

## CHAPTER XVIII.

Act of Habeas Corpus adopted, 1785—Militia re-organized; also regular corps of troops, 1786, 1788, 1775, 1796—The council, 1785—Party agitation—Lord Dorchester arrives, 1786—Trade, navigation, finance—Land tenure, 1788—New constitution, 1791—Elections, 1792—First session of the Assembly—French emissaries, 1793—Jesuits's estates—Road laws—Departure of Lord Dorchester, 1796—Elections, 1796—McLane conspiracy, 1797—Departure of General Prescott, 1799—State of the province.

Through the influence of Henry Hamilton, the Act of Habeas Corpus was passed by council in the spring of 1785. This was understood to be the result of the book of Ducalvet. The following year, Lord Dorchester amended the system in a way that very much pleased the Canadians. The constitution of 1791 confirmed the measure, which was already well received all around—so that one of the grievances or anxieties of former days was finally settled to the universal satisfaction.

Governor Haldimand had placed (1784) Captain J. B. Bouchette at the head of the marine department on the great lakes, for the purpose of building ships at Kingston, and organizing that branch of the public service which had been completely neglected since the conquest. That officer performed his duty with remarkable skill and intelligence, according to Carleton, Simcoe, the Duke of Kent, the Duke of La Rochefoucauld and others, who visited the works\* at various dates. When the "commodore" died in 1802, the Canadian navy on Lake Ontario was in fit condition to meet the exigencies of war. Let us note here that the son of that useful man is known as Joseph Bouchette, author of *The British Dominions in North America*.

Militia matters had not ceased to occupy the mind of the Canadians, as they formed, so to speak, part of their national life, having been accustomed

\*A dockyard was established at Kingston in 1789.

to them from 1666 at least until 1763, and being convinced that public safety depended upon their maintenance. Lieut.-Colonel Hamilton wrote, in 1785, commenting on the subject: "Until this day the militia ordinance remains unamended, though its defects are palpable and even acknowledged by those who might reform it. They advance that this is not a proper period, but if a time of peace is not the right time to relieve a people from the burdens indispensably borne in a time of war, these gentlemen see not the readiest means of contenting the Canadians, or are wilfully blind to them." His successor, General Hope, said, a few months later: "A measure which in my humble conception will attach the Canadians still more firmly to His Majesty's government, would be to establish a corps, under certain regulations, for the service of the province, officered chiefly by Canadians, which would hold out some provision for the younger branches of good families, might be made to serve many useful purposes, would restore that martial spirit as congenial to their sentiments, and which would be also a standard for the rest of the country to repair to, when an enemy might threaten the frontier."

Lord Dorchester was well aware of the desire of the Canadians to see a re-organization of the old militia, and even the formation of a regiment after the plan of Ducalvet, but no such permission had yet been granted. He had recourse to a sort of compromise in order to satisfy both the people and the government; this consisted in adding two battalions to the 60th regiment at that time (1786) in Canada. The lieut.-colonel of this new corps was Louis-Joseph Fleury d'Escambault, a Canadian, then an officer in the 109th regiment. The 60th was considered a colonial regiment in the British service and as such was sent from one possession to another having any depot or recruiting establishment in the United Kingdom.

The ordinances of 1788, 1789, from Lord Dorchester re-establishing the old sedentary militia, as it was called, were criticized at the time, notwithstanding that it produced a revival of the military spirit of the Canadians and proved thereby most useful when the war broke out again. No doubt the always-ready anti-Canadians were afraid of such power put in the hands of the people they wished to keep in bondage, but common sense and better intelligence prevailed all through the province.

The Duke of Kent not only expressed himself very glad to notice the good effect produced in the country by the two battalions of 1786, but went farther in opening the way for several young Canadians who were willing to join the British army over the world. From these we obtained, in 1812, the services of experienced officers who took a conspicuous part in our war against the United States.

The militia bill of 1795, passed by the legislative assembly, contained a few changes in the ordinances, of which it was simply a consolidation. As a rule militia laws have to be recast every now and then to comply with the requirements of the time, but all those enacted from 1795 till 1868 were after all the same as Dorchester had made them.

On the eve of his departure for England (1796) the governor left instructions for the raising of two battalions, in which a number of officers were Canadians, and we must here remark that this happy decision was a stepping stone to prepare officers and non-commissioned officers for the trying events of 1812, when that regiment furnished drill instructors, etc., for the raw militia called for service in the absence of regular troops.

Colonel Henry Hope, acting as quarter-master-general, was promoted to the rank of brigadier-general and appointed lieutenant-governor of the province, in August, 1785, which information he received about the 20th of October. As Hope was a friend of Haldimand, the removal of Hamilton indicated quite a change in the policy of the government. Haldimand had written a memorandum in which he said that the "spirit of opposition to every measure which I have proposed in, or out of, council, for the King's service, has been so strongly manifested by some members of the legislative council and by the attorney-general, particularly since Lieut.-Governor Hamilton's arrival at Quebec, who has thought fit to place himself at the head of that party, and the infection has been so industriously spread by means of the clergy and other agents, that I despair of seeing that mutual confidence and harmony subsist in the council or amongst the people, which is so indispensably necessary to the King's service and well-being of the province, while these gentlemen remain in office. . . . This party is composed of the Lieut.-Governor, Messrs. Finlay, Grant, Allsopp, Cuthbert, De Léry and Lévesque. . . . It is highly necessary to discountenance the

correspondence carried on by the people styling themselves deputies from Canada, and supported by Mr. Maseres and others, applying for a change of government by the establishment of a house of assembly. . . . The clergy whose devotion to the interests of France has of late been strongly manifested, are deeply engaged in this party, and unless measures are speedily taken to check the progress of it, so as to deter the clergy from persisting, it will ultimately be necessary to withdraw some of them from that country."

