

CHAPTER XI.

William Pitt and Canada—British policy towards Canada, 1760-1763—The Treaty of Paris, 1763—Paper money—The treaty known in Canada—How the proclamation of October 7th, 1763, was prepared—Creation of the Province of Quebec—The project of a Legislative Assembly approved by the Crown, but no further action taken.

“One name has been barely mentioned, either by the organizers in Canada or by the committee in London, in connection with Quebec,* and that is a name in some ways the most glorious and the most important of all. Great as our debt is to Wolfe and to Saunders, to Murray and to Amherst, for the conquest of Canada, it must not be forgotten that the man who alone planned it all, who chose these men and inspired them with his own high courage and sense of England’s glory, was the great minister who shattered his health in the stupendous task. This is the 200th anniversary of the greater Pitt’s birthday, and it would certainly not be unfitting that it should be signalized by associating his name prominently with festivities in that part of the Empire which we owe to him at least as much as to any other single man. In the words of Macaulay, ‘The ardour of his soul had set the whole kingdom on fire. It inflamed every soldier who dragged the cannon up the heights of Quebec. . . .’ Nor was that all. He planned the campaigns himself, and saw that no details in armament or equipment should be wanting for lack of forethought. It is to be hoped that it is not yet too late to associate with this noteworthy celebration the name of ‘Pitt who knew,’ to quote from a recent letter of Mr. Kipling’s from Quebec. But, apart from that, there should be sufficient temptation for all in this country who have at heart the glory of our lands to contribute according to their means to the birthday gift for our eldest daughter Dominion, by honouring the names of Montcalm, the chivalrous leader of a forlorn hope,

*Tri-centenary celebration of the foundation of Quebec.

and Wolfe, the active, resolute, and preserving hero, whose genius saw all, staked all, and won all.”*

Pitt had resigned office in the autumn of 1762, after the first negotiations for peace with France. His high sense of authority, his uprightness, his repugnance to party doings had caused him to be somewhat antagonistic to his colleagues. It is to his administration that we owed the state of affairs existing in Canada from 1760 to 1764, as well as to his lieutenants, Amherst, Murray, Gage, Burton, who interpreted his intentions and gave them practical shape. Amherst corresponded directly with Pitt. The governors of the three towns consulted by letters with Amherst, he having his residence in other British colonies. The Imperial authorities did nothing, and left the new conquest in the hands of these four men of merit, who were quite able to manage it. We must here give them their due, since history has kept them in the dark, so to speak.

The ministerial combinations or complications which followed the withdrawal of Pitt were, and are still so mysterious that it is impossible to impute to any particular member of the cabinet the direction of the affairs in Great Britain and the colonies, until April, 1766, when the great minister re-appeared under the name of Lord Chatham, but failed to operate any reform in the administration and retired again disgusted with the public service (December, 1767). He had constantly raised his voice and used his influence against colonial taxation, following the maxim that, he who is called to meet an expenditure must be called also to vote it. One of his most notable decisions was when he recalled a large portion of the troops in Canada, only four or five months after the capitulation of Montreal, expressing thereby his deep confidence in the word of the Canadians.

The administration was generous, but still remained British. It did not signify much whether the new subjects spoke French or English; the main object was to bring them to a sense of British institutions, and consequently, moderation, a soft tone, even complaisance were the methods required to gain their hearts. This calculation would have been thoroughly successful had not a certain class of men worked in opposition to it after a few years, but it had a good and durable effect nevertheless.

**The Times*, London, April 22nd, 1908.

British interests required a moral conquest to crown the first triumph. The policy adopted was that of conciliation and *entente cordiale*. This was rather a novel way of dealing with a conquered people. Honour given to whom it is due.

Besides, men in high position could discern the accumulation of clouds in the neighbouring colonies, and that perhaps Canada might become a fit and safe place for the British flag before long. Any way the new system was found more agreeable than the Canadians had expected at the hand of the conquerors.

The whole of the year 1762 was occupied by exchange of preliminary (secret) explanations between the court of St. James and Versailles, not to say much about the ministry in London, where men succeeded each other like moving pictures. On the 2nd day of November, at Fontainebleau, were signed the first official documents concerning a treaty of peace to be prepared soon after, but, considering that nearly all Europe and about twenty colonies had to be dealt with on that occasion, it is no wonder that the final instrument could not be ready for signature before the 10th of February next. The ratification was made by England and France on the 10th of March, and the whole promulgated in London ten days later. It became public in Montreal the 17th May and at Three Rivers on the 21st of the same month.

