CHAPTER XVII.

Carleton and Livius—Departure of Carleton, 1778—The Canadians, the American Congress, the French authorities—Men imprisoned by Carleton—A proposed chamber of commerce—War declared between England and France, 1778—A new council, 1778—Haldimand's administration—Men imprisoned by Haldimand—Ducalvet—Political importance of his book, 1784—*Acte de Foi et Hommage,* 1781—Treaty of Versailles, 1782—The U. E. Loyalists—Political sentiments of the Canadians, 1784—The council of the province—Patronage—Trial by jury established, 1784—Departure of Haldimand, November, 1784.

During the autumn of 1776, Carleton defeated and destroyed the American fleet on Lake Champlain. Crown Point was abandoned by the Congress troops and the British took possession. Our frontiers were not crossed again by an invading army until 1812.

Carleton, who knew so well the sentiment of the Canadians in regard to power and exercise of authority, ordered the imprisonment of a few persons suspected of treasonable designs. Their names are given below. No Canadians with them. This was opposed by Peter Livius, who had been sent out by Lord Dartmouth, in 1775, as a judge of the Common Pleas at Montreal, and afterwards (August, 1776), succeeded Hey as Chief Justice. Carleton dismissed him and he went to London, where he explained his views upon the conduct of the governor. It must be said that, during the march of the troops under Burgoyne, proceeding in the direction of Albany, Carleton revived the French *corvées* (forced labour) to the great displeasure of the Canadians. Being, as they contended, British subjects, they were no longer subjected to that kind of public service, nor obliged to obey the seigneurs. They also observed that the council was composed of government officials, merchants and seigneurs—but that the interests of other classes were ignored. This, eventually, brought into their minds the

"English invention" of a representative assembly. There is no doubt that when Carleton left the province, in 1778, a considerable change had already taken place in the sentiments, knowledge and views of the Canadians, compared with the state of things he had found eighteen years before. Experience had taught him to be patient and never to attribute to ill-will the various manifestations of public feeling among the natives. His successor adopted the same line of arguments and did well.

Judging by the manner the Congress tried to engage the Canadians to co-operate with their movements "in the interest of the Canadians," as they said to them; and the action of the same political body, sorely reproaching the British Parliament in "favouring the interests of the Canadians," two contradictory sentiments, which the Canadians soon detected, it is likely enough that they would have joined heartily the British side in the dispute raised by the taxation laws—inasmuch as they were by education inclined to support the government, but something else made their situation less comprehensible to them. The English-speaking element, at least a great part of them, were enraged against authority and used all sorts of reasons, mostly false, to keep them in hot water. As they were unable to appreciate the value of so many new arguments, for want of practice in such matters, and being thoroughly ignorant of self-government, their indecision, their desire to remain neutral, and finally their apparent indifference showed that they were sensible to the difficulty of the hour. Many of them must have condensed the whole affair into: "Let the English people, loyal or not loyal, arrange between yourselves," or words to that effect.

If we had seen, following the conquest, a large number of British immigrants settled on the unoccupied lands, as was naturally to be expected, the assimilation of the Canadians might have been possible, and perhaps a matter of a short time only, but no such people came here before the arrival of a few U. E. Loyalists in 1785. Therefore, the Imperial authorities acted on the principle that Canada was for the Canadians. It was quite different with the gang of traders and officials who came in 1763 and afterwards—they consulted no other interests than their own; they had no other policy than taking the law into their own hands, and they felt no respect for the vanquished. for those who had sacrificed everything in the defence of their

properties. Ten thousand families reduced to desperation by the horrors of a long and bloody war were nothing to them. British fair play was unknown to them. Christian charity set aside, and they did all they could to prevent the new subjects from getting a favourable impression of the British rule. Murray and Carleton were given a painful duty to fulfil when appointed governors of the province. Haldimand also, but his two predecessors had blazed the way in a certain measure.

That the appeals to the better class of Canadians had little effect is strikingly shown by the list sent by Carleton in a letter to Lord George Germaine on the 9th May, 1777, in which there does not appear a single French name. Those of this nationality who took part with the Bostonians were men of a low class. Some others, such as Pélissier, were natives of France. Carleton says: "Inclosed Your Lordship will receive a list of the principal leaders of sedition here. We have still too many remaining among us that have the same inclination, though they at present act with more caution and so much subtility as to avoid the punishment they justly deserve." The inclosure referred to is headed: "List of the principal persons settled in the province who very zealously served the rebels in the winter of 1775 and 1776, and fled upon their leaving it; the place they were settled at; and the country they are natives of, by initial letter, as England, Scotland, Ireland, America or France."

AT QUEBEC.