"Canada is no longer what it was at the conquest; it is much altered since the American independence took place," said Lieut.-Governor Hamilton, in 1785. A singular episode of that time shows the Canadians in a new light, especially if the reader remembers the kind of awe with which they were accustomed to consider the authority, the promulgation of ordinances, the sittings of the Quebec council, etc. In 1784 a number of citizens of Quebec asked to be allowed to be present at the debates of the legislative council, "because such debates have for their object the benefit of the province, and some like reasons." Hamilton favoured the movement. The temperature of the public mind was at freezing point before 1760, now, in 1784, it has risen to "temperate," and will go higher during the twenty years to come, but never to "blood heat," except in three or four counties of the district of Montreal in 1837.

Lord Dorchester arrived on the 23rd of October, 1786, as governor-in-chief for Canada, Nova Scotia and New Brunswick. The motives of his re-appointment were: 1st, that he understood the Canadians and the party feeling of others better than any man in the service; 2nd, he was full of resources by reason of his natural talents and long experience in Canada; 3rd, trouble with the United States seemed imminent.

The following statements show the vessels and cargoes arrived at Quebec from 1768 to 1783:—

*Great Britain.*—1768, 15; 1769, 27; 1770, 20; 1771, 29; 1772, 26; 1773, 43; 1774, 55; 1775, 64; 1776, 27; 1777, 43; 1778, 38; 1779, 41; 1780, 27; 1781, 52; 1782, 61; 1783, 39. *Tons.*—1768, 2,109; 1769, 4,486; 1770, 2,570; 1771, 3,368; 1772, 2,837; 1773, 5,098; 1774, 7,040; 1775, 8,144; 1776, 4,759;

1777, 5,922; 1778, 6,111; 1779, 6,206; 1780, 4,551; 1781, 8,502; 1782, 10,957; 1783, 6,067.

*West Indies and southern ports of Europe, Africa, etc.*—1768, 7; 1769, 5; 1770, 6; 1771, 16; 1772, 14; 1773, 5; 1774, 25; 1775, 15; 1776, 6; 1777, 12; 1778, 18; 1779, 11; 1780, 10; 1781, 12; 1782, 9; 1783, 15. *Tons.*—1768, 720; 1769, 745; 1770, 275; 1771, 1,496; 1772, 1,297; 1773, 280; 1774, 1,705; 1775, 1,214; 1776, 525; 1777, 1,008; 1778, 1,511; 1779, 1,141; 1780, 1,314; 1781, 1,500; 1782, 1,170; 1783, 1,315.

*Continent of America.*—1768, 17; 1769, 50; 1770, 22; 1771, 32; 1772, 22; 1773, 39; 1774, 76; 1775, 36; 1776, 16; 1777, 14; 1778, 20; 1779, 7; 1780, 5; 1781, 6; 1782, 2; 1783, 16. *Tons.*—1768, 785; 1769, 2,080; 1770, 1,325; 1771, 1,720; 1772, 1,179; 1773, 2,599; 1774, 5,427; 1775, 2,433; 1776, 874; 1777, 731; 1778, 1,923; 1779, 395; 1780, 485; 1781, 505; 1782, 120; 1783, 1,410.

Importations during the same period was as follows:—

	Rum, gal.	Molasses, gal.	Wines, ton.	Wines, gal.	Sugars, cwt.	Tea, lbs.	Gunpowder, lbs.	Salt, bush.	Coffee, cwt.	Brandy, gal.	Tobacco lbs.
1768.....	285,754	18,629	195	133	212	4,293	14,100	17,000	146	.....	.....
1769.....	268,328	54,487	610	155	195	3,953	51,500	9,100	229	.....	.....
1770.....	233,386	81,244	524	72	517	7,785	72,760	5,929	129	.....	.....
1771.....	220,587	70,152	331	32	645	11,892	60,475	52,089	347	.....	.....
1772.....	283,395	62,073	195	128	503	11,080	54,250	76,323	267	.....	.....
1773.....	378,633	100,280	843	20	964	7,031	138,656	5,500	244	.....	.....
1774.....	752,442	193,559	445	241	1,087	3,921	46,450	72,046	262	.....	.....
1775.....	7,400	64,701	1,218	...	598	13,903	75,806	14,376	12	.....	.....
1776.....	116,144	78,504	324	200	684	23,884	62,200	.....	385	.....	.....
1777.....	263,911	60,250	846	49	1,130	49,743	130,270	4,500	334	.....	.....
1778.....	378,582	160,774	817	48	71	40,715	137,058	29,669	627	.....	.....
1779.....	450,842	83,199	788	235	1,453	34,854	50,600	12,350	416	.....	.....
1780.....	233,007	104,658	1,227	167	1,638	18,654	6,130	13,920	704	27,600	10,260
1781.....	344,263	80,331	1,179	195	2,547	50,540	67,803	51,849	867	300,600	64,020
1782.....	72,771	58,072	714	173	990	30,329	25,800	.....	256	656,144	5,300
1783.....	108,345	139,481	805	99	.....	23,045	20,800	57 ton	64	181,841	55,479

The yearly average of duties upon produce of Great Britain received in the port of Quebec from 1768 to 1773, was £550; and from 1774 to 1779, £1,200.

Exportations in 1786 amounted to £325,116; importations, £248,262.

