, and be treated accordingly. Answer: The sick and wounded shall be treated the same as our own people.

IX. The British general shall engage to send back to their own homes, the Indians and Moraigans (Mohicans) who make part of his armies, immediately after the signing of the present capitulation and, in the mean time, the better to prevent all disorders on the part of those who may not be gone away, the said general shall give safeguards to such persons as shall desire them, as well in the towns as in the country. Answer: The first part refused. There never have been any cruelties committed by the Indians of our army; and good order shall be preserved.

X. His Britannic Majesty's general shall be answerable for all disorders on the part of his troops, and shall oblige them to pay for all the damages they may do, as well in the towns as in the country. Answer: Answered by the preceding article.

XI. The British general shall not oblige the Marquis de Vaudreuil to leave the town of Montreal before . . . and no person shall be quartered in his house till he is gone. The Chevalier de Lévis, commander of the land forces and colonial troops, the engineers, officers of the artillery, and commissary of war, shall also remain at Montreal till the said day and shall keep their lodgings. The same shall be observed with regard to Mr. Bigot, intendant, the commissaries of marine and writers, whom the said Mr. Bigot shall have occasion for, and no person shall be lodged at the intendant's house before he shall take his departure. Answer: The Marquis de Vaudreuil, and all these gentlemen, shall be masters of their houses and shall embark when the King's ships shall be ready to sail for Europe; and all possible conveniences shall be granted them.

XII. The most convenient vessel that can be found shall be appointed to carry the Marquis de Vaudreuil, Mr. Bigot, the governor of Montreal, and the suite of this general, by the straightest passage to the first seaport of France; and every necessary accommodation shall be made for them. This vessel shall be properly victualled at the expense of his Britannic Majesty; and the Marquis de Vaudreuil shall take with him his papers,

without being examined and his equipages, plate, baggage, and also those of his retinue. Answer: Granted, except the archives which shall be necessary for the government of the country.

XIII. If before, or after, the embarkation of the Marquis de Vaudreuil, news of peace should arrive and that, by treaty, Canada should remain to his most Christian Majesty, the Marquis de Vaudreuil shall return to Quebec or Montreal; everything shall return to its former state under the dominion of his most Christian Majesty, and the present capitulation shall become null and of no effect. Answer: Whatever the King may have done, on this subject, shall be obeyed.

XIV. Two ships will be appointed to carry to France the Chevalier de Lévis, the principal officers and the staff of the land forces, the engineers, officers of artillery, and their domestics. These vessels shall likewise be victualled, and the necessary accommodation provided in them. The said officers shall take with them their papers, without being examined, and also their equipages and baggage. Such of the said officers as shall be married shall have liberty to take with them their wives and children, who shall also be victualled. Answer: Granted, except that the Marquis de Vaudreuil and all the officers, of whatever rank they may be, shall faithfully deliver to us all the charts and plans of the country.

XV. A vessel shall also be appointed for the passage of Mr. Bigot, the intendant, with his suite; in which vessel the proper accommodation shall be made for him and the persons he shall take with him. He shall likewise embark with him his papers, which shall not be examined; his equipages, plate, baggage and those of his suite. This vessel shall be victualled as before mentioned. Answer: Granted, with the same reserve as in the preceding article.

XVI. The British general shall also order the necessary and most convenient vessels to carry to France Mr. de Longueuil, Governor of Trois-Rivières, the staff of the colony and the commissary of marine; they shall embark therein their families, servants, baggage and equipages, and they shall be properly victualled during the passage, at the expense of his Britannic Majesty. Answer: Granted.

XVII. The officers and soldiers, as well as of the land forces as of the

colony, and also the marine officers and seamen who are in the colony, shall be likewise embarked for France, and sufficient and convenient vessels shall be appointed for them. The land and sea officers who shall be married, shall take with them their families, and all of them shall have liberty to embark their servants and baggage. As to the soldiers and seamen, those who are married shall take with them their wives and children, and all of them shall embark their haversacks and baggage; these vessels shall be properly and sufficiently victualled at the expense of his Britannic Majesty. Answer: Granted.

XVIII. The officers, soldiers and the followers of the troops, who shall have their baggage in the fields, may send for it before they depart, without any hindrance or molestation. Answer: Granted.