Hector McNeil. *S.* Has long been settled and married twice in America.

John and Acklan Bondfield. *E.* John appointed a commissary of provisions by the Congress. The other supposed to be an assistant.

Udney Hay. *S.* Acted as deputy quarter-master-general with rank of major.

John Welles. *E.* A sort of secretary to Wooster.

John White Swift. *A.*

J. D. Mercer. *A.*

Jonas Clark Minot. *A.*

John Halstead. *A.* A commissary of provisions.

— Freeman. *A.* Commissary of provisions at Trois-Rivières.

— Holton. *A.* Conductor of artillery.

James Jeffrys. *A.*

AT TROIS-RIVIERES.

— Pelissier. *F.*

AT MONTREAL.

Thomas Walker. *E.* Lived many years at Boston.

— Price. *A.* Great Zealot, originally barber.

— Heywood. *A.* Great Zealot, originally barber.

Edward Antill. *A.* Lieutenant-Colonel.

Moses Hazen. *A.* Half-pay lieutenant of the 44th Regiment. Colonel of the Rebel Army.

Joseph Bendon. *E.*

William Macarty. *A.*

Joseph Tory and two brothers. *A.*

David Salisbury Franks. *A.*

— Livingston and two brothers. *A.* The eldest Lieut.-Colonel; second Major, and youngest Captain.

John Blake. *A.* Carried goods down to the colonies in winter and did not return; known to be a rank rebel.

— Blakely. *A.* Carried goods down to the colonies in winter and did not return.

Some of the British traders adopted the plan of a chamber of commerce, in place of juries, to avoid bringing commercial matters into the regular courts where French civil law was made the basis of decision. This would have set up a legislative, executive and judicial system within the province to govern the trade relations of the members of the chamber. The opposition of the governor stopped the scheme as soon as he heard of it.

Carleton complained that the fees and salaries were too high for a young colony; also that some of the office-holders lived in England and were represented here by incompetent deputies. This became worse under Lord Germaine, who seized the opportunity to reward in this manner his political friends.

A secret treaty made between France and the American Congress became known in March, 1778, which caused Great Britain to declare war

against France. Baron d'Estaing sailed with a fleet to aid the colonies. He issued a proclamation asking the Canadians to put themselves under the rule of the French King, but no one listened to him. Here comes a singular paragraph of a book * published in France: "The Americans imposed upon Louis XVI. a clear renunciation of his views upon Canada; on such condition they did him the honour to accept his aid. He was weak enough to acquiesce in the stipulation, thereby frustrating the hopes of a French population, whose hearts burned to be re-united with France." It would be hard to find a proof of that state of mind among the Canadians, because they were Canadians first, and they had had occasion to make a comparison between the old and new styles of government.

"When the French joined the colonies against Great Britain, and appealed to the national sentiment in Canada, Washington quietly discouraged a movement that might have resulted in giving France once more a footing in North America." † The Congress did the same. It was understood that France was assisting the revolted colonies out of despite against Great Britain and not out of tender love for the Americans; therefore, the Americans were very careful in not giving a chance to France in the way of resuming possession of any part of the continent.

A petition of the 2nd April, 1778, signed by the "merchants and such inhabitants of the Province of Quebec as are at present in London," remonstrated against the Quebec Act, the legislative council, and generally speaking reflecting upon the governor. This may have contributed to the change which took place soon after, but there were other motives in the determination of the King to recall Carleton from Canada. Lord Germaine, successor of Lord Dartmouth, was not on good terms with the governor, who never missed an occasion to show his lack of sympathy with the minister. When General Burgoyne was selected to conduct the expedition to Albany, Carleton manifested great indignation. The King agreed to his removal as asked for, "but," said he, "his meritorious defence of Quebec made him a proper object of military reward." In June, 1777, Carleton applied for permission to retire. Burgoyne, fearing the appointment as

*Emile Keller: *Histoire de France.*
†Professor George M. Wrong, M.A.

governor of Quebec, wrote to decline the position. Haldimand, who was then Inspector-General of the forces in the West Indies, was selected, and arrived in Quebec June 30th, 1778.*

The large supplies required for the troops inspired some merchants with the idea of buying wheat in large quantity, and by that combination they created an artificial famine; but when Haldimand tried to impress the council with the necessity of a preventative law in that respect, he only made enemies of some of them—because they were in the ring.

The German troops garrisoned in Canada or passing through the province to join the British army in the neighbouring colonies often conducted themselves as if the Canadians were in a state of revolution, thereby adding to the bad feeling of the population. No trouble happened, fortunately, but the people were inclined to exchange their opinions of them in low tone, which is always a bad sign.