During the season of 1791 the vessels cleared from the port of Quebec with cargoes for London, Liverpool, Bristol, Greenock, Falmouth, Aberdeen, Temple Bay, Harbour Grace, Murray Harbour, Jersey, Newfoundland, St. John Island, Nova Scotia, New Brunswick, Surinam, Barbadoes,

Jamaica, Fogo, Oporto, Grenada, Madeira, Cadix, Lisbon, Gibraltar, Barcelona, Leghorn, were 84 in number, representing 14,631 tons, and carrying various kinds of goods, as follows:—

Wheat, 193,575 bushels; flax seed, 12,719 bushels; oats, 5,600 bushels; peas, 4,502 bushels; potatoes, 250 bushels; onions, 26 bushels; flour, 6,233 barrels; herring, 138 barrels; hoofs of orignal, 1 barrel; essence of spruce, 7,088 casks; potash, 1,010 casks; Madeira wine, 120 casks; oil, 3,455 casks; codfish, 251 casks; cider, 1 cask; nails, 5 casks; apples, 3 casks; biscuits, 4,224 quintals; bread, 1,776 quintals; salt, 154 tons; Canada balsam, 36 kegs; cranberries, 66 kegs; salmon, 1,554 tierces; turkeys, 3 dozen; fowls, 6 dozen; old copper and brass, 696 pounds; coal 58 chaldrons; gin, 30 puncheons; pine boards, 26,000 pieces; pine planks, 8,913 pieces; pipe and puncheon staves, 244,263 pieces; heading, 9,223 pieces; spars, 12 pieces; white pine masts, 60 pieces; white pine bowsprits, 39 pieces; handspikes, 160 pieces; peltries, 3,458 packages; baggage, 267 packages; wearing apparel, 13 trunks; window glass, 6 boxes; packs, 389 pipe; barley, 43 sacks; Indian corn, 100 sacks; oak timber, 1,859 feet; scantling, 456 feet; bullocks, 7; ox hides, 19; sheep, 50; cows, 2; horses, 5; live oxen, 10; turkeys, 160; hoops, 24,000; bricks, 5,000.

Grain exportation seems to have been the staple goods in that line of business from 1764 to about 1800, when many other products had their share of the outside trade. Shipbuilding only commenced in 1790, but the twenty-five years of war which followed immediately developed that industry to the utmost. The “years of plenty” ran between 1785 and 1820. Of course, the Canadian commerce outside was solely transported in British vessels, but was not confined to Great Britain, except during the French revolution, then during the Consulate, afterwards the Empire of Napoleon; the resources of Canada became of great importance to Great Britain and everything prospered wonderfully. The crop of 1796 yielded 400,000 bushels of wheat.

The merchants of Montreal applied (1790) for the establishment of a custom house independent of Quebec, because the cargoes of the vessels were obliged to be landed at that port, “which must be attended,” they said, “with very heavy expenses for agents, wharfage and labourers, besides

the waste that will happen on liquor." There were no steamers at that time and the sailing vessels had to make their way, assisted or retarded, as the case may be, by the wind. The petition was refused on the ground taken by the naval officers that if it was granted, the passage between the two cities would be taken advantage of by the country merchants, shop keepers, publicans, etc., to carry on a illicit trade. In 1799 a proposal was made for the establishment of a separate custom house in Montreal, but the merchants of that place objected strongly against such a step, stating that when the application of 1790 was rejected the instructions given by the commissioners of customs gave such relief, and that there was so much greater facility for their import and export trade that there was no need of it, and besides that a separate and independent custom house "may introduce intricacies, difficulties, delays and expenses beyond what exist or can be foreseen, and, if so, render the means of redress extremely tedious, not to say impracticable."

The commissioners appointed in 1794 to adjust with Upper Canada all matters concerning duties and drawbacks to be allowed in favour of that province reported that one-eighth part of the revenue would be payable in that manner to that province. New arrangements became necessary after a few years, and from time to time until 1840, all of which were made through a commission similar to the above.

In 1792 the gross receipts constituting the revenues of the province amounted to £5,504; after deducting expenses of collection, etc., the net sum in sterling was £4,957. In 1793 the revenues brought £8,623, reduced by cost of collection, etc., to £7,709. No public debt. The expenses for 1794 were £19,985.

The revenue for 1795 was £11,141 currency; the civil expenditure, £24,711 currency, including £1,205 to Upper Canada for its portion of the duties levied in Lower Canada. The salaries of the officers of the legislative council and assembly, and contingent expenses thereof, amounted to £1,565 currency, but the funds raised by Act of Parliament to cover that item only furnished £1,132.

The revenues for 1796 amounted to £18,775; civil expenses, £25,380 currency, including £1,040 refunded to Upper Canada for duties levied.

The cost of legislation was £1,845, exceeding by £392 the funds appropriated for this purpose by law.

The civil expenditure of the province for 1799 amounted to £24,597 sterling, besides the expenses of the legislature, amounting to £1,499 currency. The revenues amounted to £25,427 currency.

The management of the finance received no attention from the Imperial authorities. High salaries were paid for mere sinecures, and higher appointments still were made and higher salaries paid to pretended colonial functionaries who simply remained in England. As the revenue of the province could not meet the whole of this lavish expenditure, the balance or deficit was covered by the army funds. To this the Canadians had nothing to say, except that if the administration of the public purse could be put into their hands they would bring the expenditure within the public revenue.