XIX. An hospital ship shall be provided by the British general for such of the wounded and sick officers, soldiers and seamen as shall be in condition to be carried to France, and shall likewise be victualled at the expense of his Britannic Majesty. It shall be the same with regard to the other wounded and sick officers, soldiers, or sailors, as soon as they shall be recovered. They shall have liberty to carry with them their wives, children, servants and baggage; and the said soldiers and sailors shall not be solicited nor forced to enter into the service of his Britannic Majesty. Answer: Granted.

XX. A commissary and one of the king's writers shall be left to take care of the hospitals and whatever may relate to the service of his most Christian Majesty. Answer: Granted.

XXI. The British general shall provide ships for carrying to France the officers of the supreme council (Conseil Supérieur) of justice, police, admiralty, and all other officers having commissions or brevets from his most Christian Majesty, for them, their families, servants and equipages, as well as for the other officers; and they shall likewise be victualled at the expense of his Britannic Majesty. They shall, however, be at liberty to stay in the colony if they think proper to settle their affairs, or to withdraw to France whenever they think fit. Answer: Granted, but if they have papers relating to the government of the country, they are to be delivered up to us.

XXII. If there are any military officers whose affairs should require their presence in the colony till the next year, they shall have liberty to stay in it, after having obtained the permission of the Marquis de Vaudreuil for that purpose, and without being reputed prisoners of war. Answer: All those whose private affairs shall require their stay in the country, and who shall have the Marquis de Vaudreuil's leave for so doing, shall be allowed to remain till their affairs are settled.

XXIII. The commissary for the king's provisions shall be at liberty to stay in Canada till next year, in order to be enabled to answer the debts he has contracted in the colony, on account of what he has furnished; but if he should prefer to go to France this year he shall be obliged to leave, till next year, a person to transact his business. This private person shall preserve, and have liberty to carry off, all his papers, without being inspected. His clerks shall have leave to stay in the colony or go to France; and in the last case, a passage and subsistence shall be allowed them on board the ships of his Britannic Majesty, for them, their families and their baggage. Answer: Granted.

XXIV. The provisions and other kind of stores which shall be found in the magazines of the commissary, as well in the towns of Montreal and of Trois-Rivières as in the country, shall be preserved to him, the said provisions belonging to him, and not to the King; and he shall be at liberty to sell them to the French and English. Answer: Everything that is actually in the magazines, destined for the use of the troops, is to be delivered to the British commissary for the King's forces.

XXV. A passage to France shall likewise be granted, on board of his Britannic Majesty's ships, as well as victuals, to such officers of the India company as shall be willing to go thither, and they shall take with them families, servants and baggage. The chief agent of the said company, in case he should choose to go to France, shall be allowed to leave such person as he shall think proper till next year, to settle the affairs of the said company and to recover such sums as are due to them. The said chief agent shall keep possession of all the papers belonging to the said company, and they shall not be liable to inspection. Answer: Granted.

XXVI. The said company shall be maintained in the property of the

ecarlatines * and beaver skins which they may have in the town of Montreal; they shall not be touched under any pretence whatever, and the necessary licenses shall be given to the chief agent to send this year his beaver skins to France, on board his Britannic Majesty's ships, paying the freight on the same footing as the British would pay it. Answer: Granted with regard to what may belong to the company, or to private persons; but if his most Christian Majesty has any share in it, that must become the property of the King.

XXVII. The free exercise of the Catholic, Apostolic and Roman religion shall subsist entire, in such manner that all the states and the people of the towns and countries, places and distant posts, shall continue to assemble in the churches and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly. These people shall be obliged, by the English government, to pay their priests the tithes and all the taxes they were used to pay under the government of his most Christian Majesty. Answer: Granted as to the free exercise of their religion; the obligation of paying the tithes to the priests will depend on the King's pleasure.

XXVIII. The chapter, priests, curates and missionaries shall continue with an entire liberty, their exercises and functions of curés, in the parishes of the towns and countries.

XXIX. The grand vicars named by the chapter to administer to the diocese during the vacancy of the episcopal see shall have the liberty to dwell in the towns or country parishes, as they shall think proper. They shall at all times be free to visit the different parishes of the diocese with the ordinary ceremonies and exercise all the jurisdiction they exercised under the French domination. They shall enjoy the same rights in case of the death of the future bishop, of which mention will be made in the following article. Answer: Granted, except what regards the following article.

XXX. If by the treaty of peace Canada should remain in the power of his Britannic Majesty, his most Christian Majesty shall continue to name

*Red cloth of bright colour used in the trade with the Indians.

the bishop of the colony who shall always be of the Roman communion, and under whose authority the people shall exercise the Roman religion. Answer: Refused.