Throughout the war the British had very poor leaders. Their ill-success seems to have been chiefly owing to this, for their soldiers were better trained, better armed, and better clothed than the ragged, shoeless American armies, who never could be made to see the necessity for obedience to their officers.

A new council was nominated, and the following list of the members of the same included in the instructions to Haldimand, April 15th, 1778: Hector Theophilus Cramahé, Lieut.-Governor; Peter Livius, Chief Justice; Hugh Finlay, Thomas Dunn, James Cuthbert, François Lévesque, Edward Harrison, John Collins, Adam Mabane, Chaussegros de Léry, George Pownall, secretary of the province, George Alsopp, Lacorne de St. Luc, Alexander Johnston, Conrad Gugy, Picotté de Bellestre, John Fraser, Henry Caldwell, John Drummond, William Grant, Roch de St. Ours, junior, François Baby, and De Longueil.

Haldimand fortified the route of River Chaudière, Saint-François-du-Lac, the Richelieu River, etc., to guard against an attack or a raid in those directions. This necessitated forced labour, but the treasury paid the workingmen.

*Burgoyne arrived at Quebec 6th June, 1777. Carleton left 27th same month. Burgoyne surrendered to Gates, at Saratoga, 17th October following. Cornwallis surrendered at Yorktown 19th October, 1781.

Navigation between Lakes St. Louis and St. Francis was effected by means of bark canoes that had to be emptied and carried along with the freight over the portages at the Cascades, Buisson, Cedars and Côteau du Lac, a very arduous and slow operation. Haldimand designed four canals for these localities and placed the work of building them under Captain Twiss, commanding Royal Engineers. This was done in 1779-1783. They were the first canals constructed in Canada, since the one from Montreal to Lachine had only been contemplated, so to say, during the French period. The primary object was to facilitate the transport of war material, secondly with a view of assisting the merchants who, willingly consented to pay a certain amount of toll when using the same. As early as 1781, 263 bateaux passed by that route, which produced £131 to the treasury. The money thus received in 1783 amounted £173. The canals had a depth of 2½ feet on the mitre sills of the locks, which were of stone and calculated for the passage of boats capable of carrying from 30 to 40 barrels of flour.

So many things have been said and printed about the severity of Haldimand that it would fill a book if we were to examine the subject seriatim. Let us take a glance at the subject.

"The number of those who were imprisoned has been much exaggerated. Even Haldimand's critics acquit him of all personal malice in the performance of what, in very trying times, he conceived to be his duty in defence of the province. Congress agents were undoubtedly abroad in the parishes stirring up disaffection, and Haldimand's 'rough, but honest absolutism' was not out of place in a time of war, when threats of further invasion were being constantly reported."* Under martial law, then in force, the governor had most extensive powers; he could have sent to the scaffold any of the agitators, without exceeding his authority, but he merely kept them "in the shade" during the period of danger for the province.

In a resumé of the case of Ducalvet made by Dr. Douglas Brymner† a number of facts are brought to light, which convey a complete understanding of the action taken at that time by several individuals who are generally held up to us as the victims of the tyranny of the governor. This "dark

*W. H. P. Clement: *History of the Dominion*, p. 118.
†*Canadian Archives*, 1888.

page'' of our history now takes quite a new colour as it explains the real sense of the accusations printed by Ducalvet and evinces the duplicity of that man:—

''Haldimand was anxious to try the effects of conciliatory measures, but resolved, that should these fail, a sterner course would be adopted. It is evident that his task was not easy. The agents of d'Estaing had managed, unchecked and unreported, to affix proclamations to the church doors of the Canadian parishes; reports were assiduously spread abroad that a French fleet was at hand, filled with troops; and so well had the secret friends of the Bostonians done their work that any considerable detachment of troops entering any part of the province in French uniform would probably have plunged the whole province into the greatest misery and confusion. The turbulent and seditious behaviour of a cabal in Montreal compelled Haldimand to arrest two Frenchmen from France, one of whom was Mesplets, a printer, sent here by Congress in 1774, to publish and circulate their letters, the other Jautard, who has been an attorney and is an unprincipled adventurer. . . . ''If this does not in some measure check the licentious spirit that is beginning to rise, I shall not hesitate to make more examples,'' added Haldimand. In September of the same year, the governor writes again to Lord Germaine respecting the effects of the French alliance with the American colonies, that he had been obliged to arrest another Frenchman (Laterrière). ''The times,'' he says, ''certainly justify the securing their persons, and preventing them from sowing that strife and discord they wish to propagate.''