Governor-General . . . . .	£2,500 stg.
William Osgoode, chief justice, province . . . . .	1,200 "
James Monck, chief justice, Montreal . . . . .	900 "
Thomas Dunn, judge . . . . .	500 "
James Walker, judge . . . . .	500 "
Isaac Ogden, judge . . . . .	500 "
Pierre-Louis Panet, judge . . . . .	500 "
Jenkin Williams, judge, . . . . .	500 "
P.-A. de Bonne, judge . . . . .	500 "
Pierre-Louis Descheneux, judge, Three Rivers . . . . .	300 "
James Kerr, judge, vice-admiralty . . . . .	200 "
Sir George Pownall, registrar and provincial secretary . . . . .	400 "
Jonathan Sewel, attorney-general (besides fees) . . . . .	300 "
Louis Charles Foucher, solicitor-general (besides fees) . . . . .	200 "
Henry Caldwell, receiver-general . . . . .	400 "
Thomas Aston Coffin, inspector of accounts . . . . .	365 "
Samuel Holland, surveyor-general . . . . .	300 "
John Coffin, superintendent of forests . . . . .	200 "
X. de Lanaudière, translator . . . . .	200 "
Charles de Lanaudière, grand-voyer . . . . .	500 "



The sixteen members of the legislative council got each one hundred pounds sterling per annum. Among them were Osgoode, Dunn, Panet, Monck, De Bonne, who already had a salary from the government. Ryland, clerk of council, was in receipt of £400 as such, and as secretary to the governor, £200, besides fees, etc.

The above sums of money must be multiplied by three to give the present value of the currency. Therefore, £300 in 1800 corresponded to £900 in 1900, and so on.

A weekly mail was established between Montreal and Burlington, in January, 1797; and at the same time, "a mail for the upper countries, comprehending Niagara and Detroit," was started from Montreal, the bags to be closed on the 30th January, "to be forwarded by the annual winter express, on the 3rd February." Communication by mail, at long distances, had been difficult and slow until then. Both provinces, during the winter, were cut off from Great Britain, unless using the American service, "but everything was in rapid progress of development; the resources of the country were beginning to be understood at home, and the capital and energies of the British race were employed to develop them; nothing that could, in the way of trade, be turned to account escaped attention, nor was allowed to stand still."\* The *Quebec Gazette* of the 8th March published the news from New York dated 16th February, and European papers of the 15th December last. The mail between Quebec and Montreal was weekly.

The year 1789 fully occupied the attention of our people with divers important subjects, such as the nature of the promised constitution; threatening of war with the United States; the outbreak of the revolution in France; and the change of land tenure as submitted to the council.

The British Parliament voted money to help the U. E. Loyalists pending the delay by the United States to indemnify the exiled families, as had been stipulated in the Treaty of Versailles, but seeing the bad faith displayed by Congress on that subject, the British authorities had not yet evacuated some of the forts comprised in the limits of the States, and this was the cause of a friction bordering on war.

\*Christie: *History of Lower Canada*, I. 177.

Even among the Canadians there was a growing feeling in favour of the English system of freehold tenure of land; petitions almost invariably asked that the grants be given in this form. Between 1775 and 1792 we found no indication of a grant *en seigneurie*, although the provincial authorities possessed the right to make such grants. On the other hand, there seems to have been a desire on the part of some seigniors to have their tenures converted into the new form.

One of the most important seigniors of the province, Charles Tardieu de Lanaudière, aide-de-camp to the governor and grand-voyer general, whose travels in Europe had reduced his means considerably, proposed (1788) to declare the seigniors absolute proprietors of their lands, that is to adopt free and common socage. This was nothing else than the destruction of the seigniorial system. All the country people were alarmed at that plan and no action was taken upon it. Most of the "servitudes" M. de Lanaudière argued in support of his request, both on the side of the settlers and the seigniors, had already been abolished, or had never existed practically. Some of the seigniors, such as De Bonne, St. Ours, Juchereau-Duchesnay, Belestre, Taschereau, Panet, Dunière, Berthelot and Pierre Bédard, the last, but not the least, voted against the project, probably because they were sensible to the danger of losing popularity. Seigniors and noblesse were placed between the mass of the people and the government and, in reality, drew their strength from the people.

By the constitution of 1791 lands in Lower Canada were to be given under free and common socage only when the applicant so desired, and the grant *en seigneurie* were in no wise modified.

Now comes the Act of 1791, which was a stride in the destiny of Canada.

The British Parliament was animated by something resembling a spirit of reformation in the administration. Since Ducalvet's book had induced a certain number of Canadians to ask for a change in their mode of government, there was decidedly a better prospect for the future.

"The progress of opinion in Europe, and the movement in France at that time, probably had some influence upon the minds of those at the helm of affairs in England, in their determination to leave to their fellow-sub-

jects in Canada nothing to be coveted in the example of foreign counties, particularly in the neighbouring one, and to bestow upon them a constitution as liberal as they could desire, and as might consist with the dependence of the province upon the Crown and Parliament of Great Britain.”\*

The bill was introduced before Parliament on the 4th March, 1791. Long and elaborate speeches were delivered in favour of it, as well as against. That was the time *par excellence* when the oratorical science flourished in Europe. Very little that is wise or practicable can be gathered from that mass of phrases—and all of it was but a repetition of what had been said about Canada during the last thirty years. Some wished that the council of the colony be made elective; others said that the members of that branch of the legislature should be hereditary like the Lords. Was the bill calculated to assimilate the Canadians to the British element? Yes. Was it intended to leave the Canadians out of contact with the British element? Yes. Can it be expected that the Canadians will adopt the English language? Yes. Would the new constitution facilitate the Canadians in the use of their language? Yes. All this went on amidst flowery periods, so that the contradictions could not be visible anywhere.

The Act divided Quebec into two provinces: Upper and Lower Canada, each with a legislative council appointed by the Crown, and a house of assembly elected by the people.

“I hope,” said Mr. Pitt, in introducing the bill before Parliament, “that the separation will put an end to the competition between the old French inhabitants and the new settlers from Britain and the British colonies.”

No person being a legislative councillor or a clergyman of the Church of England or Rome, or a teacher of any other religious profession, was eligible to the house of assembly.