This diplomatic document is very long because it covers all kind of interests, matters of commerce and territories over the world. The share of Canada is embodied in article IV. which reads as follows:—

“IV. His most Christian Majesty renounces all pretensions which he has heretofore formed or might have formed to Nova Scotia or Acadia in all its parts, and guarantees the whole of it, and with all its dependencies, to the King of Great Britain; moreover, his most Christian Majesty cedes and guarantees to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the Island of Cape Breton, and all the other islands and coasts in the gulf and river St. Lawrence, and in general, everything that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty, or otherwise, which the most Christian King and the Crown of France have

had till now over the said countries, lands, islands, places, coasts, and their inhabitants, so that the most Christian King cedes and makes over the whole to the said King, and to the Crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession, and guaranty under any pretence, or to disturb Great Britain in the possessions above mentioned. His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada; he will, in consequence, give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannic Majesty further agrees, that the French inhabitants, or others who had been subjects of the most Christian King in Canada, may retire with all safety and freedom wherever they shall think proper, and may sell their estates, provided it be to the subjects of His Britannic Majesty, and bring away their effects as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts or of criminal prosecutions. The term limited for this emigration shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratification of the present treaty.”

Article VI. covers the cession by the King of Great Britain to the King of France, of the islands of St. Pierre and Miquelon, to serve as a shelter to the French fishermen; and his most Christian Majesty engages not to fortify these islands, to erect no buildings upon them except those necessary for the conveniency of the fishery, and to keep upon them a guard of fifty men only for police protection.

At the request of the British representative an addition was made to article IV. in the form of a promise by the King of France to redeem the card money and bills of exchange delivered to the Canadians on account of supplies furnished to the French troops, etc., during the war or at any other time. By the end of May next, Murray, Gage and Haldimand ordered the captains of militia to enquire into that matter and make an inventory of the sums of such paper to be found in each locality. This investi-

gation occupied three or four months. Other researches were made the following year. Placards and advertisements were put everywhere in the province to acquaint the public with this situation. Carleton issued a proclamation warning the owners of card money against speculators who were trying to buy it up at low figures.

On the 22nd March, 1763, Vicar-General Perreault issued instructions to the clergy of the district of Three Rivers directing a solemn *Te Deum* to be sung, and earnestly exhorting them to loyalty and fidelity towards George III., "who considers you as his own children . . . and who has obtained from the French court the promise of a settlement for your card money." In Quebec, Grand-Vicar Briand made a recapitulation of the acts of the authorities for the previous three years and praised their moderation, exact justice, generous sentiments, kindness for the poor and afflicted people, rigid discipline in the army, etc. He adds that the vexations, pillages and onerous contributions which generally follow the conqueror are not known to the Canadians, thanks to the "noble masters who are more anxious to relieve our pains than to impose new burthen upon us." In Montreal, M. Montgolfier, on behalf of St. Sulpice seminary, made a warm appeal to his flock, stating that they were happy under the present government. "You may expect that the King who has treated you so well in the past will continue in the future, therefore forget the misfortunes brought by the war and dry your tears for better days are coming."

In a letter addressed to the Lords of Trade under date of May 5th, 1763, Lord Egremont, writing by the King's direction, asked: What government should be established in the conquered colony, and what were the privileges of the Canadians that were reserved to them by the capitulation, and what part of the former French government should be retained? The reply of the Lords of Trade (June 8th) proposed the establishment of three new provinces, extending to Florida and the Mississippi. Quebec or Canada was to be bounded as follows: "On the south-east by the high lands which range across the continent from Cap Rosier in the Gulf of St. Lawrence to that point of Lake Champlain above St. John's, which is in latitude 45 degrees north; which high lands separate the heads of the rivers which run into the great River St. Lawrence from the heads of those which fall into

the Atlantic Ocean or Bay of Fundy. On the north-west by a line drawn south from the River St. John in Labrador by the heads of these rivers which fall into the River St. Lawrence as far as the east end of Lake Nipissing upon the Ottawa River. On the south-west by a line drawn due west to the River St. Lawrence from that point on Lake Champlain, which is directly opposite to where the south line falls in and so cross the said River St. Lawrence, and pursuing a north-west course along the heights where the rivers rise, that fall into the Ottawa River, to be continued to the east end of Nipissing Lake, where the north line terminates." The Lords of Trade added the following explanations:—