''By degrees other steps followed. François Cazeau, a native of France (like the three already mentioned), who had remained after the conquest and engaged in the fur trade, was the next one apprehended; orders being given in April, 1780, to apply to the sheriff, E. W. Gray, to make a legal arrest, securing his papers, but only such has related to politics were to be retained, and: ''His Excellency desires you will be particularly careful to proceed with such moderation as will leave no room, or as little as possible, for censure.' Before the visit, Cazeau had gone to Quebec. No documents were found in the house, but only old, useless papers. Two magistrates

were present, and Madame Cazeau expressed herself satisfied with the treatment she had received from those conducting the investigation.

"After his liberation, Cazeau went to the Congress, then to Versailles for the payment of his claim as a commissary, having furnished provisions to the American army, but he died without arriving at a settlement, and it was only afterwards that his family received compensation for his losses from the Washington Government.

"Up to 1780 Ducalvet had succeeded in keeping in the background, as, with the exceptions named, only the inferior instruments were discoverable; even the writing of letters appears to have been intrusted to them. A letter, however, written in a different style was attributed to Ducalvet, and the arrest of Pillon, 'who practices physic or some branch of that profession in the Quebec suburbs of Montreal,' and the seizure of his papers, together with the confession of Hamel, clearly showed the part taken by Ducalvet in the conspiracy. Pillon's papers indicated plainly that he himself was in close correspondence with Washington and La Fayette, to whom he wrote on the 7th September, 1780, that he was entirely devoted to the call of liberty; that provisions could be obtained in Canada were it invaded; that three-fourths of the province were in favour of the American colonists and only waited for the movement of their army to rise and second an attack; that he himself would set out to join Washington with 35 men; others who were ready, but not equal to the journey, would join on the march, and asks for blank commissions, letters of marque, etc. The whole of this information had, however, been in possession of Haldimand for some time before the arrest. On the 18th July previous Major Carleton had reported that men were preparing to set off; that Pillon had engaged them; that the secret agent sent by him (Carleton) to Montreal had gained the confidence of Pillon, and was thus able to see the lists of those who had agreed to join the Americans. On the 30th it was learned that Pillon had only delayed his departure until the arrival of Ducalvet from Quebec, where he had gone to get letters and, if possible, a plan of the military works. For the time, however, the movement was delayed, as the circumstances were not favourable for such a step. It seems apparent that Ducalvet was uneasy. At the beginning of September he changed his lodging,

and on a visit to Madame Cazeau spoke of lodging at a tavern, but she offered him a room which he accepted. In a letter from Hurtébise Gagné to Cazeau, then at Quebec, the writer says he met Ducalvet in Cazeau's house in Montreal, that he gave him all the news of the successes of the Americans; that the French were sending eight additional regiments to America; that the Americans were in force; that he (Cazeau) would soon be rid of his enemies; that Rouville, who now swelled with pride, would soon burst with shame, and that as the result of this Ducalvet was triumphing. According to the evidence of Hamel, Ducalvet was the head of the movement, and had so managed that his mill at St. David was full of flour ready to be carried off to the Americans for whose use it was intended and who had been informed of the fact.

"On the 24th of September Major Carleton forwarded to Quebec the letters addressed to Washington, etc., and captured in a curious manner, as we shall see: A scouting party near Pike River, at the southern extremity of Lake Champlain having obtained intelligence that a certain individual who resided on the River Chambly was making secret preparation to go by that route into the colonies, waylaid and succeeded in surprising him, but nothing in the shape of despatches was found upon his person. Once arrived at St. John and delivered over to Major Carleton, measures were taken to prevail upon the fellow to avow the object of his journey to the other side of the frontier, which he did finally, on condition of his being liberated, and that his having divulged the matter should be kept secret, lest he might incur the displeasure of those with whom he was connected and be killed by some of them. He accordingly acknowledged that he was the bearer of despatches to the revolutionary authorities in the colonies, and that these documents had been given him by Mr. Ducalvet, and were enclosed in paper rolled up and inserted in the hallow of a cane or walking stick, which at the moment when he was surprised in the woods, he cast away from him; that he thought, if permitted to revisit the spot, he might find it, offering to return for the purpose, in proof of the truth of his declaration. He was, therefore, permitted to go back with Captain Pritchard, who had taken him, and as he had foretold, recovered the walking stick, which was brought in the same state as found and delivered to

Major Carleton, who, without removing the head of the cane satisfied himself with shaving down one side of it with a penknife, until reaching the hollow he discovered that it did contain paper, and, without going further, released the messenger, then sent Captain Pritchard to Quebec, who delivered the cane in that state to General Haldimand, who took out the letters. They were addressed to members of the Congress, conveying information on the state of Canada, advising an invasion by way of Yamaska, and the writers pledging themselves that such a movement would be seconded by a body of not less than ten thousand men, if the American powers should come in at that quarter. In the meantime as these letters reached Quebec, the messenger went to Ducalvet, told him he had been surprised and forced to return, but that he had thrown the stick in the bush so as to be irrecoverably lost, consequently Ducalvet remained under the impression that the governor knew nothing of the despatches.*

"One of these documents was ingeniously contrived to escape detection: a slip with the signatures of Ducalvet and Pillon had been so cut from it, that it would exactly fit the indenture or space left and thus when the letter and signature were brought together the letter would be authenticated as written by these two. The slip was to have been put in a lead bullet to be thrown away in case of danger.