All laws and ordinances of the province were to remain in force till altered by the new legislature. The Habeas Corpus Act was to be continued as a fundamental principle of the constitution. In order to make provision for the Protestant clergy, an allotment of lands was to be reserved, but not without the assent of the British Parliament. The tenures

\*Christie: *History of Lower Canada*, I. 67.

of land generally were to be settled by the local legislature. To prevent any such dispute as that which separated the thirteen states from the mother country, it was provided that the British Parliament should impose no taxes but such as might be necessary for the regulation of trade and commerce; and to guard against the abuse of this power, such taxes were to be levied and disposed of by the provincial legislature.

Mr. Adam Lymburner, a Quebec merchant and a man of intellect, was heard before the House of Commons and said amongst other things, that though sixteen years have elapsed since the Quebec Act began to operate, it is yet to be determined what or how many of the laws of France composed the system of Canadian jurisprudence previous to the conquest, or even if there was any positive system, particularly for commercial transactions. . . . Neither the judges, the lawyers nor the people understand what were the laws of Canada previous to the conquest. There has been no certainty on any object of litigation except in such matters as regarded the possession, transmission or alienation of landed property, where the custom of Paris is very clear. . . . I cannot conceive what reasons have induced the proposition to separate or divide the provinces into two governments. . . . The strong principle of nationality or national prejudice which at present connects the people of that province to one another, as being members of one state, who, though scattered over an immense country, yet all look up to one centre of government for protection and relief, is of the utmost consequence to the security of a country where the inhabitants are so much dispersed. . . . The new province will be entirely cut off from all communication with Great Britain. . . . From their situation they cannot carry on any foreign commerce but by the intervention and assistance of the merchants of Quebec and Montreal. . . . Now, supposing the division to take place—as it may be expected that the new legislature of Quebec shall, in due time, provide a revenue towards the support of the civil government of that part of the province, it is more than probable that whatever money is raised for that or any other public purpose, will be levied by duties payable on importations. . . . Consider how far the people inhabiting the upper government will approve of, and be content to pay taxes or duties on their importations or exportations, when the pro-

duce of those taxes or duties is to be applied towards supporting the expenses of a civil government of the lower province. . . . When we propose that the province should, as soon as her affairs are brought into some kind of order, raise the necessary supplies for defraying the expenses of its civil government, we consider it a duty we owe to the Empire to relieve Great Britain of that charge. . . .”

The Duke of Kent arrived in Quebec (12th of August, 1791) with the news that a constitution for Canada had been voted in Parliament. Five days later Lord Dorchester embarked for England, leaving Major-General Alured Clarke at the head of the government. The Act was put in force on the 26th December of that year.

The banquet tendered to the prince (29th December) by the citizens of Quebec was remarkable for the conviviality of those present; the compliments paid to the King's son; the unbounded satisfaction created by the recent Act of Parliament; the liberal views expressed in the speeches, that might have delighted Ducalvet himself—and the guests, including the prince, went so far as to drink a toast in honour of the French revolution.

The elections took place in June, 1792, “and were in general warmly contested, and on the whole, the people judiciously exercised their franchise by a good selection of members at this outset of the constitution, the best, as some will have it, made during the existence of Lower Canada as a province. There were several merchants in the body, at the first standing in Quebec and Montreal.”\*

The executive council appointed by the Crown, for life, was composed of William Smith, Chief Justice; Paul Roch de St. Ours, Hugh Finlay, François Baby, Thomas Dunn, Joseph-Dominique-Emmanuel de Longueuil, Pierre Panet, Adam Mabane. Legislative council: William Smith, J.-C. Chaussegros de Léry, Hugh Finlay, Thomas Dunn, Paul Roch de St. Ours, J.-D.-E. de Longueuil, Edward Harrison, François Baby, John Collins, Charles de Lanaudière, George Pownall, R.-A. de Boucherville, John Fraser, Sir John Johnson.

The members of the legislative assembly elected by the people were: Edward O'Hara, William Grant, James Todd, Robert Lester, John Barnes,

\*Christie: *History of Lower Canada*, I. 126.

John Young, James McGill, David Lynd, Joseph Frobisher, John Richardson, James Walker, Jacob Jordan, John Lees, Thomas Coffin, Matthew McNider, Jean-Antoine Panet, Pierre-Louis Panet, Bonaventure Panet, Pierre Bédard, Gabriel-Elzéar Taschereau, Joseph Papineau, P.-A. de Bonne, M.-E.-G. de Lotbinière, Louis-Ignace-Michel-Antoine de Salaberry, A. Juchereau-Duchesnay, François Dambourgès, J.-M. de Tonnancour, Hypolite St. George Dupré, P.-P.-M. de Lavaltrie, Louis Dunière, J.-B.-M. Hertel de Rouville, Philippe-Auguste de Rocheblave, G.-C. de Lorimier, Nicolas-Gaspard Boisseau, Pierre Quérout, Benjamin Cherrier, François-Antoine Larocque, Louis Olivier, Nicolas St. Martin, Pierre Legras-Pierre-ville, René Boileau, François Mailhot, Jean Digé, Joseph Lacroix, J.-B. Durocher, Augustin Rivard, Jean Boudreau, Joseph Dufour, Pierre Marcoux.

The English-speaking population could have been given five seats, according to their numbers compared with the Canadians, but in no county had they a majority. Fifteen of them were returned, almost, we may say, by Canadian votes. This shows how friendly the two elements were together. It had been said that all the seats would go to the Canadians because they had plenty of men of education to take them, but quite another spirit prevailed at the time of the election.

The first meeting of the assembly took place on the 17th December, 1792. M. M. de Bonne and Dunière proposed Jean-Antoine Panet as speaker. Mr. Grant was also named, but the choice passed successively to M.M. McGill and Jordan, and, after a debate, Panet was elected. The next point to be settled had reference to the records, whether they would be all in English and a French version of them kept. The bitterness of the attacks made on that occasion against the use of the French language produced not only a great disappointment among the Canadians, but also a feeling which lasted for half a century. The conclusion of the house was that the registers would be kept in both languages separately.