"The advantage resulting from this restriction of the colony of Canada will be that of preventing by proper and natural boundaries, as well the ancient French inhabitants as others from removing and settling in remote places, where they neither could be so conveniently made amenable to the jurisdiction of any colony nor made subservient to the interests of the trade and commerce of this kingdom by an easy communication with and vicinity to the great River St. Lawrence. And this division by the heights of lands to the south of the River St. Lawrence will, on the one hand, leave all your Majesty's new French subjects under such government as your Majesty shall think proper to continue to them. On the other hand, the re-annexing to Nova Scotia all that track of land from Cap Rosier along the Gulf of St. Lawrence with the whole coast of the Bay of Fundy to River Penobscot, or to River St. Croix, will be attended with this peculiar advantage, of leaving so extensive a line of sea coast to be settled by British subjects; and all the new settlers upon this track of land will, with greater facility, be made amenable to the jurisdiction of Nova Scotia than to that of Canada. And upon the same principle, it will likewise be necessary to re-annex the Islands of Cape Breton and St. John's to the government of Nova Scotia.

"It is obvious that the new government of Canada, thus bounded, will, according to the report of Generals Gage, Murray and Burton, contain within it a very great number of French inhabitants and settlements, and that the number of such inhabitants must greatly exceed, for a very long period of time, that of your Majesty's British or other subjects who may

attempt settlements, even supposing the utmost efforts of industry on their part either in making new settlements, by clearing of lands, or purchasing old ones from the ancient inhabitants, from which circumstances it appears to us that the chief objects of any new form of government to be erected in that country ought to be to secure the ancient inhabitants in all the titles, rights and privileges granted to them by treaty, and to increase as much as possible the number of British and other new Protestant settlers, which objects we apprehend will be best obtained by the appointment of a governor and council under your Majesty's immediate commission and instructions.

“With respect to the form of each of these governments (Quebec, Florida, Grenada) we are of opinion that in regard to their being infant settlements, the most suitable will be that of a governor and council, by your Majesty's commission, with instructions adapted to the most quick and speedy settlement of these countries.

“Canada was, under the French, divided into three governments of Quebec, Montreal and Trois-Rivières, but the residence of the chief governor was at Quebec, and the two other governments had each a lieutenant-governor only, subordinate to the governor-in-chief, and we should humbly propose that the same method be continued under the new government; not only as by this means the administration of justice and of commerce will be less embarrassed, but that a less proportion of military force will be requisite to be maintained and be more easily applicable against all external or internal disturbances.”*

With regard to the mode of revenue least burthensome and most palatable to the colonies, the Lords of Trade could express no opinion for want of information. This important document is signed: Shelburne, Soame Jenyns, Ed. Eliot, Ed. Bacon, John Yorke, George Rice, Orwell, and Bamber Gascoyne.

Egremont to the Lords of Trade, July 14th, 1763: “The King is of opinion that, in the commission for the governor of Canada, all the lakes, viz.: Ontario, Erie, Huron, Michigan and Superior, should be included, with

*For the period of 1760-1790, consult the valuable volume of the Canadian Archives, published in 1906.