XXXI. The bishop shall, in case of need, establish new parishes and provide for the rebuilding of his cathedral and his episcopal palace; and in the meantime he shall have the liberty to dwell in the towns or parishes, as he shall judge proper. He shall be at liberty to visit his diocese with the ordinary ceremonies and exercise all the jurisdiction which his predecessor exercised under the French domination, save that an oath of fidelity, or a promise to do nothing contrary to his Britannic Majesty's service, may be required of him. Answer: This article is comprised under the foregoing.

XXXII. The communities of nuns shall be preserved in their constitutions and privileges; they shall continue to observe their rules; they shall be exempted from lodging any military; and it shall be forbid to molest them in their religious exercises, or to enter their monasteries; safeguards shall even be given them, if they desire them. Answer: Granted.

XXXIII. The preceding article shall likewise be executed with regard to the communities of Jesuits and Recollets and of the house of the priests of St. Sulpice at Montreal. These last, and the Jesuits, shall preserve their right to nominate to certain curacies and missions, as heretofore. Answer: Refused till the King's pleasure be known.

XXXIV. All the communities and all the priests shall preserve their movables, the property and revenues of the seignories and other estates which they possess in the colony, of rights, honours and exemptions. Answer: Granted.

XXXV. If the canons, priests, missionaries, the priests of the seminary of foreign missions, and of St. Sulpice, as well as the Jesuits and the Recollets, choose to go to France, a passage shall be granted to them in his Britannic Majesty's ships, and they shall have leave to sell, in whole or in part, the estates and movables which they possess in the colony, either to the French or to the English, without the least hindrance or obstacle from the British government. They may take with them, or send to France, the produce of what nature soever it be, of the said goods sold, paying the

freight as mentioned in article XXVI. And such of the said priests who choose to go this year shall be victualled, during the passage, at the expense of his Britannic Majesty, and they shall take with them their baggage. Answer: They shall be masters to dispose of their estates and to send the produce thereof, as well as their persons, and all that belongs to them, to France.

XXXVI. If by the treaty of peace Canada remains to his Britannic Majesty, all the French,* Canadians, Acadians, merchants and other persons who choose to retire to France, shall have leave to do so from the British general, who shall procure them a passage; and, nevertheless, if, from this time to that decision, any French or Canadian merchants, or other persons, shall desire to go to France, they shall likewise have leave from the British general. Both the one and the other shall take with them their families, servants and baggage. Answer: Granted.

XXXVII. The lords of manors, the military and civil officers, the Canadian as well in the towns as in the country, the French settled, or trading, in the whole extent of the colony of Canada, and all other persons whatsoever, shall preserve the entire peaceable property and possession of the goods, noble and ignoble, movable and immovable, merchandises, furs and other effects, even their ships; they shall not be touched, nor the least damage done to them, on any pretence whatever. They shall have liberty to keep, let or sell them, as well to the French as to the British; to take away the produce of them in bills of exchange, furs, species or other returns, whenever they shall judge proper to go to France, paying their freight, as in article XXVI. They shall also have the furs which are in the posts above and which belong to them, and may be on the way to Montreal; and, for this purpose, they shall have leave to send, this year, or the next, canoes fitted out, to fetch such of the said furs as shall have remained in those posts. Answer: Granted as in Article XXVI.

XXXVIII. All the people who have left Acadia and who shall be found in Canada, including the frontiers of Canada on the side of Acadia, shall have the same treatment as the Canadians, and shall enjoy the same

*A Frenchman was a man whose home was France.

privileges. Answer: The King is to dispose of his ancient subjects; in the meantime they shall enjoy the same privileges as the Canadians.

XXXIX. None of the Canadians, Acadians or French who are now in Canada, and on the frontiers of the colony, on the side of Acadia, Detroit, Michillimakinac and other places and posts of the countries above, the married and unmarried soldiers remaining in Canada, shall be carried or transported into the British colonies or to Great Britain, and they shall not be troubled for having carried arms. Answer: Granted, except with regard to the Acadians.

XL. The savages or Indians, allies of his most Christian Majesty, shall be maintained in the lands they inhabit if they choose to remain there; they shall not be molested on any pretence whatsoever for having carried arms and served his most Christian Majesty; they shall have, as well as the French, liberty of religion and shall keep their missionaries. The actual vicars general and the bishop, when the episcopal see shall be filled, shall have leave to send them new missionaries when they shall judge it necessary. Answer: Granted, except the last article, which has been already refused.