We must mention for the sake of curiosity an Act passed at this first session "to permit the importation of wampum from the neighbouring States by the inland communication of Lake Champlain, and the River Richelieu or Sorel." This kind of money made of shells properly worked

after the Indian fashion, had been in circulation from time immemorial. Most of it was furnished by the Andastoes of the Susquehanna. It became a medium of exchange with the early traders. Massachusetts made it legal in 1648. The Dutch afterwards introduced the lathe in manufacturing this currency and soon had the monopoly of this article for the Indian trade.

From 1793 to 1796 the assembly dealt with various subjects, namely: education; the privilege to propose all measures involving public expenditure; abolition of slavery; the division of the province into judicial districts; declaration of war against France; the right of the house to vote subsidies, which subject raised the council to a high pitch; taxation on wine; re-organization of the militia; administration of the department of justice; the want of revenues to meet the expenses of the government; division of the province into three districts, with Gaspé as an inferior one; inviolability of the members of the assembly; expressions of loyalty towards the throne, by opposition to the sentiments of the French revolution; admission of the public into the galleries of the house; quarantine of the vessels as a sanitary precaution; custom revenues for Upper and Lower Canada; roads and bridges; taxation on spirits, sugar, coffee, salt, tobacco; exportation of grains; foreigners; French immigrants; unity of coins; forced labour; fur trade and protection to men hired in that class of business.

The revolution in France had rendered the position of their clergy rather precarious. Some of them wished to take refuge in Canada and, for that purpose, applications were sent to the Imperial authorities. Permission to that effect having been granted, the Catholic Bishop of Quebec, Mgr. Hubert, took the necessary steps to receive them and locate each one in an appropriate manner. The first proposal was for the accommodation of a few thousands, but only about forty came from 1791 to 1799, so that the burden was very slight, inasmuch as the province, as well as the Maritime countries were in want of priests to that extent.

There were emissaries from France, or from the United States, in the province, busying themselves in propagating the principles of the French revolution, as shown by a proclamation of the governor-general of the 26th

November, 1793, requiring all magistrates, captains of militia, peace officers and others, to be vigilant and to do their utmost to discover and secure every person who might hold seditious meetings or distribute libellous papers, tending to excite discontent, "but the Canadians were in general well disposed, and instructed by the clergy and others residing among them; perusing the public journals of the recent atrocities in France, they justly held them in detestation and horrors."\*

It is true that our population treated the roving French emissaries with contempt, but that was not enough to get rid of them, or rather they were never the same, for, during many years, one after another, these pests made their appearance here and there under Robespierre, Barras and Napoleon, successively, and tried to raise among us an anti-British sentiment. As a rule, they accomplished very little, if indeed they found anybody to listen to their arguments; nevertheless, their presence annoyed the authorities and created an uneasy feeling. Measures were taken to check their actions, and even to prevent any Canadian coming from France to re-enter the province for fear that they might be imbued with the principles of the revolution.

After the disaster of Quiberon (1795) Comte de la Puisaye, with about thirty followers, was permitted to settle here, but they were sent to the vicinity of York, in Upper Canada, far away from the Canadian population. They returned to France at the peace of 1801.

The proposed grant of the Jesuit estate to Lord Amherst was never completed. A petition signed by 195 citizens of Quebec, dated 1787, states the claims believed to be possessed by the population of Canada to these properties, showing the right of His Majesty's faithful subjects of Canada to be educated in the Jesuit College, and at the same time defines those of the Reverend Fathers, "who under the ancient government were only professors or successive administrators thereof." The *mémoire* attached to the petition elaborates these two points, the conclusion being as follows: "As Canadians and citizens they have a right therein by their titles and the laws; the College of Quebec having been founded for their education, it is their patrimony which they have cleared and cultivated; even as sub-

\*Christie: *History of Lower Canada*, I. 171.



jects they have a right to public education, which exists in every government. It is with truth and justice they declare that neither the Jesuits nor their creditors have any right to dispose or confiscate the college and its dependancies to the prejudice of His Majesty's faithful subjects, the Canadians." The statement is repeated several times that the Jesuits were only professors or managers of public property for purpose of education, the emphatic words used in one of the allegations being: "It must have been an error when it was said, that the estates and edifice of the college for education belonged to the Jesuits, who were no more than rectors, professors or managers. . . . Would it have entered into the generous minds of the citizens, of a Hundred Associates, or of any one who had founded the college for education, that they gave the property thereof freely and fully to the Jesuits, who according to their institution could not have it in any other manner than as dependant upon the General of the Society of all the Jesuits throughout the Universe." The petitioners then demand that the troops should be dislodged, and prayed that a lawful meeting should be held of natives or residents in the province, having an essential interest therein, heads of families, "for the purpose of electing a proper number to represent them as directors or managers of the said college and its estates, to preserve them . . . and cause exactly to be fulfilled the wishes of the laudable founders by soliciting the approbation of government, and to restore the ancient professors of the college or to name others, and regulate the recompense due to their talents and attentions."