"Pillon meditated the bold stroke of obtaining possession of the Commander-in-Chief's despatches and escaping with them to the Americans. Major Carleton, so as to guard against a possible danger of the attempt being successful, advised that both Pillon and Ducalvet should at once be arrested. So urgent was Major Carleton that he went two days after to consult Brigadier McLean, at Montreal, as to the propriety of making the arrest. The Brigadier had no scruples. He at once arrested Pillon, but Ducalvet had fled. Captain Lawe was sent after him, and word was sent to Colonel St. Léger to look for him at Yamaska, at his scigniory, 'for,' the Brigadier added, 'as Mr. Ducalvet is a most complete rascal, I thought it proper to spare no trouble to get hold of him.' On the 27th September Ducalvet returning from Quebec, was arrested near Three Rivers by Captain Lawe, before any orders were issued from Castle St. Louis. It was only

*See the *Canadian Antiquarian*, Montreal, October, 1878.

on the 28th that directions were given by Haldimand to arrest Pillon. That the governor had nothing to do with the arrest of Ducalvet in the first place, but that it was made on the responsibility of the commanding officers on what appeared to them the clearest proof of his guilt, is shown by the letter of the 30th September addressed by Haldimand's secretary to Brigadier McLean: 'His Excellency did not wish at present to take up Mr. Ducalvet, but as it is done he will be detained, though sufficient proof whereon to found a prosecution has not yet appeared.' The proof was soon forthcoming, and Ducalvet was put on board the *Canceaux,* a prison ship, where he says he was compelled to sleep on the bare deck, all the furniture being removed from the cabin; his food was mouldy salt meat; he offered to furnish the cabin at his own expense, but was informed by the master of the vessel that it would be contrary to orders to allow such a thing, adding, according to Ducalvet's statement, with true seaman's politeness(!): 'The hardest even is too soft for a prisoner of your sort.' Now for the report made by Captain Schank, who was the naval officer: 'The direction I received from Your Excellency was to carry Mr. Ducalvet on board the *Canceaux* as a prisoner, that he was at Mr. Le Moine's, to which place he had been carried, having been taken prisoner by order of General McLean and was with Captain Lawe; that he was to be put on board the *Canceaux* in a place where he would be secure, and to have no communication with the shore, and at the same time you told me he was a gentleman and was to be treated accordingly. I directly sent for the boat and attended Mr. Ducalvet on board, and showed him down to the cabin as I would a friend, and ordered the state room to be made ready for him to sleep in (the very same Your Excellency occupied when on board the *Canceaux* going to Sorel). He ate and drank at the same table with me and my officers in the great cabin where you and family ate. I think the *Canceaux* cabin was the best I ever saw in any ship of her size, and the state room the largest. The officers with whom Mr. Ducalvet dined lived as others do, and if he got salt meat it must have been dressed on purpose for him, at his own desire, as the whole ship's company had fresh meat twice a week. I assure Your Excellency he had fresh and corned meat, poultry, fish, pudding, etc., drank wine, spruce beer, or grog. The bed Mr.

Ducalvet saw taken out of the state room was the master's, whom I ordered to his own cabin and to put my bedding in for Mr. Ducalvet, as I was seldom or ever on board, my duty on the lakes requiring my being always near you when you were at Quebec. The sentinel over Mr. Ducalvet stood outside the cabin door when Mr. Ducalvet was in the cabin, and inside when he went into the state room. I do not think it was possible to treat him more like a gentleman prisoner.'