XLI. The French, Canadians and Acadians of what state and condition soever, who shall remain in the colony, shall not be forced to take arms against his most Christian Majesty or his allies, directly or indirectly, on any occasion whatsoever, the British government shall only require of them an exact neutrality. Answer: They become subjects of the King.

XLII. The French and Canadians shall continue to be governed according to the Coutume de Paris and the laws and usages established for this country, and they shall not be subject to any other imposts than those which were established under the French domination. Answer: Answered by the preceding articles, and particularly by the last.

XLIII. The papers of the government shall remain, without exception, in the power of the Marquis de Vaudreuil and shall go to France with him. These papers shall not be examined on any pretence whatsoever. Answer: Granted, with the reserve already made.

XLIV. The papers of the intendancy, of the office of the comptroller of the marine, of the ancient and new treasurers, of the king's magazines, of

the office of the revenue, and forges of St. Maurice, shall remain in the power of Mr. Bigot, the intendant, and they shall be embarked for France in the same vessel with him; these papers shall not be examined. Answer: The same as the preceding article.

XLV. The registers and other papers of the Conseil Supérieur of Quebec, of the prévôté and admiralty of the said city; those of the royal jurisdiction of Trois-Rivières and Montreal; those of the seignorial jurisdictions of the colony, and in general the acts and other papers that may serve to prove the estates and fortunes of the citizens, shall remain in the colony, in the rolls of the jurisdictions on which these papers depend. Answer: Granted.

XLVI. The inhabitants and merchants shall enjoy all the privileges of trade under the same favours and conditions granted to the subjects of his Britannic Majesty, as well as in the countries above as the interior of the colony. Answer: Granted.

XLVII. The negroes and Panis* of both sexes shall remain, in their quality of slaves, in the possession of the French and Canadians to whom they belong; they shall be at liberty to keep them in their service in the colony or to sell them; and they may also continue to bring them up in the Roman religion. Answer: Granted, except those who shall have been made prisoners.

XLVIII. The Marquis de Vaudreuil, the general and staff officers of the land forces, the governors and staff officers of the different places of the colony, the military and civil officers, and all other persons who shall leave the colony, or who are already absent, shall have leave to name and appoint attorneys to act for them and in their name in the administration of their effects, movable and immovable, until the peace; and if by the treaty between the two crowns, Canada does not return under the French domination, these officers, or other persons, or attorneys for them, shall have leave to sell their manors, houses and other estates, their movables and effects, etc., to carry away or send to France the produce thereof, either in bills of exchange, species, fur or other returns, as is mentioned in article XXXVII. Answer: Granted.

*Nebraska Indians used as slaves in Canada.

XLIX. The inhabitants and other persons who shall have suffered any damage in their goods, movable or immovable, which remained at Quebec under the faith of the capitulation of that city, may make their representations to the British government, who shall render them due justice against the person to whom it shall concern. Answer: Granted.

L. The present capitulation shall be inviolably executed in all its articles, and *bonâ fide*, on both sides, notwithstanding any infraction, and any other pretence, with regard to the preceding capitulations, and without making use of reprisals. Answer: Granted.

Postscript.—LI. The British general shall engage, in case any Indians remain after the surrender of this town, to prevent their coming into the town, and that they do not, in any manner, insult the subjects of his most Christian Majesty. Answer: Care shall be taken that the Indians do not insult any of the subjects of his most Christian Majesty.

LII. The troops and other subjects of his most Christian Majesty, who are to go to France, shall be embarked at least fifteen days after the signing of the present capitulation. Answer: Answered by article XI.

LIII. The troops and other subjects of his most Christian Majesty, who are to go to France, shall remain lodged and encamped in the town of Montreal and other posts which they now occupy, till they shall be embarked for their departure; passports, however, shall be granted to those who shall want them, for the different places of the colony, to take care of their affairs. Answer: Granted.

LIV. All the officers and soldiers of the troops in the service of France who are prisoners in New England, and who were taken in Canada, shall be sent back, as soon as possible, to France, where their ransom or exchange shall be treated, if agreeable to the cartel; and if any of these have affairs in Canada they shall have leave to come there. Answer: Granted.

LV. As to the officers of the militia, the militiamen, and the Acadians who are prisoners in New England, they shall be sent back to their countries. Answer: Granted, except what regards the Acadians.

Done at Montreal, the 8th of September, 1760.—Vaudreuil.

Done in the camp before Montreal, the 8th September, 1760.—Jeffery Amherst.