In 1793 a petition was addressed to the house of assembly by the inhabitants of Montreal, the prayer of which was to a similar effect as that in the petition from Quebec of 1787, and this being approved of by the assembly, a petition was forwarded by that body to the King praying that on the reversion of the Jesuit property means should be taken to apply it to the education of youth in the province, a purpose it alleged apparently congenial to the original intention of the donors. There is no doubt that the rural population also was against the proposed grant to Lord Amherst. In the report of the committee of the executive council, a postponement of the issue of the grant is recommended until all the documents relating to the properties are laid before the King, but a further reason for the sug-

gested postponement is to be found in the letter from Sir Robert S. Milnes, accompanying this report. In it he says that he did not feel justified in submitting to the executive council the policy of the grant to Lord Amherst, "but they have individually acquainted me with their opinion that it would be a most unpopular measure, and I feel that I should be wanting in my duty were I now to omit stating to Your Grace my apprehensions that whenever the grant shall actually pass, it will occasion very general dissatisfaction throughout the province, the consequence of which may be greatly extended by the turn of affairs on this continent." He then proposes, seeing the magnitude of the estates, to divide them, giving such share as the commissioners might decide to be sufficient to make satisfactory provision for Lord Amherst; the rest to be reserved for public use, so as to satisfy the minds of the inhabitants. A personal investigation, however, into the value of the estates, made in the course of a tour during the months of January and February of 1800, led him to withdraw his proposal, as the whole of the estates did not produce such an amount as could be divided with advantage. As a consequence in a letter dated the 5th of April, of the same year, he suggests another method of carrying out the King's intentions with respect to Lord Amherst, but is even more emphatic in his recommendation to have the resources for education increased, not only for young men preparing for the liberal professions, but also for the whole population. The death of the last surviving Jesuit, Father Cazot, removed in the opinion of the lieutenant-governor, one of the arguments of the house of assembly, from which he expected no further opposition to the grant in question, however unpopular that measure might be. He also urges the postponement of the issue of the patent, until a more certain account of the value of the lands can be transmitted. "I feel myself called upon," he says, "to report to Your Grace that the absolute want of the means of a liberal education is so severely felt that it will at all events be very grating to the Canadians to see so large a property converted to other purposes, and that it would considerably lessen their dissatisfaction could any promise with respect to the establishment of a college be at the same time held out to them." The matter remained in abeyance.\*

\**Canadian Archives*, 1892, p. XIV.

A general embargo on wheat, peas, oats, barley, Indian corn, flour and biscuit was laid in 1795 in consequence of a deficiency in the harvest, both in Europe and in Canada.

In closing the session of the legislative assembly, on the 7th of May, 1796, Lord Dorchester\* expressed his approbation of the proceedings, and added: "I must observe that the unanimity, loyalty, and disinterestedness manifested by this first provincial Parliament of Lower Canada, have never been surpassed in any of His Majesty's provincial dominions, and I feel convinced that the prosperity and happiness of this country will continue to increase in proportion as succeeding Parliaments shall follow your laudable example."

The first sign of trouble amongst the populace on account of measures passed by the assembly took place in 1796, when objection was raised to the road laws, but, as the advantages of the new system soon became apparent, the spirit of resistance abated, before going too far, yet not until imprisonment had cooled some of the hot heads.

The elections of June, 1796, brought back to the assembly thirty-six numbers out of the former fifty of that corps. The population was, 160,000 Canadians, 15,000 English-speaking. Each Canadian elected represented 5,000 souls; each English-speaking one about 1,000. The administration was as follows: General Robert Prescott, Lieutenant-Governor; François Lemaître, a Huguenot, Lieutenant-Governor of Gaspé; executive council, Paul-Roch de St. Ours; Hugh Finlay, François Baby, Thomas Dunn, J.-D.-E. de Longueuil, Pierre Panet, Adam Lymburner, James McGill, William Osgoode, Chief Justice; James Monck, Chief Justice; Pierre-Amable de Bonne, John Lees, Juchereau-Duchesnay, John Young, the Anglican Bishop, Herman Witsius Ryland, clerk; Jacques-François Cugnet and Xavier de Lanaudière, translators and French secretaries. Legislative council: Osgoode, Chief Justice; J.-G. Chaussegros de Léry, Hugh Finlay, Thomas Dunn, Paul-Roch de St. Ours, François Baby, J.-D.-E. de Longueuil, Charles de Lanaudière, Sir George Pownall, René A. de Boucherville, Henry Caldwell, the Anglican Bishop, James Monck, Chief Justice; William

\*He had arrived from England 24th September, 1793. He left Quebec for the last time 9th July, 1796.

Smith, clerk; J.-F. Cugnet, translator; Charles E. de Léry, assist. translator; Guillaume Boutillier, gentleman usher of the black rod.

Honourable Sir George Pownall, secretary and clerk; Honourable Hugh Finlay, post-office director, clerk of the Crown in Chancery, auditor-general; W. H. Ryland, governor-general's secretary; T. A. Coffin, auditor and inspector-general of provincial accounts; Honourable Henry Caldwell, receiver-general; John Craigie, storekeeper-general; Joshua Winslow, deputy paymaster-general; John Lees, army contractor; Thomas Faunce, naval officer and town major of Quebec; John Frost, captain of the port of Quebec; R. Cumberland, provincial agent; G. E. Taschereau, grand-voyer of Quebec; John Antrobus, grand-voyer of Trois-Rivières; Honourable R. A. de Boucherville, grand-voyer of Montreal; Edward O'Hara, grand-voyer of Gaspé; M. Valentine, marine officer at Oswego; John Coffin, inspector of forests and Quebec police; St George Dupré, police inspector, Montreal; Philippe de Rocheblave, clerk of land titles; Patrick Conroy, inspector of customs at St. John's; Thomas Ainslie, collector of customs.

#### COUNTIES AND MEMBERS.

Gaspé.—Edward O'Hara.

Corwallis.—From Cape Chat to Ste. Anne de la Pocatière.—Alexandre Menut, Pascal Sirois (he died, 1797, and was replaced by Pascal-Jacques Taché).

Devon.—Ste. Anne de la Pocatière to Rivière du Sud.—Nicolas Dorion, François Bernier.

Hertford.—From Rivière du Sud to Point Lévy.—Louis Dunière, Félix Têtu, jr.