all the country, as far north and west as the limits of the Hudson's Bay Company, and the Mississippi." To this the answer of the Lords of Trade was: "First. We are apprehensive that, should this country be annexed to the government of Canada, a colour might be taken on some future occasion, for supposing that your Majesty's title to it had taken its rise singly from the cessions by France, in the late treaty, whereas your Majesty's title to the lakes and circumjacent territory, as well as to the sovereignty over the Indian tribes, particularly of the Six Nations, rests on a more solid and even a more equitable foundation;* and perhaps nothing is more necessary than that just impression on this subject should be carefully preserved in the minds of the Indians, whose ideas might be blended and confounded, if they should be brought to consider themselves as under the government of Canada. Second. We are apprehensive as the whole of this country would become subject to the laws of a particular government or province, it would give that province such superior advantage in respect to the whole of the Indian trade, which your Majesty in your justice and wisdom has determined to leave as open as possible, to all your subjects, as might control and obstruct it to the prejudice of your other colonies. Third. If this great country should be annexed to the government of Canada, we are apprehensive that the powers of such government could not be carried properly into execution, either in respect to the Indians or British traders, unless by means of the garrisons at the different posts and forts in that country, which must contain the greatest part of your Majesty's American forces and, consequently, the governor of Canada would become virtually commander-in-chief or constant and inextricable disputes would arise between him and the commanding officers of your Majesty's troops."

The first news of the war, which has been called the "Conspiracy of Pontiac," reached London about 1st August, 1763, and the question of Indian reserves throughout the east half of North America became immediately the main point in the draft of the intended royal proclamation. Let us take notice also of another question which must have had its influence in the framing of the proclamation then in the state of a simple draft:—

*What is now called the Province of Ontario was never in the possession of the British before 1759.

In a letter from Lord Egremont to Governor Murray, dated August 13th, he says: "His Majesty thinks it very material that you should be appraised that he has received intelligence which gives some reason to suspect that the French may be disposed to avail themselves of the liberty of the Catholic religion, granted to the inhabitants of Canada, to preserve such an influence over the Canadians as may induce them to join, whenever opportunity should offer, in any attempts to recover that country. It, therefore, becomes of the utmost consequence to watch the priests very narrowly and to remove, as soon as possible, any of them who shall attempt to go out of their sphere, and who shall busy themselves in any civil matters—for though the King has in the 4th article of the definitive treaty 'agreed to grant the liberty of the Catholic religion to the inhabitants of Canada,' and though His Majesty is far from entertaining the most distant thought of restraining his new Roman Catholic subjects from professing the worship of their religion according to the rites of the Romish Church, yet the condition expressed in the same article must always be remembered, viz.: 'As far as the laws of Great Britain permit,' which laws prohibit absolutely all popish hierarchy in any of the dominions belonging to the Crown of Great Britain, and can only admit of a toleration of the exercise of that religion. This matter was clearly understood in the negotiation of the definitive treaty. The French ministers proposed to insert the words *comme ci-devant*, in order that the Romish religion should continue to be exercised in the same manner as under their government, and they did not give up the point till they were plainly told that it would be deceiving them to admit those words, for the King had not the power to tolerate that religion in any other manner than 'as far as the laws of Great Britain permit.' These laws must be your guide in any disputes that may arise on this subject. But at the same time that I point out to you the necessity of adhering to them and of attending with the utmost vigilance to the behaviour of the priests, the King relies on your acting with all proper caution and prudence in regard to a matter of so delicate a nature." The same order is embodied in the instructions given to Murray a few months later (paragraph 28).

The sudden death of Lord Egremont on August 21st and the consequent negotiations concerning the re-adjustment of the ministry, postponed

the answer to the above communication of the Board of Trade. Shelburne resigned his seat. His successor, Lord Hillsborough, was in Ireland when appointed. He had had no previous experience in colonial matters, whilst Shelburne is said to have studied and mastered the subject better than any of the ministers of those days. The postponed answer came on the 19th September in these terms:—

“His Majesty is pleased to lay aside the idea of including within the government of Canada, or of any established colony, the lands which are to be reserved, for the present, for the use of the Indians. . . . His Majesty thinks proper to direct that the government of Canada be described in the commission of the governor, as comprehending all such part of Canada on the north side of the River St. Lawrence, and all such parts of His Majesty’s ancient colonies of Nova Scotia, New England and New York, on the south side of the said river, as lie within the limits above mentioned, and that it be called the Province of Quebec.”