"The man who has had most influence on the spirit in which the history of the events in Canada after the conquest has been written is Pierre Ducalvet, who after his release went to England and sued General Haldimand for damages, at the same time using all the means that the press afforded to secure public sympathy for his cause. None of the Canadian historians appear to trust him, although they all more or less accept his statements, as far as they accorded with their own information. When Garneau cites him as evidence, it is with visible hesitation. Bibaud speaks of him as an exaggerator. Faribault says of him: 'The picture which Mr. Ducalvet himself gives of these times and the actors in them is probably too highly coloured, and in many instances is a mere caricature.' Pierre Roubaud who was Ducalvet's confidant in London, and a spy on his actions, thus describes him: 'He is undoubtedly of a restless and shuffling disposition. Exasperated as he was by the judicial and military treatment before the imprisonment, he is in his heart certainly disaffected to His Majesty's service, and General Haldimand was entitled by the laws of good policy to suspect the loyalty of such a man, though upon my conscience and my knowledge I have all reason to believe that Ducalvet never showed his disaffection by any outward act, his great covetousness and the fear of losing his property, which according to the general Canadian reports was pretty great, though not half so great as the proprietor boasts of, were more than sufficient to keep him within the bounds of extreme moderation. He is of the most vindictive nature, which knows no forgiveness, and once provoked he seeks for revenge night and day, spares no pains, pursuits and precautions.' The character of Roubaud casts more or less suspicion on all his statements, but however unprincipled he might be, he was an able man, clearheaded and observant, and his estimate of Ducalvet was the result of

long and careful observation. The description was written in London, in March, 1785.

"On the 28th February, 1783, the King issued instructions stating that whilst approving of the imprisonment of Hay, Cazeau, Ducalvet and Pillon, as being highly expedient, yet desirous to perfect the union and cordiality between British subjects and the people of the United States, he recommends the release of these and any other prisoners that might have been made on similar grounds, unless reasons existed to render their release improper. Long before this letter reached Quebec, the political prisoners had been set at liberty."

It seems evident that the plan for an invasion of Canada was not entertained by Washington, although Ducalvet and his accomplices were sanguine on that point, but he calculated upon their exertions to procure subsistence for his army, and both Cazeau and Ducalvet did the needful in furnishing supplies.

Ducalvet was liberated May 2nd, 1784. He wrote to Lafayette, who answered him, in March, 1785, saying that he had not been able to free the Canadians from the British rule, but that the day might come in which all would be happier. He continues that he had presented at Philadelphia a memorial respecting the claims of those Canadians who had made advances on account of Congress: "Such services," he says, "must not be forgotten. To do so would be to deprive the Congress of any such services for the future. A committee is already named to examine all these patriotic advances, which will not remain unrewarded. You and your friends may rely on all the gratitude, justice and humanity which have always characterized the American States. Soon after the Marquis wrote again stating that the American Ambassador to France had forwarded Ducalvet's papers to Congress, with an account of the nature of the claims and a recommendation that they should be settled in Ducalvet's favour. He advises the appointment of an agent at Philadelphia to prosecute his claim before Congress, or still better, to go himself.

On the 1st of April, 1785, Ducalvet thanked the Marquis for his compassion for the misfortunes of oppressed innocence. He was looking out for a faithful agent, and would himself have gone to Philadelphia, but for

the suit against Haldimand which was then in process. After enumerating the grievances which should be redressed, he asks that the evidence of Mr. Sigismond Dubuis, then in Paris, should be taken, he having been present and valued on behalf of the American officers the goods and effects so conveniently left for them to remove. In April, 1786, Ducalvet was paid half his claim by the United States, and boasted that he was the only creditor the Congress had paid. Copies of these letters were made by Roubaud, whilst acting as secretary for Ducalvet, and by him forwarded to the British ministry.

Ducalvet went to Paris, saw Franklin, then proceeded straight to London, where he prosecuted* Haldimand for false imprisonment; quarrelled with every man who had from sympathy tried to help him; and returned for a short time to Canada, but was lost at sea later on during a voyage from New York to London. Some writers went so far as to charge the British authorities with his death, but this is pure imagination, besides they did not know that the papers of that contemptible individual were all the time in the hands of the ministry, who despised him so much that they allowed him to publish his scandalous book in London without molesting him in any manner. Even in Canada, before and during his imprisonment, he might have been sent to the gallows without violating any law thereby.

In 1776 Walker had fled, and no further mention of him is made till 1785, when he appears in London, seated at the table of Ducalvet, whom he entertains with an account of the favour in which Haldimand is held by the King, until Ducalvet can scarcely restrain his passion. Then Walker disappears from the scene.