Dorchester.—Charles Bégin, Alexandre Dumas.

Buckinghamshire.—From Point Lévy to Sorel.—John Cragie, G. W. Allsopp.

William-Henry or Sorel.—Jonathan Sewell.

Bedford.—From Sorel to the limits of the province.—Nathaniel Coffin.

Richelieu.—Benjamin Cherrier, Charles Millet.

Surrey.—From St. Ours to the limits of Varennes.—Philippe de Rocheblave, Olivier Durocher.

Kent.—From Varennes west to Longueuil.—Antoine Ménard-Lafontaine, Jacques Viger.

Huntingdon.—From Longueuil to the limits of the province.—Joseph Perinault, Joseph Perrault.

York.—From Soulanges to Rivière du Chêne.—Hubert Lacroix, Joseph Ethier.

Montreal East.—Alexander Auldjo, L. C. Foucher.

Montreal West.—Joseph Papineau, Denis Viger.

Montreal county.—J. M. Ducharme, Etienne Guy.

Effingham.—Ile Jesus, Blainville, Terrebonne.—Jacob Jordan, Charles-Baptiste Bourc.

Leinsten.—From Terrebonne to St. Sulpice.—Joseph Viger, Bonaventure Panet.

Warwick.—Lavaltrie, Lanoraie, Berthier, St. Cuthbert.—James Cuthbert, C. Gaspard de Lanaudière.

St. Maurice.—From limits east of Berthier to the limit of Batiscan.—Thomas Coffin, Nicolas Montour.

Trois-Rivières town.—John Lees, P. A. de Bonne.

Hampshire.—From Batiscan to Cape Rouge.—Joseph Planté, François Huot.

Quebec county.—John Black, Louis Paquet.

Northumberland.—From Côte de Beaupré to the lower St. Lawrence.—J. Fisher, Pierre Bédard.

Orleans Island.—Jérôme Martineau.

Quebec, upper town.—William Grant, Jean-Antoine Panet.

Quebec, lower town.—J. Young, J. A. Raby.

The address of the assembly, in answer to the speech from the throne, January, 1797, runs as follows: "With the utmost confidence, we trust in the vigilance of our mother country and in the superiority of her navy, for our external defence; and as it is our inclination, as well as our duty, to co-operate with Your Excellency in whatever may be necessary to frustrate the treacherous attempts of the emissaries of France, to disturb our tranquillity, we will immediately proceed to the consideration of the alien bill," which they accordingly took up without delay and gave to the executive

powers as ample as could be desired. Christie is of opinion that the disturbance referred to has "been much overrated, probably by the ultra loyal of that day, who may have found their account in speculating on reports of this nature."

David McLane, an American citizen, a bankrupt trader, had conceived the plan of a total extirpation of the British power from the continent of America. He was to put himself at the head of a party from the neighbouring states and take Quebec by surprise. He represented himself as a general in the French service and acting under the immediate direction of the French minister in the United States. During one of his visits to Quebec, he was arrested, tried, and on the 21st July executed. This was the first trial for high treason since the conquest. On the subject of crimes in the province the testimony of Adam Lymburner is worth reading: "Cases," he said, "which have been brought before the criminal courts have been generally committed in the towns and their vicinity, where the concourse of strangers encourages vices and immorality, and where idleness, drunkenness and dissipation lead to quarrels, thefts, and sometimes, but very seldom, to higher crimes." Christie remarks that McLane had but one follower among the Canadians and he was an illiterate man of no importance.

The three months' session of 1797 was occupied by several questions of importance, such as the commercial treaty concluded between Great Britain and the United States; police arrangement to look after suspected persons; the abuses and fraudulent practices during last elections; proportion of custom revenues belonging to Upper Canada; navigation in lower St. Lawrence; and the scandal arising from the management of public lands. This last matter created a wide-spread sensation.

General Robert Prescott appointed governor-general on the 28th April, 1797, was always on good terms with the assembly, but not so with the council, because of the disposal of Crown lands, in which matter those gentlemen were sometimes personally interested, as in the days of Haldimand and Lord Dorchester. He left the province with the esteem of the whole population, on the 31st July, 1799, and was replaced by Robert Shore Milnes, who received the title of Baronet soon after.

“So far, the constitution had worked to admiration, and promised success. The government and Parliament were in perfect harmony; commerce began to thrive; the vast resources of trade to unfold themselves. The province evidently was prospering, and all classes of the people contented and happy, friendly and well-disposed in all respects towards each other. There were no religious feuds or disputes of any kind. National-origin prejudices were scarcely felt or known, never publicly appealed to, and by an universal tacit consent avoided and discountenanced. The habitual politeness, the loyalty, the chivalrous feeling characteristic of the gentlemen of the old French school were still in the ascendant, and harmonized admirably with the gentlemanly bearing, upright character and general information which, in all countries, distinguish the British merchant, and for which those in Canada of that, not less than of this day (1847) were eminent. The earth yielding in abundance fruits food for man and beast, and with but little labour; taxes, none, except upon litigation, and upon luxuries, which were not felt by the cultivator—and truly may it be said that the last sun of the eighteenth century, that set upon Canada, left its people the happiest upon this earth of all the sons of man it that day had shone upon.”\*

Forty years of British occupation terminate here, with the 18th century, under most favourable auspices. Harmony reigned everywhere; trade was active, agriculture prosperous, industries had taken a firm base, most of the troublesome questions of old were settled, and only three or four new ones had sprung up during the debates in the house of assembly, from 1793 to 1799, *i.e.*, the management of finance, the exercise of public patronage, the granting of Crown lands, and the selection of ministers from the members of the assembly. These questions contained the germs of all the political work of the 19th century.

\*Christie: *History of Lower Canada*, I. 196.