On the 4th October, Hillsborough brings a new scheme to be inserted in the coming proclamation: “We beg leave to add, that as it appears to us, upon a revision of the report of the Board of the 8th of June last, that it will be expedient for His Majesty’s service and give confidence and encouragement to such persons as are inclined to become settlers in the new colonies, that an immediate and public declaration should be made of the intended permanent constitution and that the power of calling assemblies should be inserted in the first commission, we have therefore drawn the proclamation agreeable to this opinion and have prepared the commissions accordingly.” The letter is signed also by Ed. Bacon, John Yorke and Orwell; it accompanied the draft of the proclamation, which was executed on the 7th of same month. The first article of it reads as follows: “The government of Quebec bounded on the Labrador coast by the River St. John, and from thence by a line drawn from the head of that river through the Lake St. John, to the south end of Lake Nipissing; from whence the said line, crossing the River St. Lawrence, and the Lake Champlain, in 45 degrees of north latitude, passes along the high lands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea; and also along the north coast of the Baye des

Chaleurs, and the coast of the Gulf of St. Lawrence to Cape Rosier, and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River of St. John."

The boundaries of the Province of Quebec were such as to segregate the principal settlements of the French, so that their institutions might be respected, for it was thought that generations must pass before there would be a sufficient immigration of English-speaking settlers to change the existing conditions, and this was really the fact. The reverse may be said of the situation in the Floridas. Here the French and Spanish population was small, and it was expected that the settlers would either cross the Mississippi in order to live on what was supposed to be still French soil, or else to the Spanish Islands, so that it might reasonably be hoped that this region would soon be populated only with settlers from the older English colonies and Great Britain.

The King declares that he has "given express power and direction to our governors of said colonies (Quebec, East Florida, West Florida, Grenada) respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare and good government of our said colonies, and of the people and inhabitants thereof, as near as may be agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies; and in the meantime, and until such assemblies can be called as aforesaid, all persons inhabiting in or resorting to our said colonies may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given power under our great seal to the governors of our said colonies respectively to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our

said colonies for hearing and determining all causes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentences of such courts, in all civil cases, to appeal, under the usual limitations and restrictions, to us in our Privy Council."

The other paragraphs relate to grant of land, the Indians, Hudson's Bay, etc. The proclamation covers all the countries recently acquired by England, including Canada. Whatever is stipulated therein applies equally to the Province of Quebec. A legislative assembly for Grenada and the two Floridas was out of question for the moment, because of the few white settlers to be found there, but Canada offered quite another aspect; nevertheless, Murray did not constitute such a house. Was it that the inhabitants had no practical knowledge of a municipal administration and less understanding of a representative government? Very likely. It remained for him, therefore, to name a council, and this he did, but not earlier than eight or nine months after the receipt of the proclamation.

During that interval he received the King's instructions, signed December 7th, by George alone, a fact which rendered this document useless. It is therein prescribed that the council will be composed of the lieutenant-governors of Montreal and Three Rivers, the chief justice of the province, the inspector of customs in North America, and eight persons nominated by Murray, to be selected among the most important inhabitants—quorum limited to five councillors. All public functionaries under salary of any kind were to take the oath of fidelity and sign a declaration against popery. No ecclesiastical jurisdiction connected with Rome or any foreign power could be admitted into the province. These innovations, directed by the King alone, could have no force of law, but Murray acted upon them as if they were edicted by Parliament and many believed in their legality.

Clause 82 of these instructions deserves to be quoted in full: "You shall summon and call a general assembly of the freeholders . . . but as it may be impracticable, for the present, to form such an establishment, you are in the meantime to make such rules and regulations, by the advice of our said (Canadian) council, as shall appear to be necessary for the peace, order and good government of our said province, taking care that

nothing be passed or done, that shall in any ways tend to affect the life, limb or liberty of the subject, or to the imposing any duties or taxes.”

At the same time a commission is addressed to Murray by the Privy Council, with the signature of the King, which is more regular. It directed the oath of supremacy or abjuration of the authority of the Pope, a declaration against transsubstantiation, the oath of fidelity, etc., so that no Canadian could be expected to accept a seat in the council. The commission empowered Murray to make laws with the aid of his council, “which said laws and ordinances are not to be repugnant, but as near as may be agreeable, to the laws and statutes of this our kingdom of Great Britain.”

All these documents must have reached Governor Murray, *via* New York, about 1st February, 1764. He did not publish them immediately—perhaps on account of what was then going on in the West.

What is known of the origin of the proclamation, commission, and instructions above referred to, furnish sufficient proof to warrant the conclusion that the consequences of such legislation were neither anticipated nor wished by their authors.