It is impossible in a history such as this to enter into a criticism of Ducalvet's *Appel à la Justice.* We must be satisfied with a very brief summary of the valuable parts which it contains. After having accused everybody of ill-will against himself and his friends—without letting us

*A similar action had been taken by a citizen of Quebec against Murray, but it did not serve as a precedent. Ducalvet probably remembered the fact when writing his book, as we have seen in this chapter, and he attempted to use the same means of intimidation. Haldimand was arrested. It is to be supposed that the ministry stopped the case by showing the character of Ducalvet, through his own letters.

know why and wherefore, so many people were persecuting him—the pretended martyr plays the statesman and submits a political scheme which he develops under thirteen heads or subjects: 1st, maintainance of French civil laws; 2nd, habeas corpus; 3rd, trial by jury; 4th, irremovability of legislative councillors, judges and even simple law clerks, except in case of forfeiture; 5th, the governor amenable to the laws of the province; 6th, house of assembly elected by the people; 7th, appointment of six deputies to represent Canada in the British Parliament; 8th, liberty of conscience; none to be deprived of his political rights on account of religion; 9th, re-establishment of the Conseil Supérieur; 10th, a military establishment; creation of a regiment with two battalions; 11th, freedom of the public press; 12th, colleges for the education of the youth; revenues of the Jesuits estates appropriated to that purpose, in accordance with their primitive destination; public schools in every parish; 13th, naturalization of Canadians in the whole extent of the British Empire.

It had been the practice during the French regime, and it was a prevailing opinion in 1768 as well as in 1775, that the seigneurs owed military service to the sovereign by the tenure of their lands; that in the acts of "fealty and homage" they promise to perform the same; and that, by the same Acts, they also engage for the personal service of all their vassals and other tenants who hold their lands from them. Carleton was in favour of reviving the ceremony of fealty and homage, as is shown by his letter of the 12th April, 1768:—

"All the lands here are held of His Majesty's castle of St. Lewis, and nothing, I am persuaded, would be so agreeable to the people, or tend more to securing the allegiance of the new subjects, as well as ensuring the payment of those fines and dues which here stand in lieu of quit rents, than a formal requisition of all those immediately holding of the King, to pay faith and homage to him at his castle of St. Lewis. The oath which the vassals take upon the occasion, is very solemn and binding. They are obliged to furnish what they here term their aveu et dénombrement, which is an exact account of their tenants and revenues; and to discharge whatever they owe their sovereign; and to appear in arms for his defence, in case his province is ever attacked. At the same time it would prove a

confirmation to the people of their estates and immunities, after which they most ardently sigh. It might be a means to recall out of the French service such as have yet possessions in this country, or at least oblige them to dispose of their effects here, and although it may not be possible, at least for a time, entirely to prevent that intercourse, every measure that can tend towards putting an end to it, must be useful."

A new system of civil courts, based upon the revived French civil law being established in 1777, a proclamation followed requiring the seigneurs to render *foi et hommage* at the St. Lewis castle, and this was done because the seigneurie holders, having never been called to render this obligation since the conquest, were refusing to pay their dues to the Crown. There is no indication that the order in question was complied with at the time, but in May, 1781, Haldimand succeeded in having the Act performed in *propria forma.* The records of this important ceremony are extant and contain most valuable information. Ducalvet, being detained prisoner, and so unable to appear at the Château Saint-Louis to take the oath with the other seigniors, Governor Haldimand granted him "sufferance until he shall be able to take the oath in person." Later on, the fief of St. David was sold for debt by the sheriff to Jonathan Eckart.

We must not omit the singular adventures of two French priests by the names of François Ciquard and —— Cassel, who arrived at Quebec without permission, in the summer of 1783, then went to Montreal *incognito,* were arrested and put on board a ship for England. The citizens of Montreal, headed by MM. Pierre Mezière and J. B. Adhémar, wished to keep them, but the governor said he felt it was his duty to order their deportation. What happened afterwards surprised everybody. At Tadoussac, Ciquard escaped the vigilance of the captain of the vessel and made for the woods. Later on he re-appeared at Montreal, was recaptured, sent to England and returned to France, but in 1791 he came back, again without permission, was arrested, liberated and sent as a missionary to New Brunswick were he remained until 1812 when he was transferred to Lower Canada where he died in 1824.

The Treaty of Versailles (30th November, 1782), recognizing the independence of the revolted colonies, amongst other things, fixed the southern

limits of the Province of Quebec at a line drawn through the centre of the Great Lakes so that Michigan, Illinois and Wisconsin went to the United States.

The Americans had no sympathy for the United Empire Loyalists; they had to go away. Thirty thousand of these unhappy folks went to other British colonies, ten thousand making their abode in Upper Canada, some in the Province of Quebec, and a considerable number in the Maritime Provinces. With regard to Quebec, the ministry thought at first to settle them in what are now called the Eastern townships, but Haldimand was of opinion that it would not be prudent to locate them so near the frontier, because they were of the same religion and spoke the same language as the Americans. Thirty odd years later the British authorities formed in these townships a chain of settlements of Scotch, English, etc., families with a view to preventing the Canadians from reaching the lines of Vermont, New Hampshire and Maine; nevertheless, in about thirty other years, the Canadians had extended to the frontier and penetrated even further.

The immigration of 1785 can be considered the first of any importance since the cession of Canada. In 1770 the whole province appears to have contained only 360 Protestants, mostly devoted to trade and industry. Their number did not increase to any extent till 1785, when it suddenly rose to 15,000. From that date we may take into account the English-speaking element. The census of 1784 shows 113,000 souls in the province, but at the time it was taken no U. E. Loyalists had arrived. Letters of that time state that the Protestants were 15,000 after the coming of the U. E. Loyalists. Therefore, the recognizance of the United States brought the English into Canada, and we must add that the class in question was a very desirable one, far above what official immigration can procure at any time. Their influence in political affairs was to be felt before long, and no doubt the important question of a house of assembly occupied their minds at an early period after their settlement.

The re-organization of the militia was a favourite idea with the Canadians. Ducalvet contended that the nomination and dismissal of the officers being in the hands of the governor, they would simply constitute a corps of politicians under his direction. An elective assembly was becoming a pro-

ject more and more popular. As to the trial by jury, the idea did not please the Canadians, but, in 1784, the council thought fit to adopt it for the province, and the measure passed amidst a gloomy silence.

A petition for the granting of a house of assembly originated in the council, on a motion of William Grant, April 22nd, 1784, and was signed by five or six hundred persons, all English-speaking. The same was followed in December by a series of "objections" printed by Fleury Mesplet* in Montreal, and an address to the King by the Roman Catholic citizens, against the proposal.

At the time of the departure of Haldimand (15th November, 1784), the council was opposed to any change in the constitution, not only because they would lose their positions, but they apprehended the admission of the Canadians to a house of assembly and supposed that no English-speaking candidates would be elected.

During the last year of Haldimand's administration the council was composed as follows: Henry Hamilton, president, Lieut.-Governor; Hugh Finlay, post-office director; Thomas Dunn, James Cuthbert, François Lévesque, Edward Harrison, John Collins, deputy surveyor-general; Adam Mabane, George Pownall, secretary and clerk of governor's office; George Allsopp, Lacorne de St. Luc, J. G. Chaussegros de Léry, Picotté de Belestre, grand-voyer of Montreal; John Fraser, Henry Caldwell, John Drummond, William Grant, deputy receiver-general; Paul Roch de St. Ours, François Baby, Joseph-François Cugnet, French secretary and translator; Joseph-Dominique-Emmanuel de Longueuil, Samuel Holland, surveyor-general; Jenkin Williams, clerk of the council.

Court of Appeal:—The governor, lieut.-governor or Chief Justice Mabane, with at least five members of the council; James Sheperd, clerk.

Supreme Court.—Adam Mabane, Thomas Dunn, Jenkin Williams, judges; James Monck, attorney-general; William Pollock, clerk.

Court of Vice-Admiralty.—Peter Livius, judge; D. Lynd, clerk.

Court of Prerogatives, Quebec.—Adam Mabane, Thomas Dunn, Pierre Panet, judges; R. Murray, clerk.

Court of Common Pleas, Quebec.—Adam Mabane, Thomas Dunn,

*He had founded the *Gazette* of Montreal in 1778.

Pierre Panet, judges; D. Lynd and Pierre-Louis Panet, clerks; J. Shepherd, sheriff.

*Court of Prerogatives, Montreal.**—J. Fraser, E. Southhouse, Hertel de Rouville, judges.

Court of Common Pleas, Montreal.—J. Fraser, E. Southhouse, Hertel de Rouville, judges; J. Burke and —— Lepailleur, clerks.

Other functionaries.—Sir T. Mills, receiver-general; Antoine Lefebvre de Bellefeuille, grand-voyer for Three Rivers; Jean Renaud, grand-voyer for Quebec; C. Carleton, forest inspector; Lieut.-Colonel Campbell, superintendent of the Indians; T. Faunce, in charge of the marine; James Frost, captain of the port of Quebec; R. Cumberland, provincial agent; J. Duval, inspector of Quebec markets; Thomas Ainslie, receiver of customs; Thomas Scott, comptroller of customs; Philippe Loch, inspector of customs, Montreal; Edward William Gray, deputy post-office director, Montreal; Samuel Sills, deputy post-office director, Three Rivers; Charles de Lanaudière, grand-voyer of the province; R. A. de Boucherville, inspector of roads.

Lieut.-Governor Henry Hamilton took over the administration at the departure of Haldimand. These two high functionaries were not on good terms with one another. Colonel St. Léger was put out at the head of the military with Colonel Henry Hope as commissary general.

*The district of Three Rivers was abolished in 